

HI 000082V

Certification of Buchsbaum in support of HAAL . . .

- attach: ↳ Exh A Planning Board Resolution approving HAAL's General Development Plan

↳ Exh B Municipal Development Agreement btw HAAL and Hillsborough Twp.

↳ Exh C Hillsborough petition for substantive certification

↳ Exh D ordinance # 97-28

↳ Exh E McClacken Letter

↳ Exh F Van Abs Letter

↳ Exh G Proposed Somerset County / Upper Rantan watershed wastewater Management plan

↳ Exh H Plate 3A of the plan ↗

↳ Exh I Middleton Letter

↳ Exh J Planning Board Memo and 2 resolutions

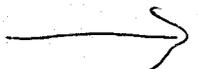
↳ Exh K Letter from Chairman of Planning Board to Mayor

↳ Exh L USHC and HAAL petition to the EPA

↳ Exh M Letter from EPA to USHC and HAAL

↳ Exh N Comments on proposed Amendments

↳ Exh O Resource Planning + Mgmt Map



227  
— pgs

Exh P - Amended General Development Land Use Plan Map

Exh Q COAH order of 2/4/98

Exh R Simmens letter to COAH

Exh S Compliance Report

Exh T App. Dir. Decision - In the Matter of Turp Senville

GREENBAUM, ROWE, SMITH, RAVIN, DAVIS & HIMMEL LLP  
 Metro Corporate Campus One  
 99 Wood Avenue South  
 Iselin, NJ 08830  
 (732) 549-5600  
 Attorneys for Hillsborough Alliance for Adult Living, L.P.

IN THE MATTER OF THE PETITION  
 FOR SUBSTANTIVE CERTIFICATION  
 OF THE HOUSING ELEMENT AND  
 FAIR SHARE PLAN OF THE  
 TOWNSHIP OF HILLSBOROUGH,  
 SOMERSET COUNTY, SUBSTANTIVE  
 CERTIFICATION 31-99

COUNCIL ON  
 AFFORDABLE HOUSING

DOCKET NO.:

**CERTIFICATION OF  
 PETER A. BUCHSBAUM**

PETER A. BUCHSBAUM, of full age, certifies and says:

1. I am an attorney-at-law of the State of New Jersey and a member of the firm of Greenbaum, Rowe, Smith, Ravin, Davis & Himmel LLP, attorneys for Respondent Hillsborough Alliance for Adult Living, L.L.P. ("HAAL"). As such, I have knowledge of the facts set forth below.

2. This certification is submitted in support of HAAL's written submission with regard to the New Jersey Council on Affordable Housing's ("COAH's") Order to Show Cause whether the grant of substantive certification of the housing element and fair share plan of the Township of Hillsborough, Somerset County remains valid as a consequence of the actions of Hillsborough subsequent to the grant of certification.

3. On March 10, 1998 I reviewed the Somerset County public cross-acceptance files, pursuant to a Right to Know request. My reviewed showed that Hillsborough Township has not moved to request that the HAAL site be included in Planning Area 2 or designated as a center, despite the requirement that Planning

Area 2 status for the HAAL site be sought by the Township by virtue of the Municipal Development Agreement entered into by the Township on February 27, 1996.

4. Attached hereto as Exhibit A are true copies of the January 29, 1992 Resolution of the Planning Board of the Township of Hillsborough approving the General Development Plan for HAAL's project and the December 7, 1995 Resolution of the Planning Board approving an amended General Development Plan for the Project.

5. Attached hereto as Exhibit B is a true copy of the February 27, 1996 Municipal Development Agreement entered into between HAAL and Hillsborough Township.

6. Attached hereto as Exhibit C is a true copy of the Hillsborough petition for substantive certification of its housing element and fair share plan filed on February 27, 1995.

7. Attached hereto as Exhibit D are true copies of Ordinance No. 97-28, which purported to repeal Section 91.1 (PAC/HCF) of the Municipal Code of the Township of Hillsborough, which Hillsborough adopted on final reading on October 28, 1997, as well as a Resolution adopted on the same date by Hillsborough purporting to justify the adoption of the Repealer Ordinance.

8. Attached hereto as Exhibit E are true copies of a letter written on July 12, 1994 by the Hillsborough Township engineer to Mr. McCracken, Administrative Planner of the Somerset County Planning Department urging that the PAC/HCF site be included in the sewer service area as a "minor change to the

existing greater Water Quality Management Plan," as well as the response written by Mr. McCracken on July 21, 1994 acknowledging that the PAC/HCF Site should be included in the sewer service area.

9. Attached hereto as Exhibit F is a true copy of an August 1, 1994 letter from the Mayor of Hillsborough to Mr. Van Abs urging that the PAC/HCF Site be included in the sewer service area.

10. Attached hereto as Exhibit G is a true copy of the proposed Somerset County/Upper Raritan Watershed Wastewater Management Plan as prepared by Malcolm Pirnie, Inc., dated November 1994 (the "County WMP"), which was submitted to DEP on behalf of the County of Somerset ("Somerset County") for review and approval in November 1994, and which includes the Project Site.

11. Attached hereto as Exhibit H is a true copy of portions of Plate 3A of the Somerset County/Upper Raritan Watershed Wastewater Management Plan, dated October 1994, as submitted to DEP, which indicate that the PAC/HCF is proposed to be in the sewer service area of the SRVSA.

12. Attached hereto as Exhibit I are true copies of two letters filed with COAH by John D. Middleton, Hillsborough Township Administrator. The first is dated April 8, 1997, and was filed in compliance with the six month report requirement included by COAH as a condition of Substantive Certification. This letter was captioned "Twelve Month Status Report" and

concerned the status of sewer services to the PAC/HCF tract. The second letter was filed on June 27, 1997. This letter stated that at its meeting of April 22, 1997, the Hillsborough Township Committee, by resolution, "reserved the right to endorse or not endorse" the Planning Board's April 3, 1997 recommendation concerning recommending HAAL's site for inclusion within the County WMP.

13. Attached hereto as Exhibit J are true copies of a memorandum and two resolutions from the Hillsborough Township Planning Board concerning the Hillsborough Township Wastewater Management Plan whereby the HAAL site was recommended for inclusion within the County WMP.

14. Attached hereto as Exhibit K is a true copy of an April 22, 1997 letter from the Chairman of the Hillsborough Township Planning Board to the Mayor and Township Committee concerning including the HAAL site in the County WMP.

15. Attached hereto as Exhibit L is a true copy of the April 28, 1997, U.S. Home Corp. and HAAL petition for the Department of Environmental Protection to include the HAAL site within the proposed Somerset County/Upper Raritan Watershed Wastewater Management Plan.

16. Attached hereto as Exhibit M is a true copy of the September 26, 1997 letter from the Department of Environmental Protection to counsel for U.S. Home Corp. and HAAL stating that it would not consider the petition of U.S. Home Corp. and HAAL

to be included in the wastewater management plan at the present time, but that it would consider the petition at a later time.

17. Attached hereto as Exhibit N is a true copy of the Comments on the proposed Amendments to the Somerset County/Upper Raritan Watershed Water Quality Management Plan submitted by U.S. Home Corp. and HAAL on December 1, 1997.

18. Attached hereto as Exhibit O is a true copy of the Resource Planning and Management Map of the First New Jersey State Development and Redevelopment Plan, dated June 12, 1992, prepared by Coppola & Coppola Associates for Hillsborough Township, onto which I have had the HAAL site superimposed.

19. Attached hereto as Exhibit P is a true copy of the Amended General Development Land Use Plan Map of the HAAL site prepared by Van Cleef Engineering Associates.

20. Attached hereto as Exhibit Q is a true copy of the COAH Order dated February 4, 1998 with respect to HAAL's motion to enforce certification.

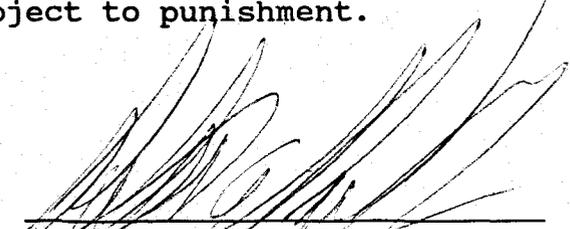
21. Attached hereto as Exhibit R is a true copy of a letter dated January 31, 1996 from Herbert Simmens, the Director of the Office of State Planning ("OSP"), to the Council on Affordable Housing stating that his office had no objection to a waiver of center designation with respect to the HAAL site.

22. Attached hereto as Exhibit S is a true copy of a Compliance Report written by COAH staff with respect to Hillsborough on March 4, 1996.

23. Attached hereto as Exhibit T is a true copy of the Appellate Division decision In The Matter of the Township of Denville, A-4152-93T3, April 21, 1995.

**CERTIFICATION**

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.



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PETER A. BUCHSBAUM

Dated: March 13, 1998

A

RESOLUTION  
PAC/HCF JOINT VENTURE  
GENERAL DEVELOPMENT PLAN OF A PLANNED ADULT COMMUNITY  
DEVELOPMENT/HEALTH CARE FACILITIES (PAC/HCF)  
91-PB-19-PAC

REC.  
FEB 03 1992  
HE.

WHEREAS, the applicant, PAC/HCF JOINT VENTURE, has applied for approval of a general development plan for a PAC/HCF property located on Amwell Road and further described as Lot 1, 6, 10A, 13, 27, 28, 34, 44 and 44A in Block 11 and Lots 13A, 26, 27, 28, 33, 44 and 47 in Block 12 of the Hillsborough Township Tax Map; and

WHEREAS, at hearings on December 5 & 19, 1991, the applicant submitted a general development plan prepared by Van Cleef Engineering Associates, dated November 1, 1991; and

WHEREAS, due notice has been served and published as required by law and all procedures have been followed as required by the Municipal Land Use Law, N. J. S. A. 40:55D-1 at seg. and the Code of the Township of Hillsborough; and

WHEREAS, the Board after hearing pursuant to law and after due consideration of the testimony and argument of the applicant and/or its representatives or witnesses and on the evidence introduced at the hearing made the following determinations and findings of fact:

1. The applicants are the Doyle Group, The Daniel Group, Mr. and Mrs. Dorell, Heath, Bothers, Fay & Gleason, Irving Cyzner and Sylvester Sullivan, who are jointly referred to as the PAC/HCF Joint Venture.

2. The applicant is seeking approval of a general development plan and previously received classification of a PAC/HCF by Resolution dated September 5, 1991.

3. In addition to the general development land use plan dated November 1, 1991, the applicant submitted a general development plan-land area plan prepared by Van Cleef Engineering Associates dated November 4, 1991 and a storm water management, sanitary sewer and water line feasibility plan prepared by Van Cleef Engineering Associates dated November 22, 1991. In addition, the applicant prepared a general development plan for the PAC/HCF dated November 22, 1991 and prepared by EcolSciences, Inc., A. Joseph Massimo, Associates, P.A., Architects, Engineers and Planners, Van Cleef Engineering Associates, Mc Donough and Rea Associates, Traffic and Transportation Consultants and Gulick Planning Services.

4. The specifics of the general development site plan and the general development plan document were supported by the testimony of Kenneth Paul, Environmental Consultant, Robert B. Heibell, N. J. P. E. and L. S., A. Joseph Massimo, Architect, Peter Vahala, Architect, John Rea, Professional Engineer and Traffic Consultant and Richard Gulick, Professional Planner.

5. The submitted plan, documents and testimony included and supported the following:

- A. A General Land Use Plan;
- B. Circulation Plan;
- C. Traffic Study;
- D. Open space plan;
- E. Utility plan;
- F. Storm Water Management Plan;

- G. Environmental Inventory Statement;
- H. Community Facility Plan;
- I. Housing Plan;
- J. Proposed timing schedule.

6. Further, the submitted plans, documents and testimony established the following:

- A. Consistency with Township development regulations;
- B. Function and visual relationship between the PAC/HCF and adjacent developments;
- C. Satisfaction of open space, recreational and conservation standards and purposes of the planned adult community ordinance;
- D. Availability of public sewers, water and transportation facilities.

WHEREAS, the Board has granted approval of the general development plan on December 19, 1991 and now seeks to memorialize that action.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Hillsborough on this 2nd day of January, 1992, that this Board does hereby grant approval of the general development plan of the PAC/HCF, subject to the following conditions:

- 1. This approval is subject to the provisions of Ordinance 91-6 (Section 77-91.1 of the Hillsborough Township Development Regulations) and the time period for said approval is specifically subject to Section II, Paragraph 3 (77-91.1B of the Hillsborough Township Development Regulations).

2. If, upon preliminary or final site plan approval, the use of Mill Lane requires road widening and/or realignment, the applicant shall be responsible for the costs incurred in purchasing or condemning for said widening and/or realignment.

Certified to be a true copy of a Resolution adopted by the Planning Board of Hillsborough Township at a public meeting held on January 2, 1992.

A handwritten signature in cursive script, appearing to read "Thomas Bates", written over a horizontal line.

Thomas Bates,  
Chairman of the Board

**RESOLUTION**

**HILLSBOROUGH ALLIANCE FOR ADULT LIVING, L.P. (FORMERLY PAC/HCF JOINT VENTURE)  
GENERAL DEVELOPMENT PLAN OF A PLANNED ADULT COMMUNITY  
DEVELOPMENT/HEALTH CARE FACILITIES (PAC/HCF) (AMENDED)  
APPLICATION NUMBER: 95-PB-46-GPP**

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WHEREAS, the applicant, Hillsborough Alliance for Adult Living, L.P., has applied for approval of an amended general development plan for a PAC/HCF property located on Amwell Road and further described as Lot 1, 6, 10A, 13, 27, 28, 34, 44, and 44A in Block 11 and Lots 13A, 26, 27, 28, 29A, 33, 44, 45, and 47 in Block 122 of the Hillsborough Township Tax Map; and

WHEREAS, at a hearing on December 7, 1995, the applicant submitted revised general development plan prepared by Van Cleef Engineering Associates, dated September 27, 1995; and

WHEREAS, due notice has been served and published as required by law and all procedures have been followed as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and the Code of the Township of Hillsborough; and

WHEREAS, the Board after hearing pursuant to law and after due consideration of the testimony and argument of the applicant and/or its representatives or witnesses and on the evidence introduced at the hearing made the following determinations and findings of fact:

1. The applicant is Hillsborough Alliance for Adult Living, L.P., formerly PAC/HCF Joint Venture.
2. The applicant is seeking approval of an amended general development plan and previously received classification of a PAC/HCF by Resolution dated September 5, 1991.

3. The prior general development plan was approved by Resolution dated January 2, 1992.

4. Previously, in addition to the general development land use plan dated November 1, 1991, the applicant submitted a general development plan-land area plan prepared by Van Cleef Engineering Associates dated November 4, 1991 and storm water management, sanitary sewer and water line feasibility plan prepared by Van Cleef Engineering Associates dated November 22, 1991. In addition, the applicant prepared a general development plan for the PAC/HCF dated November 22, 1991 and prepared by EcolSciences, Inc., A. Joseph Massimo, Associates, P.A., Architects, Engineers and Planners, Van Cleef Engineering Associates, McDonough and Rea Associates, Traffic and Transportation Consultants and Gulick Planning Services.

5. Previously, the specifics of the general development site plan and the general development plan document were supported by the testimony of Kenneth Paul, Environmental Consultant, Robert B. Heibell, N.J.P.E. and L.S., A. Joseph Massimo, Architect, Peter Vahala, Architect, John Rea, Professional Engineer and Traffic Consultant and Richard Gulick, Professional Planner.

6. Previously, the submitted plan, documents and testimony included and supported the following:

- (a) A General Land Use Plan;
- (b) Circulation Plan;
- (c) Traffic Study;

- (d) Open Space Plan;
- (e) Utility Plan;
- (f) Storm Water Manage Plan;
- (g) Environmental Inventory Statement;
- (h) Community Facility Plan;
- (i) Housing Plan; and,
- (j) Proposed Timing Schedule.

7. Previously, the submitted plans, documents and testimony established the following:

- (a) Consistency with Township development regulations;
- (b) Function and visual relationship between the PAC/HCF and adjacent developments;
- (c) Satisfaction of open space, recreational and conservation standards and purposes of the planned adult community ordinance;
- (d) Availability of public sewers, water and transportation facilities.

8. The applicant has revised the general development plan so as to include Lots 29A and 45 in Block 12 and now has a total land area of 757.73 acres.

9. The applicant has revised the general development plan so as to specify the single family residential density as 3,000 units.

WHEREAS, the applicant now seeks an approval for certain revisions to the general development plan, and;

WHEREAS, the Board has granted approval of the amended general development plan on December 7, 1995 and now seeks to memorialize that action.

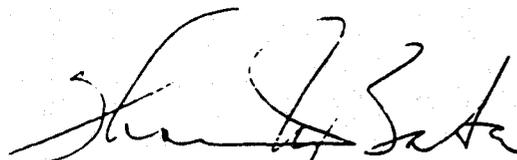
NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Hillsborough on this 7th day of December, 1995, that this Board does hereby grant approval of the revised general development plan of The Village, subject to the following conditions:

1. This approval is subject to the provisions of Ordinance 91-6 (Section 77-91.1 of the Hillsborough Township Development Regulations) and the time period for said approval is specifically subject to Section II, Paragraph 3 (77-091.1B of the Hillsborough Township Development Regulations) and shall commence from the date of this approval.

2. If, upon preliminary or final site plan approval, the use of Mill Lane requires road widening and/or realignment, the applicant shall be responsible for the costs incurred in purchasing or condemning for said widening and/or realignment.

3. That the residential density is limited to 3,000 units.

Certified to be a true copy of a Resolution adopted by the Planning Board of Hillsborough Township at a public meeting held on December 7, 1995.



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Thomas Bates,  
Chairman of the Board

B

**MUNICIPAL DEVELOPMENT AGREEMENT - 1**  
**HILLSBOROUGH ALLIANCE FOR ADULT LIVING, L.P.**  
**(FORMERLY PAC/HCF JOINT VENTURE)**  
**APPLICATION NUMBERS: 91-PB-19-PAC, 95-PB-46-GPP**

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**THIS AGREEMENT**, made and entered into this 27th day of February 1996, by and between **HILLSBOROUGH ALLIANCE FOR ADULT LIVING, L.P.**, located in Hillsborough Township, Somerset County, New Jersey, hereinafter referred to as the “developer” and **HILLSBOROUGH TOWNSHIP**, a municipal corporation of the State of New Jersey, with offices located at 555 Amwell Road, Neshanic, Hillsborough Township, Somerset County, New Jersey, hereinafter referred to as the “Township”.

**WHEREAS**, the developer has acquired title to or has a contract interest in that certain tract or parcel of land (hereinafter referred to as the “Property”) designated as Lots 1, 6, 10A, 13, 27, 28, 34, 44, and 44A in Block 11 and Lots 13A, 26, 27, 28, 29A, 33, 44, 45, and 47 in Block 122 of the Hillsborough Township Tax Map; and

**WHEREAS**, the developer has expressed an intent to develop the Property in accordance with Ordinance No. 91-6 (Section 77-91.1 of the Hillsborough Township Development Regulation), and as amended, and was granted classification as a Planned Adult Community/Health Care Facility by resolution of the Hillsborough Township Planning Board dated September 5, 1991, received approval of its General Development Plan by resolution of the Hillsborough Township Planning Board dated January 2, 1992, and further received approval of an amended General Development Plan by resolution of the Hillsborough Township Planning Board dated December 7, 1995; and,

**WHEREAS**, pursuant to said application for the General Development Plan, the developer has submitted an informal plat prepared by Van Cleef Engineering Associates dated July 17, 1991, a general development plan prepared by Van Cleef Engineering Associates dated November 1, 1991, and a revised general development plan prepared by Van Cleef Engineering Associates revised to September 27, 1995. a general development plan-land area plan prepared by Van Cleef Engineering Associates dated November 4, 1991, a storm water management, sanitary sewer and water line feasibility plan prepared by Van Cleef Engineering Associates dated November 22, 1991, and a report entitled General Development Plan for the proposed facilities dated November 22, 1991, and prepared by EcoSciences, Inc.; A. Joseph Massimo Associates, P.A., Architects, Engineers and Planners; Van Cleef Engineering Associates; McDonough and Rea Associates. Traffic and Transportation Consultants; and Gulick Planning Services; and,

**WHEREAS**, the developer has submitted additional revisions and reports to Hillsborough Township, as required by the Township; and,

**WHEREAS**, in accordance with the provisions of the Fair Housing Act of 1985 (N.J.S.A. 52:27D-301 et. seq.), the Township has applied for substantive certification in order to meet its low and moderate income housing requirements as established by the Council on Affordable Housing (COAH); and,

**WHEREAS**, in accordance with the Hillsborough Township PAC/HCF Ordinance the developer has certain responsibilities to comply with affordable housing obligations and in consideration for meeting said obligations, the developer and the Township are entering into this agreement; and,

**WHEREAS**, COAH requires an agreement between the developer and Hillsborough Township concerning the construction of the municipality's second cycle affordable housing obligation within the developers tract; and,

**WHEREAS**, N.J.S.A. 40:55D-45.2(1) provides for a municipal development agreement between a municipality and a developer which deals with matters relating to the municipality and methods of mitigating the impact of the development on the municipality.

**NOW, THEREFORE**, in consideration of the foregoing and the agreements and conditions of the previously granted approvals and the anticipated applications and approvals of the preliminary and final major subdivision and site plan approvals to be made pursuant to the General Development Plan referred to above, it is mutually agreed by and between the parties hereto as follows:

1. In connection with the second cycle substantive certification, the PAC/HCF shall build one hundred thirty-six (136) affordable unites (15% x 906 units -- Phase I), in accordance with the terms and conditions of this agreement, which in turn will provide Hillsborough Township with a one hundred sixty (160) credit which, in turn, represents its final inclusionary component. Ninety-six (96) of those units (48 low and 48 moderate) shall be age restricted units, either for sale or rental or any combination as may be determined at the time of preliminary site plan and subdivision approval. Forty (40) units shall be non-age restricted rentals (20 low and 20 moderate) which in turn will produce a twenty-four (24) unit rental bonus credit. The developer understands that the formula which allows the Township to meet its final and inclusionary component is:

96	age restricted units
40	non-age restricted rental

24 rental bonus credit for committing to build  
— 40 non-age restricted rentals  
160

If, for any reason, COAH shall require a greater number than one hundred sixty (160) for Hillsborough to meet its obligation, the developer agrees to use best efforts to build such additional affordable housing units subject to the terms and conditions of this agreement.

2. The ninety-six (96) age-restricted fee simple or rental units shall constitute any combination of duplexes, townhomes, patio homes, apartments, condominiums and/or single family detached dwellings as the Hillsborough Township Planning Board and the developer may mutually determine is consistent with appropriate planning practices and subject to receipt of all approvals from Hillsborough Township and all other relevant agencies.

With regard to the forty (40) non-age restricted units, the developer shall comply in all respects with the rules and regulations promulgated by COAH so that the Township of Hillsborough shall receive a 2:1 credit bonus for each complying rental unit. The developer shall have the right to recapture the subsidized rental units following the termination of the thirty (30)-year rent restriction, subject to New Jersey Statutes and COAH rules.

The developer agrees to deliver thirty-two low and moderate age-restricted or non-age restricted units for occupancy at each of the 30th, 60th, and 80th percentile of certificates of occupancy issued for the fair market units of the development or more specifically on or before the 231st, 462nd, and 616th fair market certificates.

Further the balance of the forty (40) low and moderate non-age restricted units will be delivered on or before issue of a certificate of occupancy for the 693rd fair market unit, except that all low and moderate units shall be delivered no later than June 30, 2001, or five(5) years

from the date of Substantive Certification of Hillsborough Township's Fair Share Plan, whichever is later subject to certain occurrences as hereafter enumerated.

3. Nothing in this agreement shall relieve the developer of his responsibilities to comply with his affordable or least cost housing obligations under the Hillsborough Township P.A.C.H.C.F. Ordinance.

4. Pursuant to the developer's approval for an amendment to its General Development Plan, the developer shall have the right, with Planning Board approval, to build a maximum of three thousand (3,000) single family residential units exclusive of those living quarters which may be constructed as part of the obligation to build health care or health monitored living facilities.

5. Of the aforesaid three thousand (3,000) total units, 15% of them shall be set aside as affordable housing units making a total of four hundred fifty (450) such units. Assuming one hundred thirty six (136) affordable housing units are built in connection with the present substantive certification, up to three hundred fourteen (314) additional units shall be set aside to meet future fair share obligations on the part of Hillsborough Township over the next two or three cycles of substantive certification. The 15% set aside is based on a residential density of four (4) units per acre.

6. Waiver of Development Fees: the first phase of the inclusionary development shall consist of nine hundred six (906) units of which the aforementioned one hundred thirty six (136) units shall be low and moderate units. The remaining seven hundred seventy (770) units shall be market value or least cost units and there shall be no development fees applied with respect to those units. With respect to the remaining two thousand ninety four (2,094) units.

development fees shall be applicable unless 15% of these units are set aside as affordable. Any other waiver would be subject to Township and COAH approval.

7. The developer hereby commits, subject to approval of Hillsborough Township Planning Board and all other approval authorities and in accordance with the terms and conditions of this agreement, to the construction of the forty (40) non-age restricted rental units so that the Township may obtain the rental bonus credit referred to in N. J. A. C. 5:93:-5.14(c)6(d).

8. It is acknowledged that forty-two (42) acres of the developer's tract is located in Planning Area 2 with the remaining acreage presently being located in Planning Area 4. The parties acknowledge that substantive certification by COAH, and any obligation of the developer to proceed is premised upon the fact that sewers shall be made available to this site by reason of the site:

- (a) Having received General Development approval prior to the New Jersey State Development and Redevelopment Plan.
- (b) Being included, in its entirety, in the Somerset County Waste Water Management Plan which has received preliminary comments by NJDEP and is presently being reviewed by Somerset County for resubmission to DEP by April 1996.
- (c) Having been reviewed by the Office of State Planning (OSP) and the assurance given to COAH by OSP that during 1996 cross acceptance process for the State Development Plan that the PAC site in Planning Area 4 will be recommended for inclusion in Planning Area 2. This inclusion would not prohibit the approval of sewers by NJDEP, but rather encourages such infrastructure.

(d) It is acknowledged and agreed that the approval of sewers for this project is essential for the development to begin and for the developer to proceed in good faith to construct the housing described in this agreement. When approval for sewers is received so the developer is able to obtain a CP-1 for the extension of the sanitary sewer lines throughout the development, the developer shall, within eight (8) months of the issuance of the CP-1 permit, submit a complete application to the Hillsborough Township Planning Board for preliminary subdivision and site plan approval for the units described in this agreement. It is acknowledged that this process may require such an interval of time that the anticipated timetable for the construction and delivery of Mt. Laurel housing as described in Paragraph 2 above, may not be met and the absorption rate of market units not fulfilled. In the event the anticipated timetable cannot be met, developer shall notify Hillsborough Township of its inability to provide all of the necessary Mt. Laurel housing in a timeframe specified. This notification may be made at any time but shall be made by the developer prior to December 31, 1998, so that alternative plans as described in this agreement may be instituted either by the developer and/or the Township.

9. At the Township's discretion, in order to insure that the Township can meet its fair share obligation through means other than the PAC, if circumstances beyond the control of the developer should occur and the developer notifies the Township that it has been unable to provide the necessary Mt. Laurel housing and/or has not been able to provide the Mt. Laurel housing within the timeframe specified or any extension thereto approved by COAH, the developer shall reserve and convey to the Township up to ten (10) acres of land with sewer availability, as is deemed necessary and suitable by the Township, for the construction of the

aforementioned one hundred thirty-six (136) affordable housing units or portion thereof not previously completed under this contract.

10. If for any reason the developer is unable to meet its obligations under this agreement for construction of affordable housing units including, but not limited to, the failure to obtain DEP sewer approval or approval of other agencies, the lands provided by the developer in Paragraph ~~8~~<sup>9</sup> above, if transferred may be used by the Township of Hillsborough for Municipally sponsored affordable housing. The developer, in this case, shall have the right of first refusal to provide such Municipally sponsored housing on these lands.

11. All issues not specifically addressed in the agreement are preserved for consideration by the Planning Board at the time of any application for approval submitted to that body by the developer.

12. It is understood that a development with the complexity of the P.A.C.H.F.C. cannot and should not have all its issues addressed and resolved in this agreement. The parties understand that the primary purpose of this agreement is:

(a) Provide COAH with reasonable assurance that the one hundred thirty-six (136) affordable housing units will be constructed

(b) That the developer will meet its obligation with respect to the forty (40) non-age restricted rental units

13. Developer agrees to cooperate with the Township of Hillsborough and provide any requested information for the designation of the Property as Planning Area 2 by the Office of State Planning.

14. The developer shall continue to pursue in every way possible sewer approval from NJDEP.

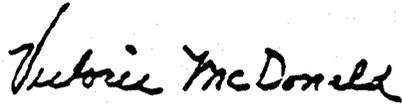
15. The administrative agency which shall administer the low and moderate income housing for this Development shall be the Somerset County Coalition on Housing whose cost shall be borne by the Developer pursuant to the agreement between the parties. It is understood that this cost will be \$350 per unit in 1996.

16. This agreement shall be binding upon the developer and its successors and/or assigns notwithstanding the fact that it may sell, transfer, encumber or otherwise dispose of the property or any portion thereof. The developer agrees to make this agreement a part of any contract for the sale of the Property as it may affect any lands which are intended to be the subject of this agreement. The Township shall have the right to record this agreement and/or place a notation on the Township tax or assessment search reflecting this agreement.

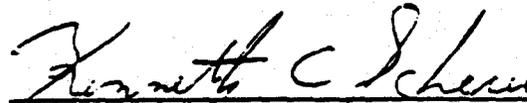
IN WITNESS WHEREOF, the said parties have hereunto caused this agreement to be signed by their proper corporate officers and have caused their proper seal to be affixed the day and year first above written.

Attest:

TOWNSHIP OF HILLSBOROUGH



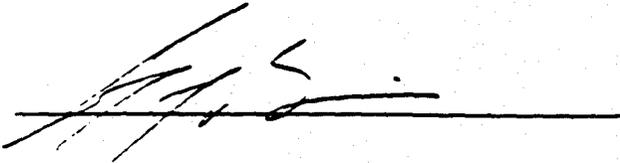
Victoria McDonald, RMC. CMC. AAE  
Township Clerk



Kenneth Scherer  
Mayor

Attest:

HILLSBOROUGH ALLIANCE FOR  
ADULT LIVING. L. P.



by HILLSBOROUGH ALLIANCE FOR  
ADULT LIVING. INC.. G. P.

Harry B. Smith  
President

C

OFFICE ADDRESS  
PROFESSIONAL CENTER AT HILLSBOROUGH  
503 OMNI DRIVE AT RT. 206  
SOMERVILLE, NJ 08876

MAILING ADDRESS  
P.O. BOX 361  
NESHANIC STATION, NJ. 08853

February 27, 1995

Council on Affordable Housing  
101 South Broad Street  
CN 813  
Trenton, NJ 08625-0813  
Attn: Shirley Bishop

RECEIVED

FEB 28 1995

COUNCIL ON AFFORDABLE HOUSING

RE: HILLSBOROUGH TOWNSHIP/PETITION FOR  
SUBSTANTIVE CERTIFICATION

Dear Ms. Bishop:

As you know, I am the municipal attorney for the Township of Hillsborough.

On February 23, 1995, the Hillsborough Township Planning Board and Township Committee met at a special joint public meeting. At that meeting, the Planning Board formally adopted an amended housing element and fair share plan and the Township Committee authorized the filing of a petition for substantive certification. In light of these facts, this letter and attached documents constitute Hillsborough Township's formal petition to COAH for substantive certification. Hillsborough Township is presently functioning under interim substantive certification which would expire on March 6, 1995.

The following documents are herewith enclosed for your filing and review:

1. Hillsborough Township Planning Board resolution adopting an amended housing element and fair share plan addressing the municipality's fair share housing obligation.
2. Resolution of the Planning Board recommending and referring the amended housing element and fair share plan to the Township Committee for inclusion as the basis for the Township's petition for substantive certification.

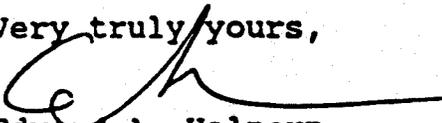
3. Resolution of the Hillsborough Township Committee accepting the recommendation of the Planning Board agreeing with the contents of those documents and authorizing its inclusion as the basis for Hillsborough Township's petition for substantive certification.
4. Hillsborough Township Committee resolution/petition for substantive certification formally requesting substantive certification from COAH.

In addition, enclosed herewith for review and filing is the Hillsborough Township newly adopted amended housing element, fair share plan and affordable housing provisions.

I would appreciate your executing a copy of this cover letter, acknowledging receipt of these contents and returning same to my office as proof of filing.

Once again, thank you for the cooperative and collaborative manner in which you have interacted with Hillsborough Township's staff on this matter. We look forward to working with you in the coming months so as to achieve substantive certification.

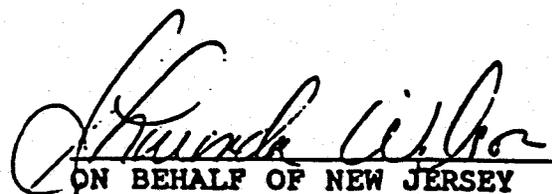
Very truly yours,

  
Edward A. Halpern

EAH/ja

cc: Victoria McDonald, Township Clerk  
Hillsborough Township Committee  
Hillsborough Township Planning Board

I herewith acknowledge receipt of this letter and the documents and material referred to in this letter this 28 day of Monday, 1995.

  
ON BEHALF OF NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING

WHEREAS, the Planning Board of the Township of Hillsborough, County of Somerset, State of New Jersey did on November 1965 adopt a Master Plan pursuant to N.J.S.A. 40:55D-28 and 89; and

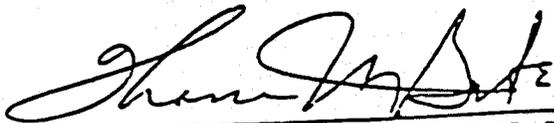
WHEREAS, pursuant to N.J.S.A. 40:55D-28(b)(3) a housing element is an essential part of said Master Plan; and

WHEREAS, the Planning Board has, on February 23, 1995, held a public hearing on an amended housing element and fair share plan for which notice was duly provided pursuant to N.J.S.A. 40:55-D-13; and

WHEREAS, the Planning Board has determined that the amended housing element and fair share plan are consistent with the goals and objectives of the Township of Hillsborough Master Plan update and that adoption and implementation of same is in the public interest and protects public health and safety and promotes the general welfare because the housing plan element and fair share plan are entirely consistent with the current zone plan of Hillsborough Township.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

1. The Board hereby adopts the said housing element and fair share plan.



CHAIRMAN OF THE PLANNING BOARD

I hereby certify that this is a true copy of the Resolution adopting the amended housing element and fair share plan of the Township of Hillsborough, County of Somerset, State of New Jersey on February 23, 1995.



CERTIFIED BY PLANNING BOARD SECRETARY

RESOLUTION

WHEREAS, the Planning Board of the Township of Hillsborough has on this 23rd day of February 1995 held a public hearing on an amended housing element and fair share plan for which notice was duly provided pursuant to the Municipal Land Use Law; and

WHEREAS, on the aforesaid date, the Planning Board determined that the amended housing element and fair share plan were consistent with the goals and objectives of the Township of Hillsborough Master Plan update and were in furtherance of the public interest and thereafter duly adopted this said housing element and fair share plan.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of Hillsborough, County of Somerset, State of New Jersey that it formally recommends the aforesaid amended housing element and fair share plan to the Township Committee of the Township of Hillsborough and further recommends that the Township Committee include the amended housing element and fair share plan as the basis for its petition for substantive certification to the New Jersey Council on Affordable Housing.



CHAIRMAN OF THE PLANNING BOARD

I hereby certify that this a true copy of the Resolution recommending the amended housing element and fair share plan of the Township of Hillsborough, County of Somerset and State of New Jersey on February 23, 1995.



PLANNING BOARD SECRETARY

## RESOLUTION

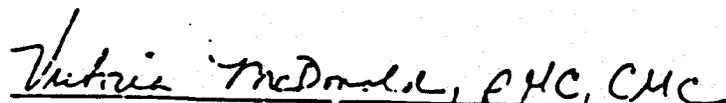
WHEREAS, the Hillsborough Township Planning Board has considered an amended housing element and fair share plan at a special meeting of the Planning Board held on February 23, 1995 and did adopt said amended housing element and fair share plan as part of the Master Plan of the Township of Hillsborough; and

WHEREAS, the Township of Hillsborough desires to petition the Council on Affordable Housing (COAH) for Substantive Certification of this plan.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the amended housing element of the Township of Hillsborough adopted by the Planning Board of the Township of Hillsborough as a part of the Master Plan thereof, be submitted to COAH together with the fair share plan and that this Resolution be considered by COAH as a petition for Substantive Certification by the Township of Hillsborough; and

BE IT FURTHER RESOLVED that the Township of Hillsborough be authorized to publish notice of the petition for Substantive Certification in a newspaper of county wide circulation and that a copy of this Resolution and the adopted amended housing element and proposed fair share plan and supporting documentation be made available for public inspection at the Township of Hillsborough's Clerk's Office during regular business hours at 555 Amwell Road, Neshanic, New Jersey 08853 on Monday through Friday for a period of at least forty-five (45) days following the date of publication of said legal notice.

I hereby certify that this Resolution was duly adopted at a special public meeting of the Township Committee of the Township of Hillsborough on February 23, 1995.

  
VICTORIA MCDONALD, FHC, CMC  
VICTORIA MCDONALD, TOWNSHIP CLERK

**TOWNSHIP  
OF  
HILLSBOROUGH**

**SOMERSET COUNTY  
NEW JERSEY**

**MASTER PLAN  
HOUSING PLAN ELEMENT  
AND  
FAIR SHARE PLAN**

**FEBRUARY 1995**

**RECEIVED**

**FEB 15 1995**

**HILLSBOROUGH TOWNSHIP  
PLANNING DEPT**

**PREPARED BY: COPPOLA & COPPOLA ASSOCIATES  
PRINCETON ~ NEW JERSEY  
IN COOPERATION WITH: EDWARD A. HALPERN, ESQ.  
HILLSBOROUGH ~ NEW JERSEY**

# TOWNSHIP OF HILLSBOROUGH MASTER PLAN

## HOUSING PLAN ELEMENT AND FAIR SHARE PLAN

FEBRUARY 1995

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**TOWNSHIP OF HILLSBOROUGH MASTER PLAN**

**HOUSING PLAN ELEMENT  
AND  
FAIR SHARE PLAN**

**FEBRUARY 1995**

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# **TOWNSHIP OF HILLSBOROUGH MASTER PLAN**

## **HOUSING PLAN ELEMENT AND FAIR SHARE PLAN**

**FEBRUARY 1995**

### **FOREWORD**

The major purposes of this "Housing Plan Element And Fair Share Plan" report for the Township of Hillsborough are the following:

- To satisfy the requirement of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) that a "Housing Plan Element" be prepared in accordance with the Fair Housing Act (N.J.S.A. 40:27D-301 et seq.); and
- To receive "Substantive Certification" from the New Jersey Council On Affordable Housing (COAH) in accordance with its "Substantive Rules" which became law on June 6, 1994.

# **TOWNSHIP OF HILLSBOROUGH MASTER PLAN**

## **HOUSING PLAN ELEMENT AND FAIR SHARE PLAN**

**FEBRUARY 1995**

### **INTRODUCTION**

In accordance with information contained in the 1992 "Hillsborough Township Master Plan", the Township of Hillsborough contains approximately 35,750 acres of land area, or approximately 55.86 square miles.

The Township of Hillsborough is located in the southwestern portion of Somerset County. Approximately two-thirds of the Township is bordered by rivers; the Raritan River to the north and northwest and the Millstone River to the east. The Sourland Mountains extend into the southwestern and western portions of the Township.

As a result of these natural environmental features within and around Hillsborough Township, vehicular access into and out of the Township is limited. Additionally, the land area within Hillsborough Township which can most practically be developed for suburban type construction is limited and is concentrated within the eastern two-thirds of the Township, which land area also contains the existing and proposed public water and sewerage facilities.

The major roadway providing vehicular access to development within Hillsborough Township is State Route 206, which traverses the Township from north to south and approximately bisects the eastern two-thirds of the Township. The major roadways intersecting Route 206 and providing access to the east and west within Hillsborough Township are Hillsborough Road, Auten Road, Amwell Road, New Amwell Road and Dukes Parkway West.

The Township of Hillsborough is bounded to the south by Montgomery Township and to the west by Franklin Township and the Borough of Manville. To the north, the Township is bounded by the Townships of Bridgewater, Branchburg and Readington and by the Boroughs of Raritan and Somerville. Finally, the Township of Hillsborough is bounded to the west by East Amwell and Raritan Townships. Within its relatively large land area, the Township of Hillsborough contains a wide diversity of natural features and physical development.

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.), a municipal Master Plan must include a 'Housing Plan Element' as a prerequisite for the adoption of zoning ordinance provisions within the municipality. Pursuant to Section 10 of P.L. 1985, c. 222 (C.52:27D-310), a municipality's housing element shall be designed to achieve the goal and

access to affordable housing to meet present and prospective housing needs, with particular attention to 'low' and 'moderate' income housing, containing at least:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to 'low' and 'moderate' income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of 'low' and 'moderate' income housing, for the next six (6) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's 'present' and 'prospective' "fair share" for 'low' and 'moderate' income housing and its capacity to accommodate its 'present' and 'prospective' housing needs, including its "fair share" for 'low' and 'moderate' income housing; and
- A consideration of the lands that are most appropriate for construction of 'low' and 'moderate' income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, 'low' and 'moderate' income housing, including a consideration of lands of developers who have expressed a commitment to provide 'low' and 'moderate' income housing.

## **HOUSING, POPULATION AND ECONOMIC CHARACTERISTICS**

The following is a summary of the outstanding characteristics of the Township of Hillsborough's housing stock, population and employment, drawn from the 1990 U.S. Census data and supplemented by data published by the State of New Jersey Department of Labor. The STF-1 and STF-3 data sheets from the 1990 Census for the Township of Hillsborough, as published by the Census Bureau, are included as Addenda I and II, respectively, to this report.

### **Inventory Of Municipal Housing Stock**

The "Selected Housing Characteristics, 1990" table includes selected data regarding Hillsborough Township's housing stock as reported in the 1990 Census. In 1990, Hillsborough

**SELECTED HOUSING CHARACTERISTICS, 1990  
TOWNSHIP OF HILLSBOROUGH**

**Total Housing Units, 1990** **10,429 units**

**Housing Type, 1990**

Single-family detached	5,854 units
Single-family attached	2,528
Multi-family (two units at address)	155
Multi-family (three or more units at address)	1,755
Mobile home or trailer	5
Other	123

**Housing Tenure, 1990**

Occupied housing units	10,088 units
Owner occupied	8,161
Renter occupied	1,927
Renter occupied as percent of occupied units = 19.1%	

**Housing Vacancy, 1990**

Vacant housing units	322 units
For rent	104
For sale only	118
Rented or sold, not occupied	59
For seasonal, recreational or occasional use	15
For migrant workers	0
Other	36

**Housing Value, 1990**

Median value, specified owner-occupied housing units = \$197,900  
 Median contract rent, specified renter-occupied units = \$700

**Age Of Housing Units, 1990**

<u>Year Constructed</u>	<u>No. of Units</u>	<u>Percentage of Total</u>
1980 - March 1990	4,308 units	41.3%
1970 - 1979	3,325	31.9%
1960 - 1969	1,184	11.4%
1950 - 1959	822	7.9%
1940 - 1949	222	2.1%
1939 or earlier	559	5.4%
<b>Totals:</b>	<b>10,420 units</b>	<b>100.0%</b>

SOURCE: 1990 Census of Population and Housing, STF-1 and STF-3.

had a total of 10,420 housing units; single-family units (detached and attached) accounted for 8,382 units or approximately 80.4% of the total, and two-family units accounted for an additional 155 units or approximately 1.5% of the total. Therefore, approximately 81.9% or 8,537 units of the total 10,420 units reported to be in the Township in 1990 were either detached or attached single-family or two-family dwelling units.

Regarding multiple-family housing development in the Township of Hillsborough, the census data indicates that a very significant total of 1,755 housing units were multiple-family units with three (3) or more units at one address. The total 1,755 multiple-family housing units accounts for approximately 30% of the total 5,854 units within Hillsborough Township.

Regarding housing tenure, 10,088 units, or approximately 96.8% of the total 10,420 units, were occupied at the time the 1990 Census was taken in the Township. Of the 10,088 occupied housing units, approximately 19.1%, or 1,927 units, were renter occupied.

Therefore, in terms of housing vacancy, 3.2% or 332 of the total 10,420 units in the Township were vacant in 1990. Of the 332 vacant housing units, 4.5% were for seasonal, recreational or occasional use and 10.8% were "other". The remaining vacant housing units, or 84.6% of the total, were rental or sales units.

The median value of owner-occupied homes in the Township of Hillsborough in 1990 was \$197,900 and the median monthly contract rent was \$700. These statistics compare to a 1980 median value of \$86,600 for owner-occupied homes in the Township and a 1980 median monthly contract rent of \$354. Throughout Somerset County, the 1990 median value for owner-occupied homes was \$196,300 and the median monthly contract rent was \$639.

Regarding the age of housing units in the Township of Hillsborough, a relatively small percentage (5.4%) of the total 10,420 housing units existing in the Township in March of 1990 were constructed prior to 1940, indicating a relatively small number of historic structures compared to the total number of housing units. The remaining housing units existing in March of 1990 were broken down by the decade in which they were constructed as follows:

- 559 units or 5.4% constructed 1939 or earlier;
- 222 units or 2.1% constructed between 1940 and 1949;
- 822 units or 7.9% constructed between 1950 and 1959;
- 1,189 units or 11.4% constructed between 1960 and 1969;
- 3,325 units or 31.9% constructed between 1970 and 1979; and
- 4,308 units or 41.3% constructed between 1980 and March 1990.

**RESIDENTIAL BUILDING PERMITS ISSUED, 1980-1993**  
**Township Of Hillsborough**

<u>Year</u>	<u>Total</u>	<u>Single-Family Permits</u>	<u>Multiple-Family Permits</u>	<u>Demolitions</u>
1980	137	137	0	3
1981	311	311	0	2
1982	183	171	12	1
1983	367	367	0	0
1984	729	727	2	0
1985	799	379	420	2
1986	422	422	0	2
1987	242	242	0	3
1988	283	247	36	9
1989	178	178	0	2
1990	109	109	0	4
1991	169	163	6	6
1992	266	250	16	3
1993	382	286	96	0
<b>Totals:</b>	<b>4,577</b>	<b>3,989</b>	<b>588</b>	<b>37</b>

**Annual Average = 326.9 Permits**

**SOURCE: N.J. Department of Labor, Annual Building Permit Summaries.**

According to the 1990 Census (STF-1, Profile 6 and STF-3, Profiles 22, 23 & 27), and as summarized hereinbelow, 833 housing units in the Township of Hillsborough were included in one and/or another of these seven (7) surrogates. It should be emphasized that some units may have been multiply counted, since the Census data did not account for overlapping data. Moreover, in order for a housing unit to be considered substandard by the Council On Affordable Housing and be included as an "indigenous need" unit, it must exhibit at least two (2) of the seven (7) surrogates and be occupied by a qualified "low" or "moderate" income household.

#### Number Of Deficient Units By Housing Quality Surrogate

Constructed Prior To 1940	559 units
Overcrowded	109
Inadequate Plumbing Facilities	13
Inadequate Kitchen Facilities	23
Inadequate Heating	55
Inadequate Sewer Services	35
Inadequate Water Supply	<u>39</u>
<b>Total:</b>	<b>833 units</b>

The actual number of housing units in the Township of Hillsborough theoretically affordable to 'low' and 'moderate' income households can only be grossly estimated given the data available. However, according to the "1993 Eligible Income By County" figures adopted by the Council On Affordable Housing (COAH) on November 10, 1993, the eligible 'low' and 'moderate' incomes for Somerset County for a four (4) person household were \$30,650 and \$49,040, respectively.

Utilizing the \$30,650 and \$49,040 "low" and "moderate" income amounts and available Census data, and assuming certain monthly costs as required by COAH rules, it is possible to estimate the number of housing units existing in Hillsborough Township which theoretically are affordable to "low" and "moderate" income households. As indicated on the table entitled "Existing Housing In Hillsborough Township Theoretically Available To Low And Moderate Income Households", a number of existing housing units, particularly rental units, are affordable to "low" and "moderate" income households.

#### Future Construction Of Housing

As noted previously, 4,577 residential building permits were issued in the Township of Hillsborough between 1980 and 1993.

Since 1993, a number of subdivision applications for the construction of residential housing units have been submitted to the Township. However, as these applications are in varying stages of approval, the precise number of potential units cannot definitely be calculated since, in many instances, further approvals are required. In any case, the market for these units will dictate the number to be actually constructed.

**EXISTING HOUSING IN HILLSBOROUGH TOWNSHIP  
THEORETICALLY AVAILABLE TO  
LOW AND MODERATE INCOME HOUSEHOLDS**

	<u>Sales Housing Units</u>	
	"Low" Income year / month	"Moderate" Income year / month
Total Income (\$)	30,650 / 2,554	49,040 / 4,087
28% For Housing	8,582 / 715	13,731 / 1,144
Less Property Taxes	600 / 50	1,200 / 100
Less Property Insurance	<u>240 / 20</u>	<u>360 / 30</u>
Net Available For Mortgage:	\$7,742 / \$645 (*)	\$12,171 / 1,014 (**)

(\*) For "low" income households of four persons, assuming a fixed 30-year mortgage at 9%, a \$80,000 mortgage could be obtained. Adding 5% as a downpayment would result in a unit valued at \$84,000. Of the 7,059 owner occupied units specified for Hillsborough Township on STF-1/Profile 7 of the 1990 Census, 37 (0.5%) are indicated to be valued less than \$75,000 and 176 (2.5%) are indicated to be valued less than \$100,000.

(\*\*) For "moderate" income households of four persons, assuming a fixed 30-year mortgage at 9%, a \$126,000 mortgage could be obtained. Adding 5% as a downpayment would result in a unit valued at \$132,300. Of the 7,059 owner occupied units specified for Hillsborough Township on STF-1/Profile 7 of the 1990 Census, 767 (10.9%) are indicated to be valued less than \$125,000 and 2,078 (29.4%) are indicated to be valued less than \$150,000.

	<u>Rental Housing Units</u>	
	"Low" Income year / month	"Moderate" Income year / month
Total Income (\$)	30,650 / 2,554	49,040 / 4,087
30% For Housing	9,195 / 766	14,712 / 1,226
Less Utilities	<u>1,800 / 1000</u>	<u>1,800 / 150</u>
Net Available For Rent:	\$7,995 / \$666 (*)	\$12,912 / 1,076 (**)

(\*) For "low" income households of four persons, of the 1,810 renter occupied units specified for Hillsborough Township on STF-1/Profile 7 of the 1990 Census, 656 (36.2%) are indicated to be rented at less than \$650.

(\*\*) For "moderate" income households of four persons, of the 1,810 renter occupied units specified for Hillsborough Township on STF-1/Profile 7 of the 1990 Census, 1,620 (89.5%) are indicated to be rented at less than \$1,000.

## Population, Households And Income

In 1990, the total population of the Township of Hillsborough was 28,808 persons; 28,619 of whom resided in households and 189 of whom resided in group quarters. The 28,619 people residing in households were distributed among 10,088 households for an average of 2.84 persons per household.

The Township of Hillsborough's population has increased 643.4% since 1950, while the population of Somerset County has increased by 142.6% during the same period. As shown on the "Population Trends, 1950-1990" table, the population of the Township increased most rapidly during the 1950s (95.7%), then experienced a decline in the growth rate to 45.8% during the 1960s and then a resurgence during the 1970's to a growth rate of 72.3%.

In comparison, the population of Somerset County increased rapidly during the 1950s (45.3%) and 1960s (37.8%), then declined to a 2.4% growth rate during the 1970s, and rebounded to an 18.3% growth rate during the 1980s. Between 1950 and 1990, the population of Hillsborough Township as a percentage of the population of Somerset County has constantly increased from 3.9% in 1950 to 12.0% in 1990.

In 1990, the median age of the Township's population was 32.9 years; 32.6 years for males and 33.2 years for females. It should be noted that the median age figures are derived from the 1990 Census Summary Tape File 3, Profile 2, which represents only sample data.

As shown on the "Population By Sex and Age Cohort, 1990" table, the population of Hillsborough Township in 1990, both male and female, was generally young, with 55.7% of the population under 34 years of age and 19.1% of the population of school age (5-18 years old). The total number of males in 1990 was 14,157 and the total number of females was slightly more at 14,651, for a total population of 28,808.

Regarding income, the "Household Income In 1989" table indicates that the median household income in 1989 in the Township of Hillsborough was \$59,069. The largest income group, those earning between \$60,000 and \$74,999 annually, included 1,943 households or 19.1% of the total. A clear majority of the households in the Township (6,386 or 62.9%) earned over \$50,000 annually. Approximately 6% of households had incomes of less than \$20,000 annually.

**POPULATION TRENDS, 1950 - 1990**  
**TOWNSHIP OF HILLSBOROUGH AND SOMERSET COUNTY**

	<u>Township Of Hillsborough</u>	<u>Somerset County</u>	<u>Hillsborough's Total Population As A Percentage Of Somerset County</u>
1950	3,875	99,052	3.9%
1950-1960 Increase	3,709 (95.7%)	44,861 (45.3%)	
1960	7,584	143,913	5.3%
1960-1970 Increase	3,477 (45.8%)	54,459 (37.8%)	
1970	11,061	198,372	5.6%
1970-1980 Increase	8,000 (72.3%)	4,757 (02.4%)	
1980	19,061	203,129	9.4%
1980-1990 Increase	9,747 (51.1%)	37,150 (18.3%)	
1990	28,808	240,279	12.0%
<b>Percentage Growth 1950-1990</b>	<b>643.4%</b>		<b>142.6%</b>

SOURCE: U.S. Census of Population and Housing, 1950-1990.

**POPULATION BY SEX AND AGE COHORT, 1990  
TOWNSHIP OF HILLSBOROUGH**

<u>Age</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>	<u>Percentage Of Total</u>
0 - 4	1,314	1,267	2,581	9.0
5 - 14	2,155	2,006	4,161	14.4
15 - 18	685	653	1,338	4.7
19 - 24	923	991	1,914	6.6
25 - 34	2,911	3,146	6,057	21.0
35 - 44	2,941	3,038	5,979	20.7
45 - 54	1,613	1,572	3,185	11.1
55 - 64	934	986	1,920	6.7
65 - 74	485	557	1,042	3.6
75+	196	435	631	2.2
<b>Totals:</b>	<b>14,157</b>	<b>14,651</b>	<b>28,808</b>	<b>-- 100.0%</b>

SOURCE: U.S. Census of Population And Housing, 1990, STF-1, Profile 1.

**HOUSEHOLD INCOME IN 1989  
TOWNSHIP OF HILLSBOROUGH**

	<u>Households</u>	
	<u>Number</u>	<u>Percent</u>
Under \$10,000	205	2.00%
\$10,000 - 14,999	168	1.70%
\$15,000 - 19,999	231	2.30%
\$20,000 - 24,999	274	2.70%
\$25,000 - 29,999	479	4.70%
\$30,000 - 34,999	496	4.90%
\$35,000 - 39,999	585	5.80%
\$40,000 - 44,999	614	6.00%
\$45,000 - 49,999	711	7.00%
\$50,000 - 59,999	1,434	14.10%
\$60,000 - 74,999	1,943	19.10%
\$75,000 - 99,999	1,692	16.70%
\$100,000 +	1,317	13.00%
<b>Totals:</b>	<b>10,149</b>	<b>100.00%</b>

**Median Household Income: \$59,069**

**SOURCE: U.S. Census of Population and Housing, 1990, STF-3, Profile 15.**

As indicated from Somerset County Planning Board data, between 1979 and 1989 the per capita money income of the Township of Hillsborough increased from \$17,039 in 1979 to \$22,449 in 1989, an increase of approximately 31.8%. The per capita money income average of all Somerset County municipalities increased from \$17,428 in 1979 to \$25,111 in 1989, an increase of 44.1%.

#### Per Capita Money Income, 1979 and 1989

	<u>1979</u>	<u>1989</u>	<u>Percent of Change</u>
Township of Hillsborough	\$17,039	\$22,449	31.8%
Somerset County *	\$17,428	\$25,111	44.1%

\* Average of all municipalities in Somerset County.

The poverty rate for Hillsborough Township was 1.7% in 1979 and 0.8% in 1989, a -0.9% change. Somerset County also experienced a decrease in the poverty rate between 1979 and 1989, from 2.7% to 1.4% or a -1.3% change.

#### Existing And Probable Future Employment

The New Jersey Department of Labor indicates that in 1991 the Township of Hillsborough had 3,846 covered jobs and Somerset County had 119,461 covered jobs. The term "covered jobs" refers to employment covered by the New Jersey Unemployment Compensation Program.

As indicated on the "Covered Employment, 1980 - 1991" table, employment in the Township increased from 1,296 covered jobs in 1980 to 3,846 covered jobs in 1991. The increase in covered jobs over the years generally has been continuous except for the years 1985, 1986 and 1989 when there was a slight decrease in the number of covered jobs from previous years.

The overall increase in covered jobs between 1980 and 1991 was 2,550 or 196.8% for Hillsborough Township and +40,137 or +50.6% for Somerset County, indicating that employment growth in Hillsborough Township was greater than that of Somerset County during the 12-year period. Covered jobs in Hillsborough Township as a percentage of covered jobs in Somerset County increased over the 12-year period from a low of 1.6% in 1980 to a high of 3.2% in 1991.

Based on all employment projections, future employment in Somerset County will increase. However, current projections estimate slightly fewer jobs than the number projected in 1986. In 1986, Somerset County projected 153,430 jobs in the County for the year 2000; projections provided in 1989 by the New Jersey Department of Labor have reduced the projection to only 150,100 jobs for the year 2000 ("Demographics", Master Plan Update, revised June 1988 and "1992 Somerset County Data Book", both published by the Somerset County Planning Board).

**COVERED EMPLOYMENT, 1980 - 1991**  
**Township OF Hillsborough AND SOMERSET COUNTY**

<u>Year</u>	<u>Covered Jobs</u>		<u>Hillsborough Township As Percent Of County</u>
	<u>Hillsborough Township</u>	<u>Somerset County</u>	
1980	1,296	79,324	1.6%
1981	1,623	82,496	2.0%
1982	1,824	82,957	2.2%
1983	1,871	90,501	2.1%
1984	2,339	91,867	2.5%
1985	2,308	100,206	2.3%
1986	2,318	104,249	2.2%
1987	2,793	111,060	2.5%
1988	3,169	119,648	2.6%
1989	2,992	118,223	2.5%
1990	3,497	118,980	2.9%
1991	3,846	119,461	3.2%
<b>Increase 1980 Through 1991</b>	<b>+2,550 (196.8%)</b>	<b>+ 40,137 (50.6%)</b>	

**NOTE:** "Covered Employment" is employment covered by the N.J. Unemployment Compensation Program.

**SOURCE:** Private Sector Covered Jobs, Third Quarter, 1980-1991, New Jersey Department of Labor.

## CALCULATED "FAIR SHARE" HOUSING OBLIGATION

In accordance with the "New Jersey Council On Affordable Housing Municipal Number Summary" dated February 3, 1993, the calculated "low" and "moderate" income housing obligation for the Township of Hillsborough during 1993 through 1999 is three-hundred (300) dwelling units.

However, it must be understood that the three hundred (300) affordable units are in addition to the one hundred eighty-two (182) units which were addressed by the Township in its prior "fair share plan" which received substantive certification from the New Jersey Council On Affordable Housing (COAH) during 1988. Therefore, the total calculated "low" and "moderate" income housing obligation for the Township of Hillsborough for the time period between 1987 and 1999 is four hundred eighty-two (482) dwelling units.

The prior one hundred one hundred eighty-two (182) affordable housing units were addressed by the Township of Hillsborough in the following manner:

- The Township zoned for ninety-one (91) "low" and "moderate" income units to be constructed as part of the combined Heritage Green and Crestmont inclusionary developments;
- The Township established a Housing Rehabilitation Program to rehabilitate the twelve (12) substandard units presumably existing in the Township and occupied by "low" and "moderate" income households;
- The Township entered into a Regional Contribution Agreement (RCA), thereby transferring the remaining obligation of seventy-nine (79) affordable units.

The 1993-1999 obligation of three hundred (300) additional affordable dwelling units are derived from "Indigenous Need", "Reallocated Present Need", "Prospective Need", and adjustments as follows:

### INITIAL CALCULATIONS

Indigenous Need	+ 29 d.u.
Reallocated Present Need	+ 57 d.u.
Prospective Need 1993-99	+ 334 d.u.
<u>Total Need 1993-99:</u>	<u>+ 420 d.u.</u>

## ADJUSTMENTS

Demolitions	+ 12 d.u.
Filtering	- 51 d.u.
Conversions	- 7 d.u.
Spontaneous Rehabilitation	- 8 d.u.
Prior Cycle Prospective Need	+ 116 d.u.
Reduction	<u>- 182 d.u.</u>
<b><u>Total Net Adjustments:</u></b>	<b>- 120 d.u.</b>

**TOTAL CALCULATED NEED: + 300 d.u.**

Applying the adjustments in accordance with the Council On Affordable Housing rules, "Spontaneous Rehabilitation" is credited against "Indigenous Need" and the remaining adjustments are credited against "Reallocated Present Need" and "Prospective Need", as follows:

## NET INDIGENOUS & PRESENT/PROSPECTIVE NEED CALCULATIONS

Indigenous Need	+ 29 d.u.
Spontaneous Rehabilitation	<u>- 8 d.u.</u>
<b><u>NET INDIGENOUS NEED:</u></b>	<b>+ 21 d.u.</b>

Reallocated Present Need	+ 57 d.u.
Prospective Need 1993-99	+ 334 d.u.
<b><u>Adjustments:</u></b>	
Filtering	- 51 d.u.
Conversions	- 7 d.u.
Demolitions	+ 12 d.u.
Prior Cycle Prospective Need	+ 116 d.u.
Reduction	<u>- 182 d.u.</u>

**NET PRESENT AND PROSPECTIVE NEED: + 279 d.u.**

It should be noted that there is a discrepancy, apparently due to mathematical "rounding" of the data, within the February 3, 1993 COAH housing allocation chart which is corrected in the calculations above by reducing the "Prospective 1993-99 Need" from "335" to "334" dwelling units; thereby resulting in the stated overall need of three hundred (300) affordable dwelling units.

## **ENVIRONMENTALLY FRAGILE LANDS**

The Township of Hillsborough exhibits certain physical characteristics which limit the ability of the lands within the jurisdiction to support development due to their environmentally fragile nature. The "Critical Areas" map indicates those areas within Hillsborough Township which exhibit severe soil wetness, foundation limitations, flood fringe areas associated with 100-year flood plains and lands with a topographic slope greater than twenty percent (20%).

Soils with severe wetness present constraints for land development, although they can be quite productive for agricultural purposes when they are adequately drained. According to the Hillsborough Township 1992 Master Plan, the soils with severe wetness "provide natural flood control, recharge of aquifers, natural purification of waters, stabilization of stream flow and habitats for a diversity of animal life" (page 7 of "Land Use" section).

The soils which present severe "foundation limitations" for buildings were mapped from the soil information prepared by the Somerset-Union Soil Conservation District.

Lands indicated to be within the "flood fringe" areas include the 100-year flood plains which have a one percent (1%) chance of flooding during any year. As shown on the "Critical Areas" map, the network of creeks and streams and their accompanying flood plains in the Township of Hillsborough extend primarily along the northern and eastern municipal boundaries, coinciding with the Millstone and Raritan Rivers. While an impediment to development, the flood plains also are an asset, since they provide natural drainage ways and open spaces between developed areas.

Lands with "20% plus slopes" generally should be considered unsuitable for any significant land development, while lands with a topographic slope between fifteen and twenty percent (15%-20%) are recommended by the New Jersey State Development And Redevelopment Plan to be preserved wherever possible because of their great environmental importance with respect to erosion, sedimentation, water supply and septic limitations.

The Hillsborough Township 1992 Master Plan considers lands with a topographic slope over twelve percent (12%) as environmentally sensitive because of the poor soil drainage and absorption resulting from the thin soils with low fertility.

As indicated on the "Topography" map, most of the steep slopes within the Township of Hillsborough are associated with the Sourland Mountains in the southwestern portion of the Township as well as being located along the stream corridors throughout the Township.

## **THE HILLSBOROUGH TOWNSHIP MASTER PLAN AND THE "PAC/HCF" PLANNED ADULT COMMUNITY**

The Township of Hillsborough adopted a Master Plan during 1966 when the Township first began to experience pressures for development and the resulting population growth. Between 1960 and 1990, the population of Hillsborough Township increased from 7,800 to 28,800 persons; a 371% increase. Because of environmental, transportation and community facility factors, most of the development within Hillsborough Township has focused primarily within the center of the municipality and along the transportation corridors of State Route 206 and County Routes 514 and 533.

The 1966 Hillsborough Township Master Plan recommended a flexible zoning pattern for the central portion of the Township, oriented around the historic Woods Tavern area in the vicinity of the intersection of Amwell Road with State Route 206. More specifically, the 1966 Master Plan envisioned two (2) "Planned Unit Developments" along Route 206 to be bordered by a new loop road. The 1966 Master Plan also recommended relatively intensive non-residential development surrounding the expected interchanges of then proposed Interstate Route 95 as well as an agricultural zone and a major regional park area atop the Sourland Mountains.

However, development did not occur as planned for in the 1966 Hillsborough Township Master Plan, at least in part due to unforeseen circumstances such as the decision not to build Interstate Route 95. Instead, rapid residential growth, primarily with garden apartment developments, significantly impacted the existing infrastructure, the schools and environmentally sensitive lands. As a result, a moratorium was placed on all development during 1978 to allow time for the Township Master Plan and the implementing ordinances to be reviewed and appropriately revised.

During 1980 a new Master Plan was adopted by the Hillsborough Township Planning Board which focused on the following three (3) goals:

- Provide for continued agricultural activities in the northern and western portions of the Township;
- Protect the environmentally critical and historic sites and districts throughout the Township; and
- Direct the higher density development within the Township to a central core, with a ring of industrial/office type employment generating uses around the central core, and then lower density residential development and agricultural activities on the periphery.

Since 1980, the Hillsborough Township Master Plan has been updated a number of times; most recently during 1992. As a result of changes to the regulations and plans of the State of New Jersey, and in consideration of the land use planning objectives incorporated in prior Township

Master Plans as well as the actual development which had taken place, the 1992 Hillsborough Master Plan set forth the following goals and objectives:

1. Provide a balance of land uses that includes agriculture (farms), recreation, employment, residential, and public service.
2. Require infrastructure improvements consistent with development in order to protect the health, safety and welfare of the public.
3. Provide a consistency in transportation management to meet the regional requirements.
4. *Provide housing types to serve all ages, economic segments, and family sizes according to State Law and consistent with available service facilities, schools and infrastructure. (Italics added for emphasis)*
5. Provide expanded employment opportunities by encouraging development in zones established for this purpose and consistent with available infrastructure and supporting services.
6. *Establish the necessary framework to provide housing, health care, and specific needs for the growing number of senior citizens. (Italics added for emphasis)*
7. Protect the environment and environmentally sensitive areas of the Township in accordance with State Law and consistent with findings of the Hillsborough Environmental Commission on a site-by-site basis.
8. Preserve the historic and archaeological sites of Hillsborough Township and coordinate development to incorporate historic features wherever possible."

The Land Use Plan Element portion of the 1992 Hillsborough Township Master Plan recommends both the short-term and the long-term land use development pattern felt desirable for Hillsborough Township. The environmental constraints of the lands within Hillsborough Township, the existing and future availability of both the public sewage treatment and water supply systems, and the problems of the vehicular transportation network in the municipality all influence the land use planning decisions of the Township. Therefore, the 1992 Master Plan of Hillsborough Township includes a "Ten-Year Plan" which recommends a development pattern based upon the completion of currently planned infrastructural improvements.

As indicated on the "Ten-Year Plan" map, a key component of the 1992 Master Plan was the inclusion of "Planned Unit Developments" for adult communities and related health facilities for senior citizens. As noted on page 24 of the "Land Use" plan portion of the 1992 Hillsborough Township Master Plan:

"Early in 1990, an overlay, floating zone was established to allow for senior citizen housing and related senior citizen services. This zone has two components; one is a planned adult community without health care facilities and the other is a planned adult community with health care facilities. In order to develop under the guidelines of this zone, a General Development Plan must be approved by the Planning Board. By 1992, two developers received classification under the planned adult community zone, and one received approval of a General Development Plan."

Therefore, prior to March 1993 when the current "fair share" housing obligation numbers were first published by the New Jersey Council On Affordable Housing (COAH), and prior to the adoption by the New Jersey State Planning Commission on June 12, 1992 of the "State Development And Redevelopment Plan", *the Township of Hillsborough already, and for a number of years, had been working on an approach to fulfill its anticipated 1993-1999 "fair share" affordable housing obligation:*

- During 1990, Hillsborough Township adopted a "Planned Development Ordinance" intended to "foster within the municipality the development of planned adult communities with related health care facilities that will address the needs of all senior citizens, including those with limited economic resources."
- During 1992, Hillsborough Township comprehensively updated its Master Plan and, within both the "Land Use Plan" and the "Housing Plan" portions of the updated Master Plan, attention was given to the need for housing and related health care facilities for senior citizens, both within Hillsborough Township and within the communities around it.

The "Housing Plan Element" portion of the 1992 Hillsborough Township Master Plan notes the following on page "Housing-2" regarding the need and importance of housing for our elderly citizens:

"Providing affordable housing for senior citizens is a key issue in housing and of utmost importance to the Township. Along with affordability, the Township recognizes that there are various styles of housing that should be considered for senior citizens depending on their needs over time. Detached single family housing with low maintenance is one alternative, but does not preclude attached single or multi-family houses, apartments, shared housing, congregate care and nursing homes. Housing for the elderly also requires specially designed units with extraordinary security and, depending on the income level of these households and the nature of their health, financial assistance is often necessary to make these communities feasible."

The response by landowners and developers to the "Planned Development Ordinance" adopted by the Township of Hillsborough during 1990 was rapid. During 1991, a "General Development Plan" was submitted to the Hillsborough Township Planning Board for its review and approval under the terms of the municipal ordinances and the Municipal Land Use Law (N.J.S.A. 40:55D-45.1 through 45.8). On January 29, 1992, the Hillsborough Township Planning Board adopted a resolution memorializing the approval by the Planning Board of a "General Development Plan" for a "PAC/HCF" "Planned Development".

The approval, actually granted by the Planning Board on December 19, 1991, is for a tract of land approximately seven hundred forty-two (742) acres in area to be developed with the following proportions of land use categories:

<b>APPROVED "PAC/HCF" PLANNED ADULT COMMUNITY</b>	
<b>Use Category</b>	<b>Acreage</b>
Residential	284 ac.
Medical Facilities	74 ac.
Commercial	47 ac.
Recreation And Open Space	277 ac.
Roads	60 ac.
<b>Total:</b>	<b>742 acres</b>

Regarding the approved residential development, the approved "General Development Plan" designates areas for "high" versus "moderate" versus "low" densities. In aggregate, the approval for the portions of the overall land area to be physically constructed with residential dwellings could result in a density range of approximately twenty-five to thirty-five (25-35) dwelling units per acre. Clearly, this overall development is significant in scale and will require a build-out period for many years.

One particular requirement of the "General Development Plan" approval granted by the Planning Board was that the applicant must reappear before the Planning Board no later than December 19, 1996 for "preliminary approval" of at least one (1) phase. Since 1992, the development plans of the applicant have become substantially more refined. Additionally, it is understood that certain amendments to the "PAC/HCF" ordinance provisions of Hillsborough Township will be necessary in order to bring the ordinance provisions in concert with the recently adopted "Substantive Rules" of the New Jersey Council On Affordable Housing (COAH).

As a result of the refinements to the development plan made by the applicant and the expected amendments to the ordinance provisions, it is anticipated that the overall average density of the development may decline to approximate the lower overall density range of twenty-five (25) dwelling units per acre.

Clearly, the Township of Hillsborough did not determine to permit such an extensive development concept without due consideration to its potential impacts upon the municipality as well as its fulfillment of the need within Hillsborough Township and the surrounding municipalities for senior citizen housing and health care facilities. In fact, the land area chosen for the location of the planned adult community is on the western fringe of the already developed portions of Hillsborough Township to the west of Route 206 and is within walking distance of the municipal complex. The land area is planned to receive the benefits of both public water and public sewage treatment facilities. The adopted Master Plan of Hillsborough Township also includes specific recommendations for road improvements and road realignments within this portion of the municipality.

Regarding the planned development's relationship to the relatively recently adopted New Jersey "State Development And Redevelopment Plan" and as more particularly discussed in the following section of this document, the subject land area is within "Planning Area 4" directly adjacent "Planning Area 2". Moreover, all of the designated "Planning Area 2" is within the sewer service area. Very importantly, the subject land area has been indicated on the "State Development And Redevelopment Plan" as a "Planned Village" ("Hillsborough Village Square").

## **HILLSBOROUGH TOWNSHIP AND THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

As indicated on the attached "Resource Planning And Management Map (RPMM)", the New Jersey State Planning Commission has included Hillsborough Township's land area within the following four (4) "Planning Areas":

- The most densely developed portion of Hillsborough Township, primarily oriented to the State Route 206 corridor and the "Town Center" node of the Township, has been designated as "Planning Area 2", the "Suburban Planning Area";
- A relatively small portion of Hillsborough Township, along Hamilton Road and between the Boroughs of Millstone and Manville, has been designated as "Planning Area 3", the "Fringe Planning Area";
- A substantial portion of Hillsborough Township, primarily within the northwestern areas of the Township, has been designated as "Planning Area 4", the "Rural Planning Area"; and

- Another substantial portion of Hillsborough Township, including the Sourland Mountains and the flood plain lands bordering the Raritan and Millstone Rivers and the South Branch of the Raritan River, has been designated as "Planning Area 5", the "Environmentally Sensitive Planning Area".

In addition to the designated "Planning Areas", seven (7) "Centers" are designated within the Township of Hillsborough. The term "Center" generally means an existing or planned core or node of development and range in scale from an "Urban Center" to a "Regional Center", a "Town", a "Village", and a "Hamlet".

There are four (4) "Existing Hamlets" designated within the Township of Hillsborough:

1. "Zion", in the vicinity of Long Hill and Dutchtown Roads at the Montgomery Township border;
2. "Clover Hill", in the vicinity of Wertsville-Clover Hill and Amwell Roads at the Raritan Township border;
3. "Neshanic", in the vicinity of Amwell and River Roads; and
4. "South Branch", in the vicinity of River Road and Studiford Drive at the Branchburg Township Border.

Additionally, the "Existing Village" of "Flagtown" and the "Hillsborough Town Center" are recognized on the "Resource Planning And Management Map (RPMM)" of the New Jersey State Development And Redevelopment Plan.

*Very importantly, given the plans of Hillsborough Township for the "PAC/HCF" Planned Adult Community development previously discussed in this document, and the approvals by the Township granted for the development prior to the adoption of the State Development And Redevelopment Plan, the subject land area has been indicated on the State Development And Redevelopment Plan as a "Planned Village" ("Hillsborough Village Square").*

N.J.A.C. 5:93-5.4 of the "Substantive Rules Of The New Jersey Council On Affordable Housing" states the following regarding the location of "inclusionary" developments within a municipality relative to the "planning area" and "center" designation of the land as shown on the "Resource Planning And Management Map (RPMM)" of the State Development And Redevelopment Plan:

- (a) In Planning Areas 1 or 2, as designated in the SDRP, the Council shall encourage inclusionary development within centers. However, municipalities may locate inclusionary developments within the environs as defined in the SDRP."

- "(b) In Planning Area 3, the Council shall encourage inclusionary developments within centers. Where a municipality proposes an inclusionary site within Planning Area 3 outside of a center, the Council may permit such a site if infrastructure is available or can be easily extended from Planning Area 2."
- "(c) In Planning Areas 4 or 5, as designated in the SDRP, the Council shall require inclusionary development to be located in centers..."

Regarding the four (4) "Existing Hamlets" designated on the "Resource Planning And Management Map (RPM)" within the Township of Hillsborough, it should be noted that each has been designated to acknowledge the existing compact and often sparsely developed settlements that have an historic role in the development of Hillsborough Township. They were not designated as areas for extensive future development; in fact, there is very little capacity of the natural resources within these portions of Hillsborough Township to support significant additional development. Moreover, none of the four (4) "Existing Hamlets" are served by an existing public or private sewage treatment plant.

Similarly, the "Existing Village" of "Flagtown" and the existing "Hillsborough Town Center" are substantially developed; there are no large vacant parcels of land available to accommodate a large "inclusionary" development with a substantial set aside of affordable housing units. *Therefore, it is within the designated "Hillsborough Village Square" "Planned Village" that Hillsborough Township proposes to accommodate the major component of its current and anticipated future "fair share" housing obligations for "low" and "moderate" income housing units.*

## **FAIR SHARE PLAN**

The Hillsborough Township "Fair Share Plan" has been formulated from the process of calculating, in accordance with the methodology utilized by the New Jersey Council On Affordable Housing (COAH), the so-called "final inclusionary component" (hereinafter referred to as "FIC") and then devising an approach to satisfy the FIC requirement.

The "Fair Share Plan" for the Township of Hillsborough applies "first cycle" and "bonus" credits as permitted by COAH, recognizes the "second cycle" component requirements, and relies upon the previously discussed and already approved "PAC/HCF" Planned Adult Community. The "rehabilitation component" of the Township's "fair share" housing obligation is proposed to be met through the revitalization of the "housing rehabilitation program" previously and successfully implemented.

Essentially, the "Fair Share Plan" of the Township of Hillsborough results from the Township's documented compliance with its prior "Substantive Certification" and its early planning to meet future affordable housing obligations in a constructive manner, positive to the community it serves.

## From Precredited Need To The Final Inclusionary Component

The New Jersey Council On Affordable Housing (COAH) has determined that Hillsborough Township's precredited need is four hundred eighty-two (482) dwelling units. Hillsborough Township has utilized credits and formulae developed by COAH in arriving first at an adjusted precredited component number and then at the "final inclusionary component" (FIC) number.

### First Cycle Credits and Indigenous Need

In its first cycle "Substantive Certification", ninety-one (91) "low" and "moderate" income set aside units were earmarked for development (and are in the process of completion in accordance with COAH rules) and seventy-nine (79) units were transferred to the Town of Phillipsburg via an RCA (Regional Contribution Agreement). All seventy-nine (79) units were long ago rehabilitated in the Town of Phillipsburg.

COAH now has declared that Hillsborough Township has an indigenous need of twenty-one (21) units which will be met through the rehabilitation of twenty-one (21) substandard dwellings within the Township.

Applying these credits against the four hundred eighty-two (482) precredited need results in an adjusted precredited need of two hundred ninety-one units ( $482 - [91 + 79 + 21] = 291$ ).

### Bonus Credits

During its relationship with COAH over the last seven (7) years, the Township of Hillsborough has endeavored to meet both the letter and spirit of COAH's rules and goals; cooperation and mutual respect have been the benchmarks of the relationship.

As an example, regarding the first cycle set aside units, *all ninety-one (91) were rental units*. More importantly, *all ninety-one (91) are presently under construction with occupancy dates anticipated between the Winter and Summer of 1995*. This expedited schedule results in the creation of all Mt. Laurel units now, as opposed to the phase-in build-out schedule permitted under COAH rules (which ties the completion dates of Mt. Laurel units to the completion dates of market value units within inclusionary developments). As a result, Hillsborough Township now derives the benefits of COAH's bonus "rental" and "substantial compliance" credits.

~ Rental Credit ~

After subtracting twelve (12) previously calculated "indigenous" units, Hillsborough Township's first cycle FIC was one hundred eighty-two (182) units. Under COAH rules, twenty-five percent (25%) of the one hundred eighty-two (182) number (i.e., 46) are eligible for a bonus credit because all the units are rental units (i.e., the 91 units credited at the permitted 2:1 ratio).

As a result, Hillsborough Township is entitled to a rental bonus credit of forty-six (46) units, which is to be subtracted from the two hundred ninety-one (291) number previously noted and which reduces Hillsborough Township's precredited need number for the twelve (12) year period between 1987 and 1999 downward to two hundred forty-five (245) affordable units ( $291 - 46 = 245$ ).

The two (2) inclusionary developments within the Township of Hillsborough which include the affordable rental units are "Crestmont Hills" and "Heritage Green" and all ninety-one (91) units are in the process of being completed, even though only forty-six (46) of the units would have to be completed in order for the Township to receive the rental bonus. More specifically, the status of the completion of the rental affordable units within Crestmont Hills and Heritage Green is as follows:

- Crestmont Hills is responsible for the construction of fifty-six (56) Mt. Laurel rental units to be contained in seven (7) buildings of eight (8) units each. Three (3) buildings containing a total of twenty-four (24) units are completed with Certificates of Occupancy in the process of being issued. The other four (4) buildings containing the other thirty-two (32) units are framed and under roof, with exterior walls completed as of mid-January 1995. These four (4) buildings are expected to be completed by March 6, 1995 and, in any event, will be ready for occupancy during the Spring of 1995. Crestmont Hills has already conducted its lottery for all fifty-six (56) units, and approval by the Hillsborough Affordable Housing Board is expected shortly.
- Heritage Green is responsible for the construction of thirty-five (35) Mt. Laurel rental units to be contained in four (4) buildings, each of which will include nine (9) affordable rental units as part of sixteen (16) total units in each building. Building permits have been issued for all sixty-four (64) units in all four (4) buildings. As of mid-January 1995, the foundations for all four (4) buildings are being constructed, and it is anticipated that all four (4) buildings will be completed during the Summer of 1995.

To summarize, twenty-four (24) of the rental units are essentially completed as of mid-January 1995, thirty-two (32) additional units will be completed by the Spring of 1995, and the balance of thirty-five (35) units will be completed by the Summer. Thus, all ninety-one (91) units should be "on line" by mid-year 1995.

It should be noted with gratitude that Hillsborough Township has had the cooperation of the developers of both inclusionary developments to complete the construction of the rental units in the expedited time frames (as evidenced by the "commitment letters" received by the Township during September 1995), and also has had the encouragement of the COAH Staff to proceed in this fashion.

Hillsborough Township could have focused its efforts on two (2) additional buildings in the Crestmont Hills development, thereby encouraging the developer to complete forty (40) Mt. Laurel rental units by March 6, 1995, the date Hillsborough Township's updated "Housing Plan

Element" and "Fair Share Plan" are required by COAH to be completed. As a result, Hillsborough Township would have assured itself of at least a forty (40) unit bonus rental credit. However, it made little sense to focus on only the forty (40) units to be completed by March 6, 1995 when, with more effort and cooperation among the Township, the two (2) developers and COAH, all ninety-one (91) units can be completed by June 30, 1995. The four (4) month time difference between March and June will enable the entirety of all set aside rental units to be completed.

It took both developers two (2) years to complete approximately twenty-five percent (25%) of the Mt. Laurel rental units; at this rate and under the COAH phase-in build-out schedule, it could have been six (6) more years before all ninety-one (91) Mt. Laurel rental units would have been completed. Under the approach currently proposed by the Township of Hillsborough, all ninety-one (91) Mt. Laurel rental units will be available for occupancy by this coming summer.

*Based upon the facts and representations hereinabove, the Township of Hillsborough requests a waiver from the strict application of COAH's rental bonus rule requiring that all forty-six (46) rental units within the Township be completed by March 6, 1995 in order for it to receive the rental bonus; the Township requests the entirety of the forty-six (46) rental bonus credits in accordance with the unit completion dates noted hereinabove.*

~ Substantial Compliance Credit ~

Under the new "Substantive Rules" adopted by the New Jersey Council On Affordable Housing (COAH) during September 1994, municipalities that have created or fulfilled their first cycle "set aside" obligation receive a bonus credit in accordance with certain formulae. More specifically, if ninety percent (90%) of the set aside units are created, the municipality receives a twenty percent (20%) credit against its 1987-1999 twelve (12) year "fair share" housing obligation, with the twenty percent (20%) applied against the *adjusted precredited need*.

Regarding the Township of Hillsborough, the twenty percent (20%) credit would be applied against the "adjusted precredited need" number two hundred forty-five (245), derived from subtracting from the four hundred eighty-two (482) non-adjusted need number the following:

- The set aside component of ninety-one (91) units;
- The RCA component of seventy-nine (79) units;
- The second cycle rehabilitation component of twenty-one (21) units; and
- The rental bonus credit of forty-six (46) units.

Twenty percent (20%) of the two hundred forty-five (245) units results in a forty-nine (49) unit credit and a "final inclusionary component" (FIC) for Hillsborough Township of one hundred ninety-six (196) "low" and "moderate" income units (245-49=196).

Hillsborough Township asserts that it should be entitled to the "substantial compliance credit" of forty-nine (49) units based upon the facts and reasoning discussed in the "Rental Credit" portion of this document hereinabove, to the extent that a waiver may be required from the strict application of COAH's rules.

Hillsborough Township's reasoning in support of its request that it is entitled to the "substantial compliance credit of forty-nine (49) units is summarized as follows:

- COAH's "substantial compliance rule" and its summary to the rule declare that the goals of the rule are to effectuate the actual production of an affordable housing units (i.e., putting the Mt. Laurel units "on line") and to encourage municipalities to take a more active role to expedite the completion of the affordable units.
- From the time that Hillsborough Township first learned of the probable adoption of the "substantial compliance credit" rule, it has worked with the developers of its inclusionary housing developments to satisfy the terms of the rule and receive the credits; building permits were issued expeditiously and other municipal reviews and approvals were put on a "fast track".
- The "substantial compliance rule" was adopted by COAH during September 1994. Municipalities whose "Substantive Certification" expires in 1996 or beyond will have had ample time to comply with the rule if they so choose. However, the Township of Hillsborough did not have this luxury; it had only six (6) months from the date the rule was adopted by COAH to ensure that its remaining sixty-seven (67) set aside units would be completed by its March 6, 1995 "Substantive Certification" expiration date.
- The Township of Hillsborough has successfully convinced the developers of its two inclusionary housing developments to significantly modify their construction schedules and agree to complete the affordable units up to six (6) years earlier than otherwise planned and required. As evidenced by the letters of commitment received from the developers of the two inclusionary housing developments, Hillsborough Township and the developers are doing everything that can be done to expedite the completion of the total ninety-one (91) set aside units; as a result, all will be "on line" this Summer, 1995.

*Again, Hillsborough Township asserts that it should be entitled to the "substantial compliance credit" of forty-nine (49) units based upon the facts and reasoning discussed in the "Rental Credit" portion of this document hereinabove; to the extent that a waiver may be required from the strict application of COAH's rules, the Township of Hillsborough Township hereby requests it.*

## The Final Inclusionary Component

The calculation of Hillsborough Township's "final inclusionary component" (FIC) may be summarized as follows, with a question regarding twelve (12) unaccountable first cycle indigenous need units noted hereinbelow and reserved for further discussion with the New Jersey Council On Affordable Housing (COAH):

<b>CALCULATION OF FINAL INCLUSIONARY COMPONENT (FIC)</b>	
<b>Precredited Need</b>	<b>+ 482 du's</b>
<b>First Cycle Substantive Certification Credits</b>	<b>- 91</b>
<b>Town Of Phillipsburg Regional Contribution Agreement</b>	<b>-79</b>
<b>1987 - 1999 Indigenous Need Rehabilitation Component</b>	<b>-21</b>
<b>Rental Bonus Credits</b>	<b>-46</b>
<b>Substantial Compliance Credit</b>	<b>-49</b>
<b>Final Inclusionary Component (FIC):</b>	<b>+ 196 du's</b>

Regarding the twelve (12) unaccountable first cycle indigenous need units, all twelve (12) units were rehabilitated as part of Hillsborough Township's "Housing Rehabilitation Program". The calculations by the New Jersey Council On Affordable Housing (COAH) which result in the "precaredited need" of four hundred eighty-two (482) units do not appear to credit these twelve (12) first cycle rehabilitated units. Instead, it appears that the twelve (12) indigenous units actually may have been double counted, since the second cycle precaredited need includes a "reallocated present need" which itself appears to include the prior twelve (12) indigenous need units. If Hillsborough Township is correct, its "precaredited need" should be four hundred seventy (470) units versus the currently calculated four hundred eighty-two (482) units.

It should be emphasized that Hillsborough Township understands why the twelve (12) unit first cycle 1987-1993 "rental bonus" credit has not been computed, since it was replaced by the new formula applicable to the twelve (12) year 1987-1999 time period. However, no explanation exists as to why the first cycle twelve (12) indigenous units which already have been rehabilitated are not credited.

## Satisfaction Of The Final Inclusionary Component

The "Substantive Rules" of the New Jersey Council On Affordable Housing (COAH) require more than the simple build-out of its "final inclusionary component" of one hundred ninety-six (196) affordable units. The COAH rules speak directly to the types of units which must be built and for what households the units are to be made available. Accordingly, the finalization and ultimate approval of any "inclusionary" housing development cannot be made until the COAH rules are addressed and reflected within the housing development.

### Senior Citizen Component

When the Township of Hillsborough first developed the concept of its "Planned Adult Community/Health Care Facilities Development (PAC/HCF)" in 1990, housing for senior citizens obviously was included. The formula to determine how many senior citizen units can be credited against the "final inclusionary component" is contained in COAH's "Substantive Rules" and is as follows for the Township of Hillsborough:

- The seventy-nine (79) first cycle units transferred by the RCA to the Town of Phillipsburg are subtracted from the precredited need of four hundred eighty-two (482) units, resulting in the difference of four hundred three (403) units; and
- Twenty-five percent (25%) of the four hundred three (403) units, or one hundred one (101) units, may be age restricted for senior citizen occupancy.

The Township of Hillsborough desires to include all of the one hundred one (101) senior citizen age restricted affordable housing units within the currently approved "PAC/HCF" Planned Adult Community, which is the "inclusionary" development to accommodate the Township's second cycle need for new housing construction.

*In order to include all one hundred one (101) senior citizen units in the "PAC/HCF" Planned Adult Community in accordance with COAH's rules, the prior Hillsborough Township Housing Plan Element hereby is being amended so that the twenty-eight (28) first cycle affordable units to have been age restricted units within the "Crestmont Hills" and "Heritage Green" inclusionary developments will now be non-age restricted affordable units.*

It should be noted that the initial age restricted designation of the subject twenty-eight (28) units within the "Crestmont Hills" and "Heritage Green" developments occurred in an "Addendum A" to the amended "Housing Plan Element" in 1988. Since the age restricted designation of the subject units was not a part of the "Mediation Agreement" entered into between the Township of Hillsborough and the developers, to transfer the twenty-eight (28) units from the "first cycle" to the "second cycle" requires only this new amendment to the Housing Plan Element.

Nevertheless, the Township of Hillsborough still wishes to honor any representations made to any senior citizens with respect to first cycle units. Accordingly, twenty-eight (28) of the ninety-one (91) units (seventeen (17) in "Crestmont Hills" and eleven (11) in "Heritage Green") may be initially occupied by senior citizens even though the units themselves will not be legally age restricted. Therefore, efforts will be made to place qualified senior citizen households who are on the certified list of applicants in the subject twenty-eight (28) affordable units. Commitment by the developers has been obtained by Hillsborough Township for this compromise approach, and concurrence by COAH is requested.

### Rental Component

The "Substantive Rules" of the New Jersey Council On Affordable Housing (COAH) require that at least twenty-five percent (25%) of the "final inclusionary component" (FIC) of a municipality's "fair share" housing obligation be rental units. Therefore, in the case of Hillsborough Township, forty-nine (49) units must be rental units ( $196 \times 25\% = 49$ ). Accordingly, the "PAC/HCF" Planned Adult Community will have forty-nine (49) of its one hundred ninety-six (196) affordable units specifically designated as rental units, and all forty-nine (49) of the rental units *will not* be age restricted.

### The Approved "PAC/HCF" Planned Adult Community

Hillsborough Township has long recognized the needs of senior citizens and the obligation of the municipality to help meet those needs. The right of a person to live his/her elder years in a dignified manner and in an environment responsive to the commensurate health related needs should be acknowledged.

Hillsborough Township formally committed itself to the goal of planning for the needs of senior citizens in June 1991 when it enacted its "Planned Adult Community/Health Care Facilities Development (PAC/HCF)" ordinance. Developed over the preceding nine (9) months, the ordinance represented Hillsborough Township's comprehensive response to the requirements of the increasing elderly segment of the population.

The New Jersey Council On Affordable Housing (COAH) also recognizes the legitimacy of senior citizen rights and their unique needs in its requirement that twenty-five percent (25%) of a municipality's "fair share" housing obligation may be reserved for occupancy by senior citizen households. Indeed, COAH provided valuable assistance to Hillsborough Township when the Township developed its "PAC/HCF" ordinance in 1991 and supported the Township via a laudatory letter presented to the Township Committee when the ordinance was adopted in June of that year.

Today the "PAC/HCF" development concept is not merely an ordinance dream; it is becoming a reality. A joint venture was formed among certain private contiguous land owners which conceived the already approved "PAC/HCF" development plan. The development application is already working its way through the governmental approval process.

The development first was classified as a "PAC/HCF" by the Hillsborough Township Planning Board, under the provisions of the adopted ordinance provisions, on September 5, 1991, less than three (3) months after ordinance was adopted. Thereafter, the "PAC/HCF" development received "General Development Plan" approval from the Planning Board on December 19, 1991, and a resolution memorializing the approval was adopted by the Planning Board on January 29, 1992. The Somerset County Planning Board also accepted the "PAC/HCF" General Development Plan.

Under the terms of the Planning Board approval, the applicant must reappear before the Planning Board no later than December 19, 1996 for preliminary approval of at least one (1) phase of the approved "PAC/HCF" development.

Prior to granting the "General Development Plan" approval, much documentation was received by the Hillsborough Township Planning Board including, but not limited to, the following:

- A Land Use Plan & Land Area Plan;
- A Sanitary Sewer Plan;
- A Waterline Facility Plan;
- An Open Space Plan;
- A Utility Plan;
- A Community Facility Plan;
- A Traffic Study; and
- An Environmental Inventory Statement.

These studies and plans were supplemented by the testimony of an environmental consultant, two (2) engineers, an architect, a traffic consultant and a professional land use planner. The developer clearly is serious and committed to the development of the tract.

The approved plan for the "PAC/HCF" Planned Adult Community includes seven hundred forty-two (742) acres located on the western fringe of the already developed portions of Hillsborough Township west of Route 206. The approved "PAC/HCF" development is within convenient walking distance to the Municipal complex, the Library, the Police Department and a YMCA presently under construction. The approved "PAC/HCF" development includes a number of separately designed but interrelated residential neighborhood areas, with related open space areas, recreational facilities, health care facilities and retail commercial stores and shops.

Public water service will be provided to the "PAC/HCF" development by the Elizabethtown Water Company. Moreover, the subject Planned Adult Community development has excellent vehicular traffic access via a number of "major collector" roadways, including Amwell Road (Somerset County Route 514), River Road (Somerset County Route 567) and Mill Lane. The subject "PAC/HCF" tract is a "Suitable Site" as defined and required in the "Substantive Rules" of the New Jersey Council On Affordable Housing (COAH).

Approximately two hundred (200) acres of the tract approved for the "PAC/HCF" development were approved to be sewered by the Hillsborough Township Municipal Utility Authority in the late 1970's. Moreover, the entirety of the tract was included within the "sewered area" when Somerset County amended its "Wastewater Management Plan" which currently is being reviewed for approval by the New Jersey Department of Environmental Protection (NJDEP). In order to expedite NJDEP's approval of the subject "PAC/HCF" tract, the Somerset County Planning Board agreed to permit Hillsborough Township to separate its section of the County's overall "Wastewater Management Plan" and to submit its own "Hillsborough Township Wastewater Management Plan" to the NJDEP.

In support of the "Hillsborough Township Wastewater Management Plan", the Somerset County Planning Board has written a letter affirming its inclusion of the subject "PAC/HCF" tract in the County's overall "Wastewater Management Plan". Hillsborough Township submitted its "Wastewater Management Plan" to the NJDEP during September 1994; approval is expected shortly and prior to COAH's review and approval of Hillsborough Township's petition for "Substantive Certification". Upon final approval by the NJDEP, the sanitary sewer lines of the Hillsborough Township Municipal Utility Authority will carry the sewage from the tract for treatment at the Somerset Raritan Valley Sewerage Authority regional wastewater treatment plant in the Township of Bridgewater.

The "PAC/HCF" Planned Adult Community development was an approved reality long before the State Development And Redevelopment Plan was adopted during June, 1992. As previously discussed in detail in an earlier section of this document, the "PAC/HCF" development is included as a "Planned Village" ("Hillsborough Village Square") on the "Resource Planning And Management Map (RPM)" of the State Development And Redevelopment Plan .

All one hundred ninety-six (196) units of Hillsborough Township's "final inclusionary component" will be located within the "PAC/HCF" Planned Adult Community development. As previously noted, one hundred one (101) of the affordable housing units will be age restricted for occupancy by eligible senior citizen households.

The creation of the one hundred one (101) senior citizen affordable units leaves a balance of ninety-five (95) "low" and "moderate" income units from the one hundred ninety-six (196) "final inclusionary component" (FIC) number. Hillsborough Township proposes that the ninety-five (95) affordable unit obligation be met through the construction within the "PAC/HCF" development of forty-nine (49) non-age restricted rental units. As a result and as previously discussed, the requirement of the New Jersey Council On Affordable Housing (COAH) that twenty-five percent (25%) of the "FIC" number be designated as rental units will be satisfied (196 X's 25%=49).

Moreover, since the forty-nine (49) rental units will not be age restricted and since there is a firm commitment by the developers of the "PAC/HCF" development to build them, Hillsborough Township is entitled to the 2-for-1 bonus credit for the rental units as provided under COAH's "Substantive Rules".

As a result, Hillsborough Township would be credited ninety-eight (98) units versus its remaining "FIC" obligation of ninety-five (95) units. This minor differential will permit the developer of the "PAC/HCF" the option to age restrict five (5) of the forty-nine (49) rental units and still satisfy the ninety-five (95) unit overall obligation. Summarily, since COAH gives a bonus credit of 1½-for-1 for age restricted rental units, the five (5) age restricted rental units would be credited as seven (7) units which, when added to the forty-four (44) non-age restricted rental units credited as eighty-eight (88) units at the 2-for-1 ratio, results in the total ninety-five (95) affordable units.

It is noted that a 1994 amendment to the "PAC/HCF" ordinance provisions of Hillsborough Township gives the Planning Board the latitude to require the developer to construct whatever combination of rental and non-age restricted units as may be necessary for the Township to satisfy its "fair share" housing obligation.

#### **Waiver Of "Center" Designation For The Approved "PAC/HCF"**

A major focus of this "Housing Plan Element And Fair Share Plan" document has been to describe the history, purpose, land use planning appropriateness and the approval status of the "PAC/HCF" Planned Adult Community development. *For all of the reasons documented in this document and summarized hereinbelow, the Township of Hillsborough believes that a waiver should be granted from the "Substantive Rules" of the New Jersey Council On Affordable Housing which would require that the Township receive a "Center Designation" of the subject land area from the Office Of State Planning:*

- The Planned Adult Community development was approved by the Hillsborough Township Planning Board prior to the adoption of the New Jersey State Development And Redevelopment Plan;
- All required studies, plans and supportive documentation were submitted, reviewed and approved as part of the Township Planning Board application review process;
- The subject tract of land approved for the Planned Adult Development is designated as a "Planned Village" center on the "Resource Planning And Management Map (RPMM) of the State Development And Redevelopment Plan;
- Both public water and sewerage treatment facilities are available to the subject tract;
- The subject "PAC/HCF" tract is a "Suitable Site" as defined and required in the "Substantive Rules" of the New Jersey Council On Affordable Housing (COAH);

- In accordance with the directive of the "Mt. Laurel II" New Jersey Supreme Court Decision and the "Substantive Rules" of the New Jersey Council On Affordable Housing (COAH), a reasonable opportunity for the construction of affordable housing has been created;
- In addition to the approval by the Hillsborough Township Planning Board of the "General Development Plan" for the Planned Adult Community, an amendment to the Somerset County Wastewater Management Plan has been approved which includes the subject tract in the sewer service area;
- When the Township of Hillsborough planned, legislated and approved the "PAC/HCF" Planned Adult Community, it did so in accordance with every applicable law in existence at that time;
- The "PAC/HCF" and the approved development thereon meets all of the current "Mt. Laurel II" and COAH requirements which should be the only benchmark for the granting of "Substantive Certification"; and
- The Township of Hillsborough should not be in any way penalized, handicapped or disadvantaged because it took affirmative land use planning, legislative and application approval actions to satisfy its anticipated second cycle "fair share" housing obligations prior to the finalization and adoption of the New Jersey State Development And Redevelopment Plan.

It is the understanding of the Township of Hillsborough that a basic underlying principle of COAH's rules is that a municipality which voluntarily complies with its "fair share" affordable housing obligation and seeks "Substantive Certification" from COAH should be given the widest latitude in determining how it meets that housing obligation; clearly, this underlying principle should only be greater when a municipality actually plans ahead to meet its housing obligation.

The Township of Hillsborough should not now be required to conform to an "after the fact" rule which would send it to another agency whose policies, relative to housing, are to support the present and prospective affordable housing needs identified by COAH. Hillsborough Township should be rewarded for its efforts through the granting of the appropriate waiver. Moreover, the Township of Hillsborough also requests confirmation from COAH that it considers the "PAC/HCF" and the approved development thereon to have the same status under COAH rules as any existing or proposed development within "Planning Area 1" or "Planning Area 2".

## Housing Rehabilitation Program

The New Jersey Council On Affordable Housing (COAH) has determined that the Township of Hillsborough has a second cycle indigenous need of twenty-one (21) housing units. In order to address its indigenous need, Hillsborough Township will rehabilitate at least twenty-one (21) substandard dwellings occupied by "low" or "moderate" income households.

The Township of Hillsborough has substantial experience in rehabilitating substandard housing units; during the first cycle, the Township rehabilitated twenty (20) substandard dwellings utilizing funds received from the New Jersey Department Of Community Affairs's (DCA's) "Balanced Housing Program". Additionally, over the years Hillsborough Township has overseen the expenditure of "Neighborhood Preservation Program Grants" and "Community Development Block Grants" involving the rehabilitation of substandard dwellings. Thus, the experience and manpower of the Township of Hillsborough is in place to meet its indigenous housing need component of its "fair share" housing obligation.

The "Substantive Rules" of the New Jersey Council On Affordable Housing (COAH) requires that at least \$10,000 per unit must be allocated for the rehabilitation of each of the twenty-one (21) substandard dwelling units determined to exist in Hillsborough Township. Therefore, a total commitment of \$210,000 is required, with one-third ( $\frac{1}{3}$ ), or \$70,000, required to be available within one (1) year of the granting of "Substantive Certification".

Hillsborough Township presently holds the sum of \$28,000 which was received prior to 1994 via a "Community Development Block Grant" (CDBG) specifically provided for housing rehabilitation. Moreover, Hillsborough Township is preparing an application to Somerset County for a new CDBG of approximately \$100,000, and approval of the application is expected by June of this year.

Finally, Hillsborough Township adopted a COAH approved "Development Fee Ordinance" during July 1994. Since Hillsborough Township has issued approximately three hundred (300) residential Certificates of Occupancy per year during the past few years, with the dwellings having an average purchase price of approximately \$180,000. Clearly, the funding for the twenty-one (21) substandard dwelling units to be rehabilitated will not present a problem.

### Identifying Substandard Dwellings

Within its approximately fifty-four (54) square miles, the Township of Hillsborough contains three (3) neighborhood areas with concentrations of relatively older home, many of which were constructed prior to 1940; the three (3) areas are known as the "Neshanic", "Flagtown" and "South Branch" sections of the Township. "Neshanic" comprises a substantial portion of the western area of Hillsborough Township and has been identified both for the "Neighborhood Preservation Program Grants" and for funds under the "Balanced Housing Program". Moreover, "Community Development Block Grants" routinely have been expended in the "Flagtown" section of the Township for housing rehabilitation.

In fact, while the determined indigenous need for the Township of Hillsborough during the first cycle was twelve (12) units, the Township identified enough substandard units occupied by eligible "Mt. Laurel" households to rehabilitate twenty (20) units. Therefore, the existence and identification of twenty-one (21) qualified substandard housing units is not anticipated to be a problem, and Hillsborough Township will designate at least one (1) key employee with the experience necessary to administer the rehabilitation program.

### The Development And Administration Of The Program

The development and administration of the rehabilitation program also will be easily accomplished. Hillsborough Township adopted a Housing Rehabilitation Ordinance in 1988, which was approved by COAH and which includes detailed provisions regarding the program and how it will be administered.

Therefore, this existing rehabilitation program in Hillsborough Township needs only to be re-energized in order to meet the second cycle indigenous need of twenty-one (21) units. The Director of Social Services and the Township Administrator, who also is the Housing Administrator for the Affordable Housing Board, are ready to implement and administer the provisions of the rehabilitation program included in the Housing Rehabilitation Ordinance.

### Credits Without Control

Hillsborough Township believes that there are a number of "Mt. Laurel" eligible households occupying homes built between April 1, 1980 and December 15, 1986 whose market value is below \$100,000. Under COAH's "Credit Without Control Rule" N.J.A.C. 5:93-3.2(b), those homes qualify as a credit against the precredited need. Hillsborough Township experienced the construction of a substantial amount of least cost housing during the 1980's, and there is good reason to believe that many of these homes are occupied by households whose incomes are within the COAH income limits currently established for Somerset County; i.e., \$49,040 for a 4-person "moderate income" household and \$34,328 for a 1-person "moderate income" household.

At this time, the Township of Hillsborough has documented the existence of twenty (20) senior citizen households which fall within the income and Certificate of Occupancy date parameters established by COAH's "Credit Without Control Rule". The income parameter has been verified by filed affidavits with the Township Tax Assessor attesting to earned household incomes less than \$10,000 per year, which has qualified them for a senior citizen real estate tax deduction.

*The Township of Hillsborough asserts that an appropriate affidavit from the Township Tax Assessor should suffice to document these twenty (20) credits under COAH's "Credit Without Control Rule" without the need to disturb the confidentiality of the subject senior citizen households; if a waiver is needed on this issue, it is hereby requested.*

In the event that legislation is adopted which imposes affordability requirements with respect to these documented senior citizen units, it is noted that the market value of the subject units are as follows: eight (8) below \$60,000; four (4) below \$70,000; one (1) below \$80,000; four (4) below \$100,000; and three (3) between \$100,000 and \$107,000.

The Township of Hillsborough has reason to believe that it will be able to document many additional units under COAH's "Credit Without Control Rule". *Therefore, the Township of Hillsborough specifically reserves the right to amend this "Fair Share Plan" to include such additional credits under COAH's "Credits Without Control Rule" should the Township be able to verify the required income and Certificate of Occupancy date information.*

The credit of twenty (20) units under COAH's "Credits Without Control Rules" would have the following effects on the calculations for the maximum number of age-restricted senior citizen units, the "final inclusionary component (FIC) and the second cycle required number of rental units:

Impact On Senior Citizen Component Number

Precredited Need	+482 du's
Town Of Phillipsburg Regional Contribution Agreement	-79
Credits Without Control Units	-20
Subtotal:	383 du's
Senior Citizen Component Number (@ 25%)	96 du's

Impact On Final Inclusionary Component (FIC) Number

Adjusted Precredited Need	+291 du's
Rental Bonus Credits	-46
Substantial Compliance Credit	-49
Credits Without Control Units	-20
Final Inclusionary Component (FIC):	+176 du's

Impact On Second Cycle Rental Component Number

The second cycle rental component would equal forty-four (44) units, or 176 units multiplied by twenty-five percent (25%).

*Summarily, the "final inclusionary component" (FIC) of one hundred seventy-six (176) units would be met as follows: ninety-six (96) senior citizen units and forty (40) non-age restricted rentals would be constructed which would result in a bonus rental credit of another forty (40) units.*

### **Conclusion**

In consideration of all the information and documentation noted within this "Fair Share Plan", the Township of Hillsborough respectfully requests that it receive "Substantive Certification" from the New Jersey Council On Affordable Housing (COAH).

### **AFFORDABLE HOUSING PROVISIONS**

The proposed "Affordable Housing Provisions", in accordance with the "Substantive Rules" of the New Jersey Council On Affordable Housing (COAH), are contained in a separate document which accompanies this "Housing Plan Element And Fair Share Plan" document.

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# Township of Hillsborough

COUNTY OF SOMERSET  
MUNICIPAL BUILDING  
555 AMWELL ROAD  
NESHANIC, NEW JERSEY 08853

TELEPHONE  
(908) 369-4313

## Ordinance 97-28

**An Ordinance repealing Chapter 77 (Development Regulations) Section 91.1 (PAC - Planned Adult Community) of the Municipal Code of the Township of Hillsborough, County of Somerset, State of New Jersey.**

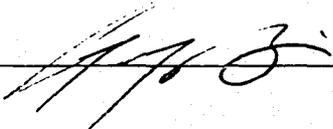
**BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

Section I. Chapter 77 (Development Regulations), Section 91-1 (PAC - Planned Adult Community), is hereby repealed in its entirety.

The within ordinance shall become effective upon adoption and publication and filing with the Somerset County Planning Board in accordance with New Jersey law.

I, Gregory J. Bonin, Hillsborough Township Clerk, hereby certify that the above ordinance is a true and correct copy of an ordinance introduced on first reading by the Township Committee of the Township of Hillsborough at a regular and duly convened meeting held on August 26, 1997, amended on September 23, 1997, and adopted on October 28, 1997.

In witness thereof I have set my hand and affixed the seal of the Township of Hillsborough this 29<sup>th</sup> day of October 1997.

  
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# Township of Hillsborough

COUNTY OF SOMERSET  
MUNICIPAL BUILDING  
555 AMWELL ROAD  
NESHANIC, NEW JERSEY 08853

TELEPHONE  
(908) 369-4313

## RESOLUTION

**WHEREAS**, Ordinance 97-28 is an ordinance repealing Chapter 77, Section 91.1 of the Township Municipal Code (PAC/HCF Ordinance); and

**WHEREAS**, said ordinance was introduced on August 26, 1997 and amended on September 23, 1997 with a public hearing continued and held on October 28, 1997; and

**WHEREAS**, such PAC/HCF ordinance repealer might be viewed as being inconsistent with the Land Use Plan Element and the Housing Plan Element of the Master Plan or not designed to effectuate such Plan elements; and

**WHEREAS**, the Township Planning Board filed a report on June 16, 1997 with the Township Committee clarifying that the repealer was not intended to be contrary to the Land Use Plan Element and the Housing Plan Element of the Master Plan which provides for senior citizen housing, but was intended to be replaced by a superior ordinance; and

**WHEREAS**, the Township Committee is in accord with that goal, namely, developing another senior citizen ordinance intended to meet senior citizen housing goals articulated in the Township Master Plan; and

**WHEREAS**, N.J.S.A. 40:55D-62(a) declares that a Governing Body may adopt a zoning ordinance or amendment thereto which in whole or part is inconsistent with or not designed to effectuate the Land Use Plan Element and the Housing Plan Element, but only by affirmative vote of a majority of the full authorized membership of the Governing Body with the reasons of the Governing Body for so acting set forth in a resolution and recorded in its minutes when adopting such a zoning ordinance; and

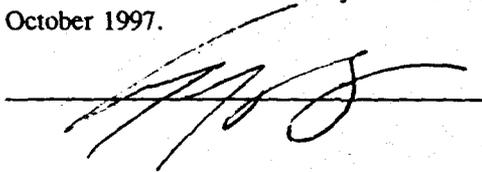
**WHEREAS**, the goals of the Planning Board and Township Committee on this issue are consistent with the Master Plan in that future enabling Legislation is anticipated, but such ordinance (97-28) might be viewed as being inconsistent with the Master Plan.

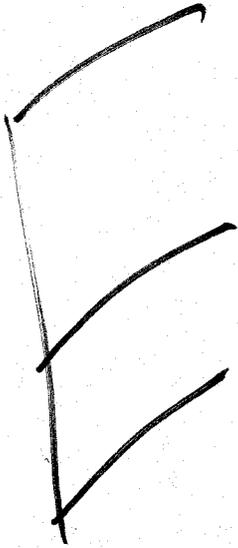
**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows;

1. It embraces and is in accord with the Planning Board Memorandum of June 16, 1997 to the Township Committee attached hereto.
2. It believes, that its action in repealing the PAC/HCF Ordinance is consistent and not inconsistent with the Master Plan and designed to effectuate the Land Use Plan Element and the Housing Plan Element of the Master Plan.
3. It reaches this conclusion because, like the Planning Board, it is its intention to enact an ordinance which will replace the PAC/HCF Ordinance and address the issue of senior citizen housing in a more meaningful way more responsive to engineering, planning and design standards.

4. While the repealer ordinance may, at first glance, appear inconsistent with the Master Plan, it is in reality consistent with the Master Plan because of the intention of the Planning Board and Township Committee to develop a new ordinance on the subject.
5. It declares that even if the ordinance repealer is viewed as inconsistent with the Master Plan, it may be passed by a majority of the membership of the Governing Body with the reasons set forth in this Resolution.
6. The reasons for adopting the PAC/HCF ordinance repealer include, not by way of limitation:
  - a) The experience gained with the ordinance will allow planning and engineering staff to develop more precise and comprehensive planning, engineering and design standards which will be incorporated into a new ordinance.
  - b) The Township Committee's intent with the Planning Board assistance and recommendation is to adopt another ordinance which will address the goal of senior citizen housing in a more precise manner that meets the needs of senior citizens, imposes appropriate requirements upon developers and protects the interest of the Township as a whole.
  - c) The replacement of one or with a superior ordinance, both of which meet the Land Use Plan Element and the Housing Plan Element of the Master Plan, as it pertains to senior citizens, is a legitimate municipal goal.
  - d) The new ordinance will develop a menu of methods by which the need for senior citizen housing and health care facilities may be addressed.
7. It therefore concludes that this ordinance repealer is not inconsistent with the Land the Plan Element and the Housing Plan Element of the Master Plan, but that if be viewed as such, the ordinance repealer is justified for the reasons set forth in this Resolution and lawfully adopted pursuant to the requirements of N.J.S.A. 40:55D-62.

I, Gregory J. Bonin, Hillsborough Township Clerk, hereby certify that the above resolution is a true and correct copy of a resolution adopted by the Township Committee of the Township of Hillsborough at a regular and duly convened meeting held on October 28, 1997.  
In witness thereof I have set my hand and affixed the seal of the Township of Hillsborough this 29<sup>th</sup> day of October 1997.





## Township of Hillsborough



COUNTY OF SOMERSET  
MUNICIPAL BUILDING  
AMWELL ROAD  
NESHANIC, NEW JERSEY 08853

TELEPHONE  
(908) 389-4313

JUL 22 1994

July 12, 1994

Mr. Anthony McCracken  
Administrative Planner  
Somerset County  
Planning Department  
P.O. Box 3000  
County Administration Building  
20 Grove Street  
Somerville, New Jersey 08876

Re: WASTEWATER MANAGEMENT PLAN AMENDMENT REQUEST FOR  
PLANNED ADULT COMMUNITY/HEALTH CARE FACILITY  
PAC/HCF

Dear Mr. McCracken:

As you are aware, the Hillsborough Municipal Utilities Authority has proposed an amendment to the Upper Raritan Watershed Wastewater Management Plan which would include the above referenced "Planned Adult Community" in the planned sewer area.

You may even be aware that the proposed PAC development was identified as a Planned Village Center in the State Development and Redevelopment Plan during the Cross Acceptance process, and in fact, the Township has begun the process to obtain a Village Center designation.

However, you are undoubtedly not aware of the importance of the PAC development in satisfying Hillsborough Township's Affordable Housing requirements.

In fact, it is the ability of PAC's affordable senior citizen housing component to provide for all of Hillsborough's low and moderate housing, which laid the ground work for much of our amended Master Plan and the Planning approvals which the PAC development currently enjoys.

It is precisely because of the Council on Affordable Housing's (COAH) deadline for Substantive Certification of a fair share plan addressing Hillsborough's 1993 to 1999 calculated need that I am writing to request that the Somerset County Planning Board/Wastewater Policy Advisory Group endorse the expansion of the planned sewer area for the PAC development as a minor change to the existing greater Water Quality Management Plan.

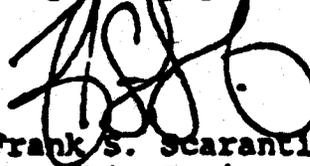
We understand that the Policy Advisory Group has concurred with the HTMUA requested changes and that the draft plan for the Upper Raritan Watershed Waste Water Management Plan Update will be sent to Trenton shortly. However, the process of plan approval is lengthy and may prove to be too long for Hillsborough's need!

With nearly all other issues involving the PAC development addressed, your assistance in this issue will be pivotal to Hillsborough's successful implementation of a fair share plan which does not rely on another inclusionary development.

Clearly good planning for the future of Hillsborough does not include another "Builder's Remedy".

Your consideration in this matter is greatly appreciated!

Very truly yours,



Frank S. Scarantino, P.E., P.P.  
Township Engineer

FSS:hel

cc: Mayor Ken Scherer  
Thomas Bates  
Peg Van Patten  
Edward A. Halpern, Township Attorney  
Shirley Yannich, Director of Development  
Bob Hiebell, (PAC) Van Cleef Engineering



F

94-1080/803-168

# Township of Hillsborough



COUNTY OF SOMERSET  
MUNICIPAL BUILDING  
AMWELL ROAD  
NEWMARK, NEW JERSEY 08623

PHONE 908-389-4313



KENNETH G. SCHERER  
MAYOR

HELEN HAINES  
DEPUTY MAYOR

COMMITTEE

ELANE DE MILIA  
GEORGE OSTENGRE  
GLEN VAN LIER

Daniel Van Abs, Ph.D.  
Assistant Administrator  
Office of Land and Water Planning  
CN-423  
Department of Environmental  
Protection & Energy  
401 East State Street  
Trenton, N. J. 08625

August 1, 1994

Re: WASTEWATER MANAGEMENT PLAN AMENDMENT REQUEST FOR  
HILLSBOROUGH TOWNSHIP MUNICIPAL UTILITY AUTHORITY  
PLANNED ADULT COMMUNITY/HEALTH CARE FACILITY  
PAC/HCF

Dear Dr. Van Abs:

The Hillsborough Municipal Utilities Authority has proposed an amendment to the Upper Raritan Watershed Wastewater Management Plan which would include the above referenced "Planned Adult Community" in the planned sewer area.

The proposed PAC development was identified as a Planned Village Center in the State Development and Redevelopment Plan during the Cross Acceptance process. This is significant because the PAC development is vital to satisfying Hillsborough Township's Affordable Housing requirements.

In fact, it is the ability of PAC's affordable senior, citizen housing component to provide for all of Hillsborough's low and moderate housing which laid the ground work for the Planning approvals which the PAC development currently enjoys, approvals consistent with Hillsborough's Master Plan.

It is because of the Council on Affordable Housing's (COAH) deadline for Substantive Certification of a fair share plan addressing Hillsborough's 1993 to 1999 calculated need that I am writing to request that your office expedite the review process of PAC's application for a minor change to the existing greater Water Quality Management Plan.

The attached letter from Mr. Anthony V. McCracken, Administrative Planner for Somerset County, Policy Advisory Group concurs with the HTMUA requested changes and acknowledges that the draft submission for the Upper Raritan Watershed Waste Water Management Plan Update will be sent to Trenton shortly. The letter also endorses Hillsborough Township and PAC seeking an individual amendment for this project in advance of their plan submission.

With nearly all other issues involving the PAC development addressed, your assistance in this issue will be pivotal to Hillsborough's successful implementation of a fair share plan which does not rely on another inclusionary development.

Clearly good planning for the future of Hillsborough does not include another "Builder's Remedy".

Your consideration in this matter is greatly appreciated!

Very truly yours,



Ken Scherer,  
Mayor

KS:hel

cc: Thomas Bates  
Peg Van Patten  
Frank S. Scarantino, Township Engineer  
Edward A. Halpern, Township Attorney  
Shirley Yannich, Director of Development  
Bob Hiebell, (PAC) Van Cleef Engineering

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**SOMERSET COUNTY/UPPER RARITAN WATERSHED  
WASTEWATER MANAGEMENT PLAN**

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**UPPER RARITAN WATER QUALITY MANAGEMENT PLAN**

**LOWER RARITAN/MIDDLESEX WATER QUALITY MANAGEMENT PLAN**

**NORTHEAST WATER QUALITY MANAGEMENT PLAN**

---

**SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS  
SOMERVILLE, NEW JERSEY**

**NOVEMBER 1994**

**MALCOLM PIRNIE, INC.**

**One International Boulevard  
Mahwah, New Jersey 07495  
(201) 529-4700**

**102 Corporate Park Drive  
P.O.Box 751  
White Plains, New York 10602  
(914) 694-2100**

**0273-001**

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## **1.0 INTRODUCTION**

The purpose of this document is to provide a comprehensive Wastewater Management Plan (WMP) for the Somerset County Board of Chosen Freeholders (County). The WMP has been submitted to the New Jersey Department of Environmental Protection (Department) for approval so that it may be incorporated into the Upper Raritan Water Quality Management Plan, the Lower Raritan/Middlesex Water Quality Management Plan and the Northeast Water Quality Management Plan via the plan amendment procedure (N.J.A.C. 7:15).

The County by an amendment to the Upper Raritan Water Quality Management Plan has assumed wastewater management planning responsibility from the following agencies:

**Bedminster Township  
Bernardsville Borough  
Branchburg Township  
Far Hills Borough  
Hillsborough Municipal Utilities Authority  
Manville Borough  
Millstone Borough  
Peapack-Gladstone Borough  
Somerset Raritan Valley Sewerage Authority (SRVSA)  
Warren Township Sewerage Authority (for a portion of the Township approximating the Raritan River Basin)**

Its WMP area encompasses all or parts of the following municipalities:

**Bedminster  
Bernards  
Bernardsville  
Branchburg  
Bridgewater  
Chester Township  
Far Hills  
Green Brook  
Hillsborough  
Manville  
Millstone  
Peapack-Gladstone  
Raritan  
Somerville  
Warren**

Wastewater management planning, municipal, district and drainage basin boundaries are delineated on the Plate 1, Planning Area Map. The planning area boundary shown is that which will become effective upon adoption of this WMP.

The portion of Bernards Township serviced by the Environmental Disposal Corporation (EDC) Wastewater Treatment Plant in Bedminster, the portion of the Gill St. Bernards School located in Chester which will be serviced by the EDC Wastewater Treatment Plant in Bedminster and the portions of Green Brook and Bernards serviced by the SRVSA Wastewater Treatment Plant via the Warren Township Sewerage Authority and Bridgewater sewerage systems will become part of the WMP area upon adoption of this WMP.

A portion of Bridgewater which is inside the district of the SRVSA is served by the Middlesex County Utilities Authority via the Plainfield Joint Meeting and is not part of the WMP area. A small section of Bernardsville serviced by the Bernards Township Sewerage Authority and a portion of Bridgewater serviced by the Middlesex County Utilities Authority via Bound Brook's sewerage system are not part of the WMP area.

Individual subsurface disposal facilities serve all of Millstone and portions of Bedminster, Bernardsville, Branchburg, Far Hills, Green Brook, Hillsborough, Peapack-Gladstone and Warren. There are scattered septic systems in Bridgewater, Raritan, and Somerville.

Somerset County will, in accordance with N.J.A.C. 7:15.53c, satisfy its responsibilities as Wastewater Management Planning Agency by preparing and submitting this WMP and future updates to the same as required by law, by offering the affected governmental units within the Somerset County/Upper Raritan Watershed basin, prior to the commencement of the update process of the WMP or future updates to the same, the choice of preparing their own portion of the WMP, as it affects their municipality or having the County prepare the same. In the event a municipality does not advise the County Planning Board of its desire to prepare its portion of the plan or update within sixty (60) days of notice from the county as to the municipality's or authority's choice, then the Somerset County Planning Board, within the Advisory Committee structure defined in the Somerset County/Upper Raritan Watershed Wastewater Management Planning Procedures, will proceed to prepare the plan or update in accordance with those same procedures.

No municipality or authority has chosen to prepare its own portion of the WMP. However, the NJDEP has previously approved WMP's for Bedminster, Bernards,

Bernardsville, Far Hills, the Hillsborough Municipal Utilities Authority, Manville, Peapack-Gladstone and the Warren Township Sewerage Authority. This WMP has been coordinated with the existing WMP's except where new information has superseded earlier planning.

The WMP area is entirely outside the Hackensack Meadowland District, the Pinelands Commission District and areas subject to New Jersey's Coastal Zone Management Programs.

## 2.0 SUMMARY TABLE

Significant actions proposed in the WMP include the following:

- The portion of Bernardsville in the Bernards Township Sewerage Authority service becomes part of the Bernards Township Sewerage Authority WMP area.
- The portion of Bernards in the EDC service area becomes part of the Somerset County/Upper Raritan Watershed WMP area.
- The portion of Bernards in the SRVSA service area becomes part of the Somerset County/Upper Raritan Watershed WMP area.
- The portion of Green Brook in the SRVSA service area becomes part of the Somerset County/Upper Raritan Watershed WMP area.
- The portion of Bridgewater in the Middlesex County Utilities Authority service area served via Bound Brook becomes part of the Middlesex County Utilities Authority WMP area.
- The SRVSA service area in Hillsborough expands to encompass areas where the zoned land use requires sewers, areas where malfunctioning septic systems require sewers, and the service area of the Veterans Depot, Fieldhedge, River Road and GSA Depot wastewater treatment plants. The Veterans Depot, River Road, and Fieldhedge wastewater treatment plant will be decommissioned. The GSA Depot wastewater treatment plant has been decommissioned already. A portion of Hillsborough depicted on Figure 1 in the expanded service area may be serviced by non-surface discharge disposal facilities with design flows of less than 20,000 gallons per day until such time that service from SRVSA becomes available.
- The SRVSA service area in Branchburg expands to encompass the sewer service area identified by the Branchburg Master Plan.
- The SRVSA service area in Warren expands to conform to the service area defined by the Warren Township WMP.
- The SRVSA service area expands to include the Borough of Millstone.
- The EDC service area expands to include additional portions of Far Hills where anticipated land uses will require sewer service. The EDC service area expands to include additional portions of Bedminster, as delineated in Plate 3A. The remaining portions of Bedminster will continue to be served by individual subsurface sewage disposal systems consistent with resolution 94-39 of the Bedminster Township Committee.

- In Bernardsville the existing quarry wastewater treatment facility will be replaced by a new facility serving the same geographical area upon redevelopment of the quarry for other uses.
- The EDC service area will expand to include the Peapack-Gladstone service areas as delineated in Plate 3-A. The Peapack-Gladstone treatment plant will be converted to a pumping station to convey wastewater to the EDC wastewater treatment plant.
- The SRVSA is addressing capacity assurance requirements including the possibility of expanding its treatment plant to accommodate the projected flow increase.

### 3.0 DISCUSSION OF EXISTING AND FUTURE DOMESTIC AND INDUSTRIAL TREATMENT FACILITIES

#### 3.1 DESCRIPTION OF EXISTING TREATMENT FACILITIES

---

There are eleven domestic treatment plants located in the WMP area that operate under New Jersey Pollutant Discharge Elimination System (NJPDES) permits. The wastewater treatment plants and the municipalities in which they are located are summarized as follows:

Treatment Plant	Municipality
SRVSA	Bridgewater
Peapack	Peapack-Gladstone
Fox Hollow	Branchburg
Neshanic Station	Branchburg
Bernardsville	Bernardsville
Department of Veteran Affairs Supply Depot	Hillsborough
Fiddler's Elbow Country Club	Bedminster
River Road	Hillsborough
Fieldhedge	Hillsborough
EDC	Bedminster
John Z. Delorean	Bedminster

Tables 1 to 11 summarize the information required in the WMP for each plant in accordance with the NJDEP Wastewater Management Plan Content Summary checklist (1993).

The first six of these above eleven facilities are publicly owned domestic treatment plants.

The SRVSA plant located in Bridgewater provides both residential and non-residential services to a large portion of the WMP area as depicted on Plate 2. More specifically the SRVSA plant provides service to portions of Branchburg, Bridgewater,

Hillsborough, Manville, Raritan, Somerville, Warren, Green Brook, and Bernards. Its current annual average flow is 16.05 mgd as tabulated on Table 1.

The Peapack plant provides residential and non-residential service to a portion of Peapack-Gladstone at a current annual average wastewater flow of 0.18 mgd as shown on Table 2.

The Fox Hollow and Neshanic Station plants provide residential service to portions of Branchburg; operating currently at annual average flows of 0.024 and 0.034 mgd as shown on Tables 3 and 4 respectively.

The Bernardsville plant provides both residential and non-residential service to a portion of Bernardsville. Its current annual average flow is 0.491 mgd as explained on Table 5.

The Department of Veteran Affairs Supply Depot plant serves only the depot in Hillsborough. It discharges at an average rate of 0.070 mgd as noted on Table 6.

The other five plants, Fiddler's Elbow Country Club, River Road, Fieldhedge, EDC and John Z. Delorean are privately owned and operated facilities.

The Fiddler's Elbow Country Club located in Bedminster Township discharges 0.017 mgd of wastewater to the Lamington River, as noted in Table 7.

River Road and Fieldhedge are owned by the Valley Road Sewerage Company and provide residential service to portions of Hillsborough. They operate currently at annual average flow of 0.103 and 0.089 mgd as noted on Tables 8 and 9 respectively.

The EDC plant is owned by the Environmental Disposal Corporation and provides both residential and non-residential service to portions of Bedminster, Bernards and Far Hills. Currently the annual average wastewater flow is 0.770 mgd (see Table 10).

The John Z. Delorean plant operates at an average flow of 0.001 mgd as shown on Table 11. It serves a multi-unit residential structure.

In addition to the domestic treatment plants four permitted discharges characterized as industrial treatment works, are located within the WMP area. These discharges are:

- Bernardsville Quarry
- Gibson Tube Inc.
- Industrial Tube Corp.
- Raritan-Millstone Water Treatment Plant

The Bernardsville Quarry is owned by Bernardsville Quarry, Inc., and there is currently no controlled treatment or discharge of quarry drainage to Mine Brook. The Gibson Tube, Inc. discharges 0.03 mgd of industrial wastewater to a tributary of Cuckels Brook. The Industrial Tube Corp. is located in Hillsborough Township and discharges industrial wastewater to a tributary of Royce Brook. The Raritan-Millstone Water Treatment Plant, owned by Elizabethtown Water Company, intermittently discharges filter backwash water from its lagoons to the Raritan River. Tables 12 to 15 summarize the information required in the WMP for each plant in accordance with the NJDEP Wastewater Management Plan Content Summary checklist (1993).

The Harrison Brook wastewater treatment plant, located outside the WMP area, provides wastewater treatment service to a small section of Bernardsville. It discharges wastewater to the Dead River (see Table 16).

The Middlesex County Utilities Authority wastewater treatment plant, located outside the WMP area, provides wastewater treatment service to a portion of Bridgewater as described in Section 1.0. The average flow directed to this plant from the portion of Bridgewater serviced via the Bound Brook sewerage system is about 0.060 mgd. Pertinent information is summarized on Table 17.

About 24 percent of the WMP area's population relies on individual and other domestic non-surface disposal facilities with design flows of less than 20,000 gallons per day. The population relying on individual and other domestic non-surface disposal facilities has been estimated as the difference between the 1993 municipal population estimates prepared by the Somerset County Planning Board (June, 1993) and the population estimates for wastewater treatment plant service areas tabulated on Tables 1 through 18 except for Warren and Green Brook. Estimates of the unsewered population in Warren and Green Brook are based on enumerating dwellings outside the service area on Plate 2 and multiplying those figures by the average 1993 household size estimate prepared by the Somerset County Planning Board (June, 1993).

### **3.2 DESCRIPTION OF FUTURE TREATMENT FACILITIES**

---

Plate 3 depicts the anticipated extent of the sewer and non-sewer service areas. Tables 1 through 18 summarize the required future treatment facility information. The methodology and basis used to estimate future service populations and flows are described

on the tables and in Section 4. In general population projections have been brought into conformance with the year 2010 municipal population projections prepared by the Somerset County Planning Board (June 1993) except where planned projects supersede the methodology of the Planning Board's projections or where projections from a previously approved WMP are used. Commercial and industrial flow projections are adopted from the projections made by various agencies in earlier WMPs and from planned changes in zoning brought to the attention of the planning board. Stipulations affecting facilities and development are contained in Section 3.3.

Considering the status of the existing WMP area treatment plants, correspondence from WMP area developers regarding sewer services issues, and input from municipal governmental representatives, the SRVSA will expand in its role as the largest provider of sewer service for the WMP area by the year 2013.

It is anticipated that four other plants will be abandoned and their wastewater will be conveyed to other treatment plants. More specifically the Fieldhedge and River Road treatment plants, and the Department of Veteran Affairs Supply Depot will be abandoned and their service areas will become part of the SRVSA service area. The Peapack-Gladstone treatment plant is planned to be converted to a pumping station directing the wastewater through a new force main to the EDC treatment plant.

There are no plans to abandon any of the existing industrial treatment works. However, the Bernardsville Quarry treatment facility, currently classified as industrial, may be replaced to provide domestic wastewater service to its service area in the event the quarry's land usage changes. Currently, there is no controlled treatment or discharge of quarry drainage to Mine Brook from the Bernardsville Quarry. Table 19 contains summary information for the potential new treatment plant.

The maximum average flow for a period of three consecutive months in 1993 to the SRVSA treatment plant has already triggered NJDEP's capacity assurance program requirements. An increase in permitted flow and in design capacity will be needed to accommodate the flow projected by the end of the planning period. The SRVSA is currently studying those requirements and its needs.

Projections for the EDC treatment plant presented in Table 10 indicate that an increase in permitted flow and in design capacity will be needed by the end of the planning period. The EDC is presently pursuing an increase in its discharge allocation and

treatment capacity to 2.0 mgd in order to accommodate up to 0.450 mgd from Peapack-Gladstone.

All the other treatment facilities anticipated to remain through the planning period have adequate capacities for their projected flows.

Existing programs to minimize individual and other domestic non-surface disposal facilities with design flows of less than 2,000 gallons per day will remain in effect. Therefore, existing septic systems not meeting state standards will either be abandoned or upgraded depending upon site specific conditions.

### **3.3 STIPULATIONS AFFECTING FACILITIES AND DEVELOPMENT**

---

All existing, new, or expanded industrial pretreatment facilities requiring Significant Indirect User (SIU) permits and/or Treatment Works approvals, and which are located within the specified sewer service areas, are deemed to be consistent.

Individual subsurface sewage disposal systems for individual residences can only be constructed in depicted sewer service areas if legally enforceable guarantees are provided, before such construction, that use of such systems will be discontinued when the depicted sewer service becomes available. Provision in place to satisfy this stipulation are as follows:

<b>Municipality</b>	<b>Provision</b>
Bedminster	Ordinance
Bernards	Not Applicable
Bernardsville	Ordinance
Branchburg	Ordinance
Bridgewater	Ordinance
Chester	Not Applicable
Far Hills	Unknown
Green Brook	Ordinance
Hillsborough	Ordinance
Manville	Septic systems prohibited
Millstone	Unknown
Peapack-Gladstone	Ordinance
Raritan	Ordinance
Somerville	Ordinance
Warren	Ordinance

Development in areas mapped as wetlands, flood prone areas, designated river areas, or other environmentally sensitive areas may be subject to special regulation under Federal or State statutes or rules. Interested persons should check with the Department of Environmental Protection for the latest information. Depiction of environmental features is for general information purposes only, and shall not be construed to define the legal geographic jurisdiction of such statutes or rules.

Preexisting grant conditions and requirements (from DEP grants or loans for sewerage facilities) which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this WMP and compliance is required.

### **3.4 WMP AREA ASSIGNMENTS**

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No assignments contrary to N.J.A.C. 7:15-5.11(b) are being made. Therefore the portion of Bernardsville in the Bernards Township Sewerage Authority service area becomes

part of the Bernards Township Sewerage Authority WMP area, the portion of Bernards in the EDC service area becomes part of the Somerset County/Upper Raritan Watershed WMP area, the portion of Bernards in the SRVSA service area becomes part of the Somerset County/Upper Raritan Watershed WMP area, the portion of Green Brook in the SRVSA service area becomes part of the Somerset County/Upper Raritan Watershed WMP area, the portion of the Gill Street Bernards School property in Chester Township which will be part of the EDC service area becomes part of the Somerset County/Upper Raritan Watershed WMP area, and the portion of Bridgewater in the Middlesex County Utilities Authority service area served via Bound Brook becomes part of the Middlesex County Utilities Authority WMP area.

**TABLE 1**  
**Somerset Raritan Valley Sewerage Authority (SRVSA)**

- |                                    |  |
|------------------------------------|--|
| 1. Name:                           | Somerset Raritan Valley Wastewater Treatment Plant |
| 2. Status:                         | Existing   |
| 3. NJPDES Permit Number:           | NJ0024864  |
| 4. Discharge:                      | Surface Water                                      |
| 5. Receiving Water:                | Raritan River (Cuckels Brook)                      |
| 6. Receiving Water Classification: | FW 2 Non-Trout                                     |
| 7. Owner:                          | Somerset Raritan Valley Sewerage Authority         |
| 8. Operator:                       | Somerset Raritan Valley Sewerage Authority         |
| 9. Co-permittee:                   | Not Applicable                                     |
| 10. Location of Facility:          |  |
| Municipality                       | Township of Bridgewater                            |
| County                             | Somerset   |
| Street Address                     | Polhemus Lane                                      |
| 11. Location of Discharge:         |  |
| Latitude                           | 40°30'18" North                                    |
| Longitude                          | 74°34'02" West                                     |
| 12. Present Permitted Flow:        | 21.3 mgd <sup>(1)</sup>                            |
| 13. Present Design Capacity:       | 21.3 mgd   |
| 14. Population Served:             |  |

Municipality	Year 1993	Year 2013 <sup>(1)</sup>
Branchburg	10,737 <sup>(2)</sup>	13,127 <sup>(2)</sup>
Bridgewater	33,051 <sup>(1,2)</sup>	38,470 <sup>(2)</sup>
Hillsborough	19,196 <sup>(2)</sup>	48,414 <sup>(2)</sup>
Manville	10,412 <sup>(1)</sup>	10,606 <sup>(2)</sup>
Raritan	5,710 <sup>(1)</sup>	6,166 <sup>(2)</sup>
Somerville	11,255 <sup>(1)</sup>	11,584 <sup>(2)</sup>
Warren/Green Brook	3,457 <sup>(2)</sup>	10,435 <sup>(2)</sup>
Millstone	0	448 <sup>(2)</sup>
<b>Total:</b>	<b>93,818</b>	<b>139,250</b>

15. Summary of Annual Average Wastewater Flows:

	Year 1993 (mgd)	Year 2013(mgd)
1. Branchburg		
Residential <sup>(6)</sup>	0.81	0.98
Commercial	0.11 <sup>(7)</sup>	0.18 <sup>(11)</sup>
Industrial	0.32 <sup>(7)</sup>	0.63 <sup>(11)</sup>
Infiltration/Inflow <sup>(8)</sup>	0.00	0.00
Total:	1.24 <sup>(9)</sup>	1.79
2. Bridgewater		
Residential <sup>(6)</sup>	2.48	2.89
Commercial	0.49 <sup>(7)</sup>	1.00 <sup>(11)</sup>
Industrial	0.77 <sup>(7)</sup>	1.00 <sup>(11)</sup>
Infiltration/Inflow <sup>(8)</sup>	1.45	1.45
Total:	5.19 <sup>(9)</sup>	6.34
3. Hillsborough		
Residential <sup>(6)</sup>	1.44	3.63)
Commercial	0.19 <sup>(7)</sup>	4.34 <sup>(11)</sup>
Industrial	0.05 <sup>(7)</sup>	0.86 <sup>(11)</sup>
Infiltration/Inflow <sup>(8)</sup>	0.38	0.43 <sup>(12)</sup>
Total:	2.06 <sup>(9)</sup>	9.26
4. Manville		
Residential <sup>(6)</sup>	0.78	0.80
Commercial	0.15 <sup>(7)</sup>	0.15 <sup>(11)</sup>
Industrial	0.00 <sup>(7)</sup>	0.20 <sup>(11)</sup>
Infiltration/Inflow <sup>(8)</sup>	0.30	0.30
Total:	1.23 <sup>(9)</sup>	1.45
5. Millstone		
Residential <sup>(6)</sup>	0.00	0.03
Commercial	0.00	0.31 <sup>(11)</sup>
Industrial	0.00	0.00
Infiltration/Inflow	0.00	0.00
Total:	0.00	0.04
6. Raritan		
Residential <sup>(6)</sup>	0.43	0.46
Commercial	0.15 <sup>(7)</sup>	0.22 <sup>(11)</sup>
Industrial	0.41 <sup>(7)</sup>	0.57 <sup>(11)</sup>
Infiltration/Inflow <sup>(8)</sup>	0.10	0.10
Total:	1.09 <sup>(9)</sup>	1.35

7. Somerville		
Residential <sup>(6)</sup>	0.84	0.87
Commercial	0.53 <sup>(7)</sup>	0.72 <sup>(11)</sup>
Industrial	0.05 <sup>(7)</sup>	0.05 <sup>(11)</sup>
Hospital	0.17 <sup>(7)</sup>	0.17 <sup>(11)</sup>
Infiltration/Inflow <sup>(8)</sup>	1.51	1.51
Total:	3.10 <sup>(6)</sup>	3.32
8. Warren/Green Brook		
Residential <sup>(6)</sup>	0.26	0.92 <sup>(7)</sup>
Commercial	0.09 <sup>(7)</sup>	0.32 <sup>(7)</sup>
Industrial	0.00 <sup>(7)</sup>	0.00
Infiltration/Inflow <sup>(8)</sup>	0.05	0.00 <sup>(12)</sup>
Total:	0.40 <sup>(6)</sup>	1.24
9. Directed Connected Industries		
ACCO	1.65 <sup>(6)</sup>	5.00 <sup>(13)</sup>
National Starch	0.09 <sup>(6)</sup>	0.09
GRAND TOTAL:	16.05 <sup>(6)</sup>	29.88

Notes:

- (1) Somerset County January 1, 1993 estimate by Somerset County Planning Board.
- (2) SRVSA Wastewater Management Plan plus 1992-1993 population increase estimated by Somerset County Planning Board.
- (3) Somerset County Planning Board year 2000 to year 2010 municipal population trend extrapolated to 2013 less current population in other service areas.
- (4) Total of metered flows 4th Quarter, 1992, first three quarters 1993.
- (5) Municipal population estimate by Somerset County less approximately 2000 either served by Middlesex County Utilities Authority or served by individual subsurface disposal systems.
- (6) Residential wastewater flows estimated at 75 gallon/person.
- (7) SRVSA Wastewater Management Plan 1992 data.
- (8) Difference between 1993 metered flow and 1993 residential, commercial, and industrial flows.
- (9) Somerset County Planning Board year 2000 to year 2010 municipal population trend extrapolated to year 2013.
- (10) Per Table 7 in Township of Warren Sewerage Authority Population Projections Summary provided by Warren, November 1994.
- (11) SRVSA Wastewater Management Plan 2012 projection.
- (12) Increase contributed by abandoned existing treatment plants service areas (River Road, Fieldhedge, Dept. of Veterans Affairs).
- (13) SRVSA - Lederle Laboratories Agreement
- (14) 10 percent of estimate for entire commercial and office research zones at 0.1 gallon per square foot.
- (15) 16.3 mgd exclusive of contractual agreement with Lederle Laboratories.
- (16) Buildout commercial and industrial zoning as provided by Hillsborough Planning Department 8/94 at 0.1 gallon per square foot plus 1110 health care beds at 125 gallons per bed in planned adult community.
- (17) Warren Township WMP projections and flow from 65 dwellings in Bridgewater.
- (18) Infiltration/inflow not separated.
- (19) Includes flow from Pingry School.
- (20) 27,200 per SRVSA Wastewater Management Plan Year 2012 projection plus 21, 208 from 10,604 Planned Adult Community units at 2 person per unit.

**TABLE 2**

**Peapack**

1. Name:	Peapack - Gladstone Sewage Treatment Plant		
2. Status:	Existing		
3. NJPDES Permit Number:	NJ0021881		
4. Discharge:	Surface Water		
5. Receiving Water:	Peapack Brook		
6. Receiving Water Classification:	FW 2 Trout Production, Category 1		
7. Owner:	Peapack - Gladstone Borough		
8. Operator:	Peapack - Gladstone Borough		
9. Co-permittee:	Not Applicable		
10. Location of Facility:			
Municipality	Peapack - Gladstone Borough		
County	Somerset		
Street Address	Pubic Works Complex, Brook Street		
11. Location of Discharge:			
Latitude	40°42'19" North		
Longitude	74°39'28" West		
12. Present Permitted Flow:	0.2 mgd		
13. Present Design Capacity:	0.2 mgd		
14. Population Served: <sup>(1)</sup>			
	Municipality	Year 1993 <sup>(1)</sup>	Year 2013 <sup>(2)</sup>
	Peapack-Gladstone	1,700	—

15. Summary of Annual Average Wastewater Flows: <sup>(1)</sup>		
	Year 1993 (mgd)	Year 2013(mgd) <sup>(2)</sup>
1. Peapack-Gladstone		
Residential	0.13	--
Commercial	0.02	--
Industrial	-- <sup>(3)</sup>	--
Infiltration/Inflow	0.03	--
Total:	0.18	--

Notes:

- (1) Source: Peapack-Gladstone Wastewater Management Plan, 1992, no growth in the future.
- (2) Not estimated separately.
- (3) Decommissioned, flow diverted to Environmental Disposal Corporation.
- (4) Estimated as difference between residential at 75 gallons per person plus commercial per Peapack-Gladstone Wastewater Management Plan and total.

**TABLE 3**

**Fox Hollow**

1. Name:	Fox Hollow Wastewater Treatment Plant	
2. Status:	Existing	
3. NJPDES Permit Number:	NJ0020338	
4. Discharge:	Surface Water	
5. Receiving Water:	Lamington River	
6. Receiving Water Classification:	FW 2 Non-Trout	
7. Owner:	Branchburg Township	
8. Operator:	Branchburg Township	
9. Co-permittee:	Not Applicable	
10. Location of Facility:		
Municipality	Branchburg Township	
County	Somerset	
Street Address	Fox Chase Run	
11. Location of Discharge:		
Latitude	40°37'15" North	
Longitude	74°42'12" West	
12. Present Permitted Flow:	0.046 mgd	
13. Present Design Capacity:	0.046 mgd	
14. Population Served: <sup>(a)</sup>		
	<b>Municipality</b>	<b>Year 1993<sup>(a)</sup></b>
	Branchburg	240
		<b>Year 2013</b>
		240

<b>15. Summary of Annual Average Wastewater Flows:</b>		
	<b>Year 1993 (mgd)<sup>(1)</sup></b>	<b>Year 2013(mgd)</b>
<b>Branchburg</b>		
Residential	0.018	0.018
Commercial	0.0	0.0
Industrial	0.0	0.0
Infiltration/Inflow	0.006	0.006
<b>Total:</b>	<b>0.024</b>	<b>0.024</b>

**Notes:**

- (1) 1992 Data.
- (2) Population estimated using 75 gpd per capita and residential flow provided.

**TABLE 4**

**Neshanic Station**

1. Name:	Neshanic Station Wastewater Treatment Plant		
2. Status:	Existing		
3. NJPDES Permit Number:	NJ0020354		
4. Discharge:	Surface Water		
5. Receiving Water:	South Branch Raritan River		
6. Receiving Water Classification:	FW 2 Non-Trout		
7. Owner:	Branchburg Township		
8. Operator:	Branchburg Township		
9. Co-permittee:	Not Applicable		
10. Location of Facility:			
Municipality	Branchburg Township		
County	Somerset		
Street Address	Main Street		
11. Location of Discharge:			
Latitude	40°30'27" North		
Longitude	74°43'40" West		
12. Present Permitted Flow:	0.055 mgd		
13. Present Design Capacity:	0.055 mgd		
14. Population Served: <sup>(1) (2)</sup>			
	<b>Municipality</b>	<b>Year 1993</b>	<b>Year 2013</b>
	Branchburg	320	320

15. Summary of Annual Average Wastewater Flows:		
	Year 1993 (mgd) <sup>(1)</sup>	Year 2013(mgd)
1. Branchburg		
Residential	0.024	0.024
Commercial	0.0	0.0
Industrial	0.0	0.0
Infiltration/Inflow	0.010	0.010
Total:	0.034	0.034

Notes:

- (1) 1992 Data.
- (2) Population estimated using 75 gpd per capita and residential flow provided.

**TABLE 5****Bernardsville**

- |                                    |  |
|------------------------------------|--|
| 1. Name:                           | Borough of Bernardsville<br>Wastewater Treatment Plant |
| 2. Status:                         | Existing   |
| 3. NJPDES Permit Number:           | NJ0026387  |
| 4. Discharge:                      | Surface Water  |
| 5. Receiving Water:                | Mine Brook   |
| 6. Receiving Water Classification: | FW 2 Non Trout   |
| 7. Owner:                          | Bernardsville Borough                                  |
| 8. Operator:                       | Bernardsville Borough                                  |
| 9. Co-permittee:                   | Not Applicable   |
| 10. Location of Facility:          |  |
| Municipality                       | Bernardsville Borough                                  |
| County                             | Somerset   |
| Street Address                     | 166 Mine Brook Road                                    |
| 11. Location of Discharge:         |  |
| Latitude                           | 40°42'45"N   |
| Longitude                          | 74°35'15"W   |
| 12. Present Permitted Flow:        | 0.8 mgd  |
| 13. Present Design Capacity:       | 0.8 mgd  |
| 14. Population Served:             |  |

Municipality	Year 1993 <sup>(1)</sup>	Year 2013 <sup>(2)</sup>
Bernardsville	3,900	4,085

15. Summary of Annual Average Wastewater Flows:		
	Year 1993 (mgd) <sup>(1)</sup>	Year 2013(mgd)
1. Bernardsville		
Residential <sup>(2)</sup>	0.292	0.306
Commercial	0.042	0.043 <sup>(4)</sup>
Industrial	0.000	0.000
Infiltration/Inflow	0.157	0.157
<b>Total:</b>	<b>0.491</b>	<b>0.506</b>

Notes:

- (1) 1992 Data.
- (2) Somerset County year 2010 population extrapolated at year 2000-2010 rate to year 2013 less constant population outside service area since 1993.
- (3) At 75 gallons per person.
- (4) Bernardsville WMP, 1988.

**TABLE 6**

**Department of Veterans Affairs Supply Depot**

1. Name:	Department of Veterans Affairs Supply Depot Sewage Treatment Plant	
2. Status:	Existing	
3. NJPDES Permit Number:	NJ0020036	
4. Discharge:	Surface Water	
5. Receiving Water:	Roycefield Brook	
6. Receiving Water Classification:	FW 2 Non-Trout	
7. Owner:	U.S. Department of Veterans Affairs	
8. Operator:	U.S. Department of Veterans Affairs	
9. Co-permittee:	Not Applicable	
10. Location of Facility:		
Municipality	Hillsborough Township	
County	Somerset	
Street Address	152 U.S. Route 206 South	
11. Location of Discharge:		
Latitude	40°32'10" North	
Longitude	74°37'28" West	
12. Present Permitted Flow:	0.08 mgd	
13. Present Design Capacity:	0.250 mgd	
14. Population Served:	Not Applicable	
15. Summary of Annual Average Wastewater Flows: <sup>(1)</sup>		
	Year 1993 (mgd)	Year 2013(mgd)
Total:	.070	--- <sup>(2)</sup>

Notes:

- (1) Hillsborough Township Wastewater Management Plan, May 1988.
- (2) Decommissioned, flow diverted to SRVSA.

**TABLE 7**

**Fiddlers Elbow Country Club**

1. Name:	Fiddlers Elbow Country Club Wastewater Treatment Plant	
2. Status:	Existing	
3. NJPDES Permit Number:	NJ0021865	
4. Discharge:	Surface Water	
5. Receiving Water:	Lamington River	
6. Receiving Water Classification:	FW 2 Non-Trout	
7. Owner:	Lamington River Farms	
8. Operator:	G. Gilbert	
9. Co-permittee:	Not Applicable	
10. Location of Facility:		
Municipality	Bedminster Township	
County	Somerset	
Street Address	Rattlesnake Bridge Road	
11. Location of Discharge:		
Latitude	40°38'10" North	
Longitude	74°43'23" West	
12. Present Permitted Flow:	0.0175 mgd	
13. Present Design Capacity:	0.0175 mgd	
14. Population Served:		
	<b>Year 1993</b>	<b>Year 2013</b>
Members	1,000	1,025
Staff	100	100
<b>Total:</b>	<b>1,100</b>	<b>1,125</b>

15. Summary of Annual Average Wastewater Flows <sup>(2)</sup> :		
	Year 1993 (mgd)	Year 2013(mgd)
Total:	0.017 <sup>(1)</sup>	0.017 <sup>(1)</sup>

Notes:

- (1) Based on 1992 data.
- (2) The service area for the treatment plant is limited to existing structures served and not the entire property on which the treatment plant resides.

**TABLE 8****River Road**

1. Name:	River Road Sewage Treatment Plant		
2. Status:	Existing		
3. NJPDES Permit Number:	NJ0022764		
4. Discharge:	Surface Water		
5. Receiving Water:	Millstone River		
6. Receiving Water Classification:	FW 2 Non-Trout		
7. Owner:	Valley Road Sewerage Company		
8. Operator:	Valley Road Sewerage Company		
9. Co-permittee:	Not Applicable		
10. Location of Facility:			
Municipality	Hillsborough Township		
County	Somerset		
Street Address	River Road		
11. Location of Discharge:			
Latitude	40°21'50" North		
Longitude	74°35'05" West		
12. Present Permitted Flow:	Not Available		
13. Present Design Capacity:	0.117 mgd Secondary, 0.16 mgd Tertiary		
14. Population Served: <sup>(1)</sup>			
	<b>Municipality</b>	<b>Year 1993</b>	<b>Year 2013<sup>(2)</sup></b>
	Hillsborough	1,180	—

15. Summary of Annual Average Wastewater Flows: <sup>(1)</sup>		
	Year 1993 (mgd)	Year 2013(mgd) <sup>(2)</sup>
1. Hillsborough		
Residential	0.088	--
Commercial	0	--
Industrial	0	--
Infiltration/Inflow	0.015 <sup>(3)</sup>	--
Total:	0.103	--

Notes:

- (1) Hillsborough Township Wastewater Management Plan, May 1988.
- (2) Estimated as the difference between reported total flow and residential flow as population at 75 gallons per person per day.
- (3) Decommissioned, flow diverted to SRVSA.

**TABLE 9**

**Fieldhedge**

1. Name:	Fieldhedge Drive Sewage Treatment Plant		
2. Status:	Existing		
3. NJPDES Permit Number:	NJ0022772		
4. Discharge:	Surface Water		
5. Receiving Water:	Branch of Royce Brook		
6. Receiving Water Classification:	FW 2 Non-Trout		
7. Owner:	Valley Road Sewerage Company		
8. Operator:	Valley Road Sewerage Company		
9. Co-permittee:	Not Applicable		
10. Location of Facility:			
Municipality	Hillsborough Township		
County	Somerset		
Street Address	Fieldhedge Drive		
11. Location of Discharge:			
Latitude	40°31'30" North		
Longitude	74°38'20" West		
12. Present Permitted Flow:	Not Available		
13. Present Design Capacity:	0.050 mgd		
14. Population Served: <sup>(1)</sup>			
	Municipality	Year 1993	Year 2013 <sup>(2)</sup>
	Hillsborough	576	—

15. Summary of Annual Average Wastewater Flows:		
	Year 1993 (mgd) <sup>(1)</sup>	Year 2013(mgd) <sup>(2)</sup>
1. Hillsborough <sup>(1)</sup>		
Residential	0.050	—
Commercial	0	—
Industrial	0	—
Infiltration/Inflow	0.039	—
<b>Total:</b>	<b>0.089</b>	<b>—</b>

**Notes:**

- (1) Hillsborough Township Wastewater Management Plan, May, 1988.
- (2) Decommissioned, flow diverted to SRVSA.

**TABLE 10**  
**Environmental Disposal Corporation**

1. Name:	Environmental Disposal Corporation Wastewater Treatment Plant
2. Status:	Existing
3. NJPDES Permit Number:	NJ0033995
4. Discharge:	Surface Water
5. Receiving Water:	North Branch Raritan River
6. Receiving Water Classification:	FW 2 Non-Trout
7. Owner:	Environmental Disposal Corporation
8. Operator:	CFM Environmental Services Inc.
9. Co-permittee:	Not Applicable
10. Location of Facility:	
Municipality	Township of Bedminster
County	Somerset
Street Address	Route 202/206 and Schley Mountain Road
11. Location of Discharge:	
Latitude	40°39'41" North
Longitude	74°38'43" West
12. Present Permitted Flow:	1.75 mgd
13. Present Design Capacity:	1.5 mgd
14. Population Served:	

Municipality	Year 1993	Year 2013 <sup>(9)</sup>
Bedminster	5,900 <sup>(1)</sup>	10,058
Bernards	176 <sup>(2)</sup>	7,640
Far Hills	350 <sup>(1)</sup>	812
Peapack-Gladstone	0	2,600
<b>TOTAL:</b>	<b>6,426</b>	<b>21,110</b>

15. Summary of Annual Average Wastewater Flows:		
	Year 1993(mgd)	Year 2013(mgd) <sup>(8)</sup>
1. Bedminster		
Residential Flow	0.442 <sup>(2)</sup>	0.637
Commercial Flow	0.179 <sup>(6)</sup>	0.322 <sup>(6)</sup>
Infiltration/Inflow	0.110 <sup>(3)</sup>	
Total:	0.729	0.959
2. Bernards		
Residential Flow	0.013 <sup>(2)</sup>	0.496
Commercial Flow <sup>(4)</sup>	0 <sup>(6)</sup>	0.065 <sup>(6)</sup>
Infiltration/Inflow		
Total:	0.013	0.561
3. Far Hills		
Residential Flow	0.026 <sup>(2)</sup>	0.053
Commercial Flow	0.002 <sup>(6)</sup>	0.012 <sup>(6)</sup>
Infiltration/Inflow		
Total:	0.028	0.065
4. Peapack-Gladstone		
Residential Flow	0	0.239
Commercial Flow	0	0.094 <sup>(7)</sup>
Infiltration/Inflow	0	0.030
Total:	0	0.363
Grand Total	0.770 <sup>(8)</sup>	1.948

**Notes:**

- (1) Includes the population previously served by Bedminster Treatment Plant.
- (2) Based on 88 connections per CFM 12/93 and 2 persons per connection.
- (3) Based on the estimated population and 75 gpd per person.
- (4) Wastewater Management Plan Amendment, Township of Bedminster, 1994.
- (5) Based on the difference between total flow and the sum of commercial and residential flows.
- (6) Not estimated separately
- (7) Includes 0.017 mgd from Gil St. Bernard School.
- (8) Sum of flow estimated for decommissioned Bedminster treatment plant (Wastewater Management Plan Amendment, Township of Bedminster, 1991 and average flow to Environmental Disposal Corporation plant November 1992 through October 1993.

**TABLE 11**

**John Z. DeLorean**

1. Name:	John Z. DeLorean Sewage Treatment Plant		
2. Status:	Existing		
3. NJPDES Permit Number:	NJ0027227		
4. Discharge:	Surface Water		
5. Receiving Water:	Middle Brook		
6. Receiving Water Classification:	FW 2 Non-Trout		
7. Owner:	John Z. DeLorean		
8. Operator:	G. Gilbert		
9. Co-permittee:	Not Applicable		
10. Location of Facility:			
Municipality	Bedminster Township		
County	Somerset		
Street Address	Cowperthwaite Road		
11. Location of Discharge:			
Latitude	40°33'90" North		
Longitude	74°43'14" West		
12. Present Permitted Flow:	0.00084 mgd		
13. Present Design Capacity:	0.001 mgd		
14. Population Served:			
	Municipality	Year 1993 <sup>(1)</sup>	Year 2013
	Bedminster	12	12

15. Summary of Annual Average Wastewater Flows:		
	Year 1993 (mgd) <sup>(1)</sup>	Year 2013(mgd)
1. Bedminster <sup>(2)</sup>		
Residential	0.00105	0.00105
Commercial	0	0
Industrial	0	0
Infiltration Inflow	0.00005	0.00005
<b>Total:</b>	<b>0.0011</b>	<b>0.0011</b>

Notes:

- (1) Based on 1992 data supplied by operator.
- (2) The service area of John Z. Delorean Wastewater Treatment Plant is limited to the existing structures served and not the entire property on which the treatment plant resides.

**TABLE 12**

**Bernardsville Quarry**

1. Name:	Bernardsville Quarry Wastewater Treatment Facility	
2. Status:	Existing	
3. NJPDES Permit Number:	NJ0029637	
4. Discharge:	Surface Water	
5. Receiving Water:	Mine Brook	
6. Receiving Water Classification:	FW 2 Non-Trout	
7. Owner:	Bernardsville Quarry, Inc.	
8. Operator:	Bernardsville Quarry, Inc.	
9. Co-permittee:	Not Applicable	
10. Location of Facility:		
Municipality	Bernardsville Borough	
County	Somerset	
Street Address	Route 202	
11. Location of Discharge:		
Latitude	40°42'45" North	
Longitude	74°35'15" West	
12. Present Permitted Flow:	Not Applicable	
13. Present Design Capacity:	Not Applicable	
14. Population Served:	Not Applicable <sup>(3)</sup>	
15. Summary of Annual Average Wastewater Flows:		
	Year 1993 (mgd) <sup>(1)(2)</sup>	Year 2013(mgd)
Total:	0.032	0 <sup>(4)</sup>

Notes:

- (1) Borough of Bernardsville Wastewater Management Plan.
- (2) 1986 data.
- (3) Overflow from quarry drainage pond.
- (4) Decommissioned upon redevelopment of quarry.

**TABLE 13****Gibson Tube Inc.**

1. Name:	Gibson Tube Inc. Wastewater Treatment Facility	
2. Status:	Existing	
3. NJPDES Permit Number:	NJ0064700	
4. Discharge:	Surface Water	
5. Receiving Water:	Tributary of Cuckels Brook	
6. Receiving Water Classification:	FW 2 Non-Trout	
7. Owner:	James G. Gibson	
8. Operator:	Gibson Tube Inc.	
9. Co-permittee:	Not Applicable	
10. Location of Facility:		
Municipality	Bridgewater Township	
County	Somerset	
Street Address	111 Chimney Rock Road	
11. Location of Discharge:		
Latitude	40°34'30" North	
Longitude	74°34'30" West	
12. Present Permitted Flow:	Not Limited, Flow to be reported only	
13. Present Design Capacity:	Not Applicable	
14. Population Served:	Not Applicable	
15. Summary Annual Average of Wastewater Flows: <sup>(2)</sup>		
	Year 1993 (mgd) <sup>(1)</sup>	Year 2013(mgd)
Total:	0.03	0.04

**Notes:**

(1) 1992 data.

(2) Source: contact cooling water

**TABLE 14**

**Industrial Tube Corporation**

1. Name:	Industrial Tube Corp. Wastewater Treatment Facility	
2. Status:	Existing	
3. NJPDES Permit Number:	NJ0023019	
4. Discharge:	Surface Water	
5. Receiving Water:	Royce Brook Tributary	
6. Receiving Water Classification:	FW 2 Non-Trout	
7. Owner:	Gustav Imhauser	
8. Operator:	Industrial Tube Corp.	
9. Co-permittee:	Not Applicable	
10. Location of Facility:		
Municipality	Hillsborough Township	
County	Somerset	
Street Address	Valley Road	
11. Location of Discharge:		
Latitude	40°31'43" North	
Longitude	74°38'49" West	
12. Present Permitted Flow:	0.025 mgd	
13. Present Design Capacity:	Not Available	
14. Population Served:	Not Applicable	
15. Summary of Annual Average Wastewater Flows:		
	Year 1993 (mgd)	Year 2013(mgd)
Total:	Not Available	Not Available

**TABLE 15**

**Raritan-Millstone Water Treatment Plant**

1. Name:	Raritan-Millstone Water Treatment Plant	
2. Status:	Existing	
3. NJPDES Permit Number:	NJ0000965	
4. Discharge:	Surface Water	
5. Receiving Water:	Raritan River	
6. Receiving Water Classification:	FW 2 Non-Trout	
7. Owner:	Elizabethtown Water Company	
8. Operator:	Elizabethtown Water Company	
9. Co-permittee:	Not Applicable	
10. Location of Facility:		
Municipality	Bridgewater Township	
County	Somerset	
Street Address	Chimney Rock Road	
11. Location of Discharge:		
Latitude	40°32'50" North	
Longitude	74°33'31" West	
12. Present Permitted Flow:	Not Applicable	
13. Present Design Capacity:	1.0 mgd	
14. Population Served:	Not Applicable	
15. Summary of Annual Average Wastewater Flows:		
	Year 1993 (mgd)	Year 2013(mgd)
1. Industrial <sup>(1)</sup>	0.0 - 1.0 <sup>(2)</sup>	0.0 - 1.0

**Notes:**

(1) Source: filter backwash water.

(2) Intermittent discharge.

**TABLE 16**

**Harrison Brook**

1. Name:	Harrison Brook Sewage Treatment Plant	
2. Status:	Existing <sup>(4)</sup>	
3. NJPDES Permit Number:	NJ0022845	
4. Discharge:	Surface Water	
5. Receiving Water:	Dead River	
6. Receiving Water Classification:	FW 2 Non-Trout	
7. Owner:	Township of Bernards Sewerage Authority	
8. Operator:	Township of Bernards Sewerage Authority	
9. Co-permittee:	Not Applicable	
10. Location of Facility: <sup>(4)</sup>		
Municipality	Township of Bernards	
County	Somerset	
Street Address	Martinsville Road	
11. Location of Discharge:		
Latitude	40°38'27" North	
Longitude	74°34'38" West	
12. Present Permitted Flow:	1.938 mgd	
13. Present Design Capacity:	2.5 mgd	
14. Population Served: <sup>(5)</sup>		
	<b>Municipality</b>	<b>Year 1993<sup>(5)</sup></b>
	Bernardsville	25
		<b>Year 2013</b>
		25

15. Summary of Annual Average Wastewater Flows: <sup>(7)</sup>		
	Year 1993 (mgd)	Year 2013(mgd)
1. Bernardsville		
Residential <sup>(1)</sup>	0.0019	0.0019
Commercial	0.0000	0.0008
Industrial	0.0000	0.0000
Infiltration Inflow <sup>(2)</sup>	— <sup>(3)</sup>	— <sup>(3)</sup>
<b>Total:</b>	<b>0.0019</b>	<b>0.0027</b>

Notes:

- (1) At 75 gallons per person per day.
- (2) Not estimated separately.
- (3) 1992 data.
- (4) Outside the WMP area.
- (5) Only for service area within Bernardsville.

**TABLE 17**

**Middlesex County Utilities Authority**

- 1. Name: Edward J. Patten Water Reclamation Facility
- 2. Status: Existing<sup>(3)</sup>
- 3. NJPDES Permit Number: NJ0020141
- 4. Discharge: Surface Water
- 5. Receiving Water: Raritan Bay (main)  
Lower Raritan River (secondary)
- 6. Receiving Water Classification: SE1
- 7. Owner: Middlesex County Utility Authority
- 8. Operator: Middlesex County Utility Authority
- 9. Co-permittee: Not Applicable
- 10. Location of Facility:
  - Municipality Sayreville
  - County Middlesex
  - Street Address Main Street Extension
- 11. Location of Discharge:
 

Main	Secondary
Latitude	40°28'51"      40°29'36"
Longitude	74°15'12"      74°19'40"
- 12. Present Permitted Flow: 147 mgd
- 13. Present Design Capacity: 147 mgd
- 14. Population Served:<sup>(4)</sup>

Municipality	Year 1993	Year 2013
Bridgewater <sup>(1)</sup> (via Bound Brook)	800	800

15. Summary of Annual Average Wastewater Flows: <sup>(1) (4)</sup>		
	Year 1993 (mgd)	Year 2013(mgd)
Residential <sup>(2)</sup>	0.060	0.060
Commercial	Negligible	Negligible
Industrial	0.000	0.000
Infiltration/Inflow		
Total:	0.060	0.060

Notes:

- (1) Estimated from Upper Raritan Watershed Wastewater Facilities Plan, 1981.
- (2) At 75 gallons per person per day.
- (3) Outside the WMP area.
- (4) Only for service area Bridgewater served via Bound Brook.
- (5) Not estimated separately.

**TABLE 18**

**Bernardsville Quarry (Redeveloped)**

1.	<b>Name:</b>	Bernardsville Quarry Wastewater Treatment Plant	
2.	<b>Status:</b>	Future	
3.	<b>NJPDES Permit Number:</b>	Unknown	
4.	<b>Discharge:</b>	Surface Water	
5.	<b>Receiving Water:</b>	Mine Brook	
6.	<b>Receiving Water Classification:</b>	FW 2 Non-Trout	
7.	<b>Owner:</b>	Unknown	
8.	<b>Operator:</b>	Unknown	
9.	<b>Co-permittee:</b>	Not Applicable	
10.	<b>Location of Facility:</b>		
	Municipality	Bernardsville Borough	
	County	Somerset	
	Street Address	Route 202	
11.	<b>Location of Discharge:</b>		
	Latitude	40°42'45" North	
	Longitude	74°35'15" West	
12.	<b>Present Permitted Flow:</b>	Not Applicable	
13.	<b>Present Design Capacity:</b>	Not Applicable	
14.	<b>Population Served:</b>	Unknown	
15.	<b>Summary of Annual Average Wastewater Flows:</b>		
		<b>Year 1993 (mgd)</b>	<b>Year 2013(mgd)</b>
	<b>Total:</b>	<b>0.0</b>	<b>Unknown</b>

## 4.0 BASIS FOR SERVICE AREA DELINEATIONS

### 4.1 EXISTING SERVICE AREA DELINEATIONS

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Plate 2, Existing Wastewater Treatment Facilities and Sewer Service Areas identifies each of the existing treatment facility locations, their associated services areas, and the location of major wastewater collection and transfer facilities (i.e. trunk sewers, force mains, etc.). The information included on this plate was compiled from existing WMPs covering individual municipalities or groups of municipalities, Somerset County Planning Board maps and reports, and municipal maps.

### 4.2 FUTURE SERVICE AREA DELINEATIONS

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Future service area extensions are based upon previously approved WMPs, identified needs and zoning. Plate 4 depicts the zoning of the WMP area as aggregated by the Somerset County Planning Board. Table 19 summarizes the permitted lot sizes. In general all vacant land zoned for one or more residential units per two acres or which is zoned for commercial or industrial uses is included in a sewer service area. This designation is consistent in most cases with the evaluation presented in the Upper Raritan Watershed Wastewater Facilities Plan (June 1981) which considered the soil characteristics prevalent in the WMP area. The Somerset County Planning Board has identified and analyzed areas where services area designations and land use may not be in agreement. The basis for determining the service areas is as follows:

<b>SRVSA</b> Bernards Branchburg Bridgewater Green Brook Hillsborough  Manville Millstone Raritan Somerville Warren	Existing Service Area Existing Service Area, Township Utilities Plan, Zoning Existing Service Area W TSA WMP, Figure 2, Revised 2/15/90 Existing Service Areas, Zoning, map from municipal planning board Existing Service Area Zoning Existing Service Area Existing Service Area W TSA WMP, Figure 2, Revised 2/15/90
Fox Hollow	Existing Service Area
Neshanic Station	Existing Service Area
Bernardsville	Existing Service Area
<b>EDC</b> Bedminster Bernards Far Hills  Peapack  Chester	Bedminster WMP Plate E, Revised 2/2/92 TBSA WMP, Figure 5, 2/90 Far Hills WMP, Plate C., Pending projects identified during plan development Peapack WMP, Figure 9, 1/14/93, Gill St. Bernards School WMP Amendment Gill St. Bernards School WMP Amendment
Bernardsville Quarry	Bernardsville WMP, 1988, Commercial/Industrial Zoning
Harrison Brook	Existing Service Area
MCUA	Existing Service Area

A portion of Hillsborough, depicted on Figure 1, in the future SRVSA service area may be serviced by domestic non-surface discharge disposal facilities with design flows of less than 20,000 gallons per day until such time that SRVSA and the Hillsborough Municipal Utilities Authority are able to service the area. Sewer service is anticipated within the planning period. However, the delineated area is zoned for uses which may require other than individual subsurface sewage disposal systems having capacities of under 2000 gallons per day and a project to develop the area as a golf course is pending. The interim service area, depicted on Figure 1 has been created at the request of the Hillsborough Municipal Utilities Authority because it is unable to service the area in the immediately foreseeable future.

## 5.0 MAPPING

WMP area requirements are depicted on Plate 1. The WMP area is outside of the Hackensack Meadowlands District, the Pinelands area, the Pinelands National Reserve, and the Coastal Area (CAFRA as defined in N.J.S.A. 13:19-4). Existing wastewater facilities and service areas are depicted on Plate 2. There are no industrial treatment works serving more than one industrial property or facilities discharging to groundwater having planned flows greater than 20,000 gallons per day.

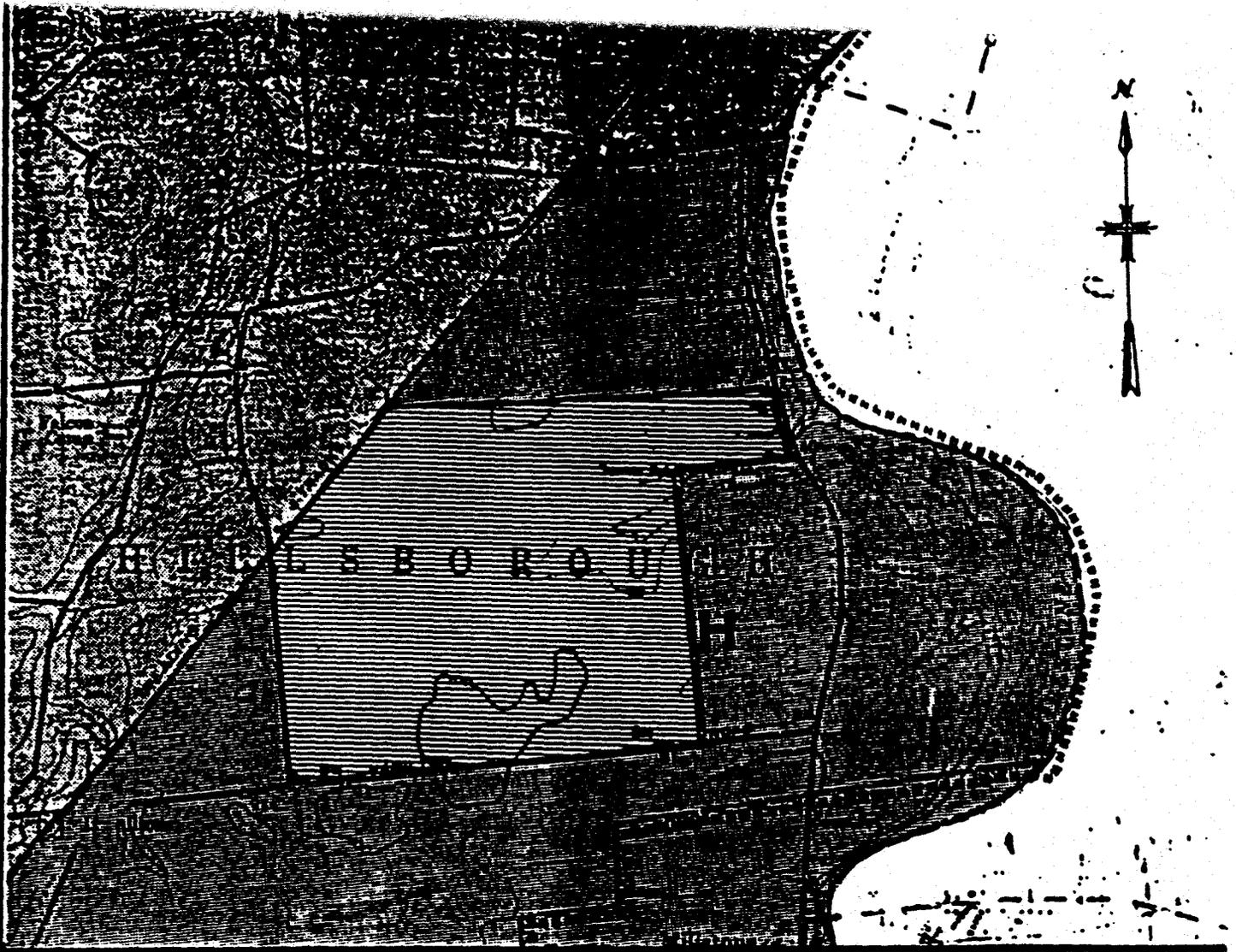
Future wastewater facilities and service areas are depicted on Plate 3. There are no new permanent service areas for subsurface sewage disposal systems with design capacities less than 20,000 gallons per day but potentially greater than 2,000 gallons per day.

The Somerset County Composite Zoning Map which was used as the basis for the service areas is included as Plate 4.

Plates 5 through 17 address the environmental features mapping requirements of N.J.A.C. 7:15-5.17 (a). Plate 5, Environmental Features Map, includes the following information:

- a. Flood prone areas based on delineation of flood hazard areas as presented on Map 9 of the Somerset County Natural Resources Inventory (Somerset County Planning Board, 1982). The source of the flood hazard area information is the U.S. Department of Housing and Development, Federal Insurance Administration maps and mapping by the NJDEPE. These maps provide delineation of the 500 year flood plain.
- b. There are Trout Production waters including reaches of Gladstone Brook, Peapack Brook and the North Branch Raritan River, and Trout Maintenance Waters including reaches of the Lamington River, the North and South Branches of the Raritan River the East Branch of Middle Brook in Bridgewater and Warren, and the Passaic River. Reaches of Peapack Brook and the Lamington River are further identified as High Quality Category One waters. Information was extracted from N.J.A.C 7.9B as amended through October 13, 1993.
- c. Watershed boundaries derived from New Jersey Department of Environmental Protection and Energy, Bureau of Geology and Topography mapping.
- d. Public open space and recreation areas include state, county and municipal parks and other recreational areas. Information was obtained from various state, county and municipal sources.

**Plates 6 through 17 are reprints of U. S. Department of Interior "National Wetlands Inventory" maps for the 12 U.S.G.S. quadrangles that make up the Somerset County/Upper Raritan Watershed WMP area.**



**SERVICE AREA**



**SOMERSET-RARITAN VALLEY**



**GROUNDWATER DISPOSAL FACILITIES  
WITH DESIGN FLOWS OF LESS THAN  
20,000 GALLONS PER DAY (INTERIM)**

075907

**MALCOLM  
PIRNIE**

**SOMERSET COUNTY/UPPER RARITAN WATERSHED  
WASTEWATER MANAGEMENT PLAN  
FUTURE WASTEWATER TREATMENT  
FACILITIES AND SEWER SERVICE AREAS  
INTERIM SERVICE AREA (PLATE 3B)**

MALCOLM PIRNIE, INC.

**FIGURE 1**

H

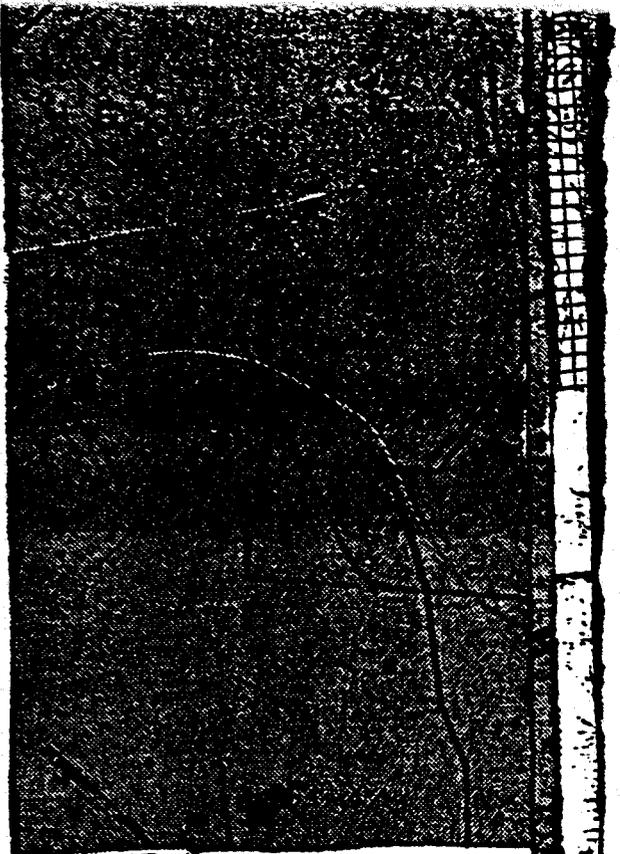


PLATE 3A

**SOMERSET COUNTY/UPPER RARITAN WATERSHED  
WASTEWATER MANAGEMENT PLAN  
FUTURE WASTEWATER TREATMENT  
FACILITIES AND SEWER SERVICE AREAS**

OCTOBER 1994

-  PUMPING STATION
-  TREATMENT PLANT
-  METER CHAMBER

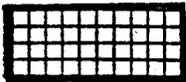
**FUTURE**

-  FORCE MAIN
-  PUMPING STATION

**SERVICE AREAS**



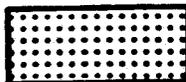
**SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY**



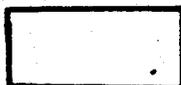
**ENVIRONMENTAL DISPOSAL CORPORATION**



**FOX HOLLOW**



**NESHANIC STATION**



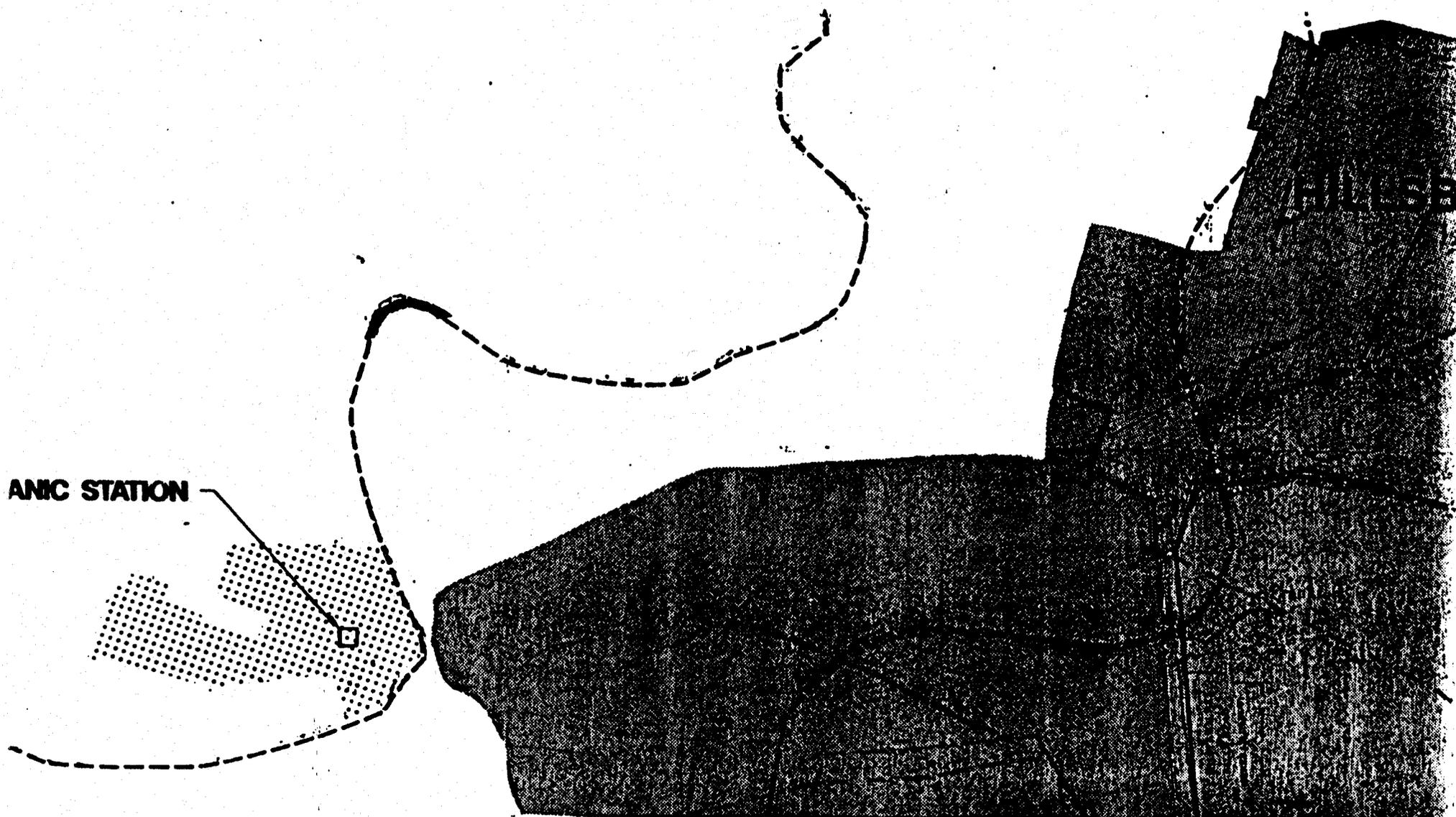
**GROUND WATER DISPOSAL FACILITIES WITH DESIGN FLOWS OF LESS THAN 2,000 GALLONS PER DAY**

**ALL EXISTING NEW, OR EXPANDED INDUSTRIAL PRETREATMENT FACILITIES REQUIRING SIGNIFICANT INDIRECT USER (SIU) PERMITS AND/OR TREATMENT WORKS APPROVALS, AND WHICH ARE LOCATED WITHIN THE SPECIFIED SEWER SERVICE AREA, ARE DEEMED TO BE CONSISTENT**

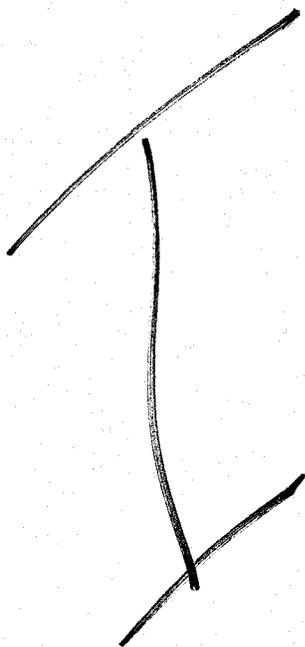
**PRE-EXISTING GRANT CONDITIONS AND REQUIREMENTS (FROM DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANTS OR LOANS FOR SEWERAGE FACILITIES), WHICH PROVIDE FOR RESTRICTION OF SEWER SERVICE TO ENVIRONMENTALLY SENSITIVE AREA, ARE UNAFFECTED BY ADOPTION OF THIS WMP AND COMPLIANCE IS REQUIRED.**

**INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS FOR INDIVIDUAL RESIDENCES CAN ONLY BE CONSTRUCTED IN DEPICTED SEWER SERVICE AREAS IF LEGALLY ENFORCEABLE GUARANTEES ARE PROVIDED, BEFORE SUCH CONSTRUCTION THAT USE OF SUCH SYSTEMS WILL**

**ANIC STATION**



**FOR CONTINUATION SEE PLATE 3C**



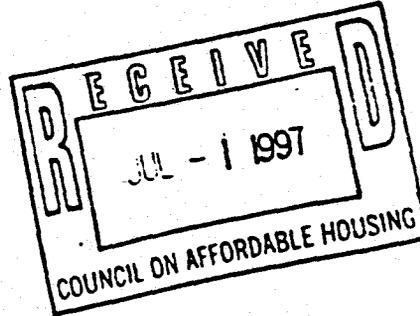


# Township of Hillsborough



COUNTY OF SOMERSET  
MUNICIPAL BUILDING  
AMWELL ROAD  
NESHANIC, NEW JERSEY 08853

(908) 369-4313



June 27, 1997

Ms. Shirley M. Bishop, P. P.  
Executive Director  
Council on Affordable Housing  
CN 813  
Trenton, N. J. 08625-0813

Dear Ms. Bishop,

As I indicated to you in my April, 8, 1997 status report, the Hillsborough Township Planning Board, at its April 3, 1997 meeting, passed a resolution requesting that the entire PAC/HCF tract be included in the Somerset County/Upper Raritan Watershed Wastewater Management Plan (WWMP). At their meeting of April 22, 1997, the Hillsborough Township Committee reserved the right to endorse or not endorse the Planning Board's recommendation. On June 11, 1997, the developer of the Greenbriar at the Village independently petitioned NJDEP for inclusion of their lands in the WWMP.

Since the developer has requested inclusion in the WWMP and has an application for preliminary subdivision approval before the Planning Board, the Hillsborough Township Committee saw no reason to request the County to include the Mill Lane area in the WWMP; therefore, at their meeting on June 24, 1997, they voted to overrule the Planning Board's recommendation. They believe the public processes followed by NJDEP and the Hillsborough Township Planning Board should be allowed to proceed to conclusion without being prejudged. When those processes are finished, the Hillsborough Township Committee will be required to take action, under NJDEP regulations, and they will.

If you need more information on this matter, please let me know.

Sincerely,

John D. Middleton  
Township Administrator

Encl.

cc: Hillsborough Township Committee  
Ed Halpern, Township Attorney, w/encl  
Frank Yurasko, Township Litigation Attorney, w/encl  
James A. Farber, Special Litigation Counsel

**RESOLUTION REGARDING THE STATUS OF THE PAC/HCF OVERLAY ZONE IN  
THE MILL LANE AREA IN THE HILLSBOROUGH TOWNSHIP WASTEWATER  
MANAGEMENT PLAN**

WHEREAS, on April 3, 1997, the Hillsborough Township Planning Board adopted a resolution recommending changes to the Hillsborough Township portion of the Somerset County/Upper Raritan Watershed Wastewater Management Plan; and

WHEREAS, by resolution of April 22, 1997 the Hillsborough Township Committee requested that the Somerset County Planning Board defer any action on the Hillsborough Township Planning Board resolution of April 3, 1997 until such time as the Hillsborough Township Committee has a chance to review and endorse it; and

WHEREAS, as part of that resolution, the Hillsborough Township Planning Board recommended including the PAC/HCF overlay zone in the Mill Lane area in the Hillsborough Township Wastewater Management Plan; and

WHEREAS, U. S. Homes and the Hillsborough Alliance for Assisted Living have applied for preliminary approval of a major subdivision in the Mill Lane area to be known as Greenbriar at the Village; and

WHEREAS, on June 11, 1997, the developer petitioned the New Jersey Department of Environmental Protection for inclusion of their lands in the Somerset County/Upper Raritan Watershed Wastewater Management Plan; and

WHEREAS, both the Hillsborough Township Planning Board and the New Jersey Department of Environmental Protection have clearly defined public processes for reaching their decisions; and

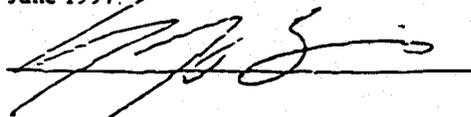
WHEREAS, the Hillsborough Township Committee believes both processes should be allowed to proceed to conclusion.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the changes recommended by the Hillsborough Township Planning Board relative to the PAC/HCF zone are overruled and the PAC/HCF zone should not be included in the Hillsborough Township portion of the Somerset County/Upper Raritan Watershed Wastewater Management Plan.

---

I, Gregory J. Bonin, Hillsborough Township Clerk, hereby certify that the above resolution is a true and correct copy of a resolution adopted by the Township Committee of the Township of Hillsborough at a regular and duly convened meeting held on June 24, 1997.

In witness thereof I have set my hand and affixed the seal of the Township of Hillsborough this 25th day of June 1997.



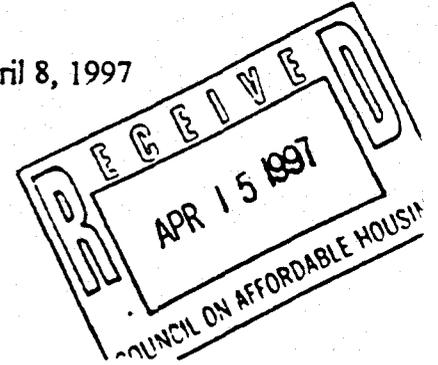


# Township of Hillsborough

COUNTY OF SOMERSET  
MUNICIPAL BUILDING  
AMWELL ROAD  
NESHANIC, NEW JERSEY 08853

TELEPHONE  
(908) 369-4313

April 8, 1997



Ms. Shirley M. Bishop, P. P.  
Executive Director  
Council on Affordable Housing  
CN 813  
Trenton, N. J. 08625-0813

Re: Twelve month Status Report on Hillsborough Township's Substantive Certification

Dear Ms. Bishop,

As you are aware, satisfaction of Hillsborough Township's Fair Share Plan is dependent on DEP approval of the Somerset County/Upper Raritan Watershed Wastewater Management Plan, which includes the extension of the sewer area to the PAC/HCF tract. In November, 1996, the Township Committee requested that County and DEP review of the WWMP be deferred six months so that the Planning Board could review it and possibly modify it. That review has been completed and the Planning Board, at its April 3, 1996 meeting, passed a resolution requesting that the entire PAC/HCF tract be included in the WWMP.

In July, 1996, a developer, U. S. Homes Corporation, submitted an application for preliminary subdivision approval to the Hillsborough Township Planning Board. That application included the construction of the elements of our Fair Share Plan. In August, 1996, the application was withdrawn. In December, 1996, the application was resubmitted and is now being considered by the Planning Board.

If you need more information on this matter, please let me know.

Sincerely,

John D. Middleton  
Township Administrator

cc: Hillsborough Township Committee  
Ed Halpern, Township Attorney  
Frank Scarantino, Township Engineer

5



COUNTY OF SOMERSET  
MUNICIPAL BUILDING  
AMWELL ROAD  
MESHANIC, NEW JERSEY 08853  
—  
(806) 389-4313



April 8, 1997

Mr. Robert Bzik  
Director of Planning  
Somerset County Planning Department  
P.O. Box 3000  
Somerville, New Jersey 08876

Re: **Proposed Changes to the Hillsborough Township  
Portion of the Proposed  
WASTE WATER MANAGEMENT PLAN AMENDMENT**

Dear Mr. Bzik:

Last Thursday, April 3, 1997, the Planning Board of Hillsborough Township accepted the recommendations of the Land Use Sub-committee of that board regarding the Waste Water Management Plan for the Township.

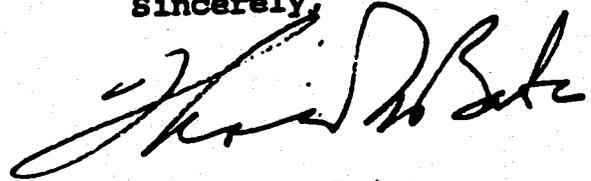
Enclosed are recommendations and the two resolutions passed by the Planning Board, one titled "Amendment to the Master Plan" and the other titled "Proposed Changes to the Waste Water Management Plan".

The map delineating the existing and proposed sewer service areas of the Township is being prepared by Township staff and will be forwarded to you as soon as it is completed.

The Public Hearing for the Master Plan Amendment will be scheduled for June, 1997. Should you have any comments or questions on either of these resolutions or the recommendations of the Planning Board, please submit them to the Planning Board Office.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Bates". The signature is fluid and cursive, with a large initial "T" and "B".

Thomas M. Bates  
Planning Board Chairman  
Township of Hillsborough

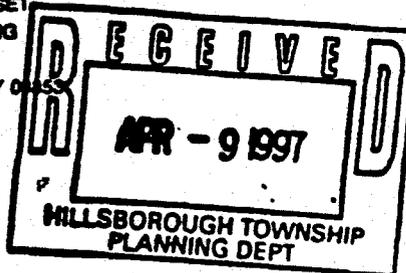
TMB:hel

cc: John Middleton, Township Administrator  
Frank S. Scarantino, Director of Planning & Engineering  
Rick Nunn, Land Use  
Shirley Yannich, Township Planner  
Bill Sutphen, Esquire

Mailed to Robert Bzik, Somerset Planning  
to Daniel Van Abs, NJDEP  
to Gail Quabeck, MUA



COUNTY OF SOMERSET  
MUNICIPAL BUILDING  
AMWELL ROAD  
MESHANIC, NEW JERSEY 08852  
(908) 369-4313



April 8, 1997

**MEMORANDUM**

To: Township Committee

From: Thomas M. Bates, Planning Board Chairman *TMB*

Re: Proposed Changes to the Hillsborough Township  
Portion of the Proposed  
WASTE WATER MANAGEMENT PLAN AMENDMENT

Last Thursday, April 3, 1997, the Planning Board of Hillsborough Township accepted the recommendations of the Land Use Sub-committee of that board regarding the Waste Water Management Plan for the Township.

Enclosed for your information are the recommendations and the two resolutions passed by the Planning Board, one titled "Amendment to the Master Plan" and the other titled "Proposed Changes to the Waste Water Management Plan". These items have been distributed to the Somerset County Planning Board, the Hillsborough Township Municipal Utilities Authority and the New Jersey Department of Environmental Protection.

A map delineating the existing and proposed sewer service areas of the Township is being prepared by Township staff and will be forwarded to you as soon as it is completed.

The Public Hearing for the Master Plan Amendment will be scheduled for June, 1997. Should you have any comments or questions on either of these resolutions or the recommendations of the Planning Board, please submit them to the Planning Board Office.

Thank you for your consideration in this matter.

TMB:hel

cc: John D. Middleton, Township Administrator  
Gregory J. Bonin, Township Clerk  
Frank S. Scarantino, Director of Planning & Engineering  
Rick Nunn, Land Use  
~~Shirley Kinnick, Township Planner~~  
Bill Sutphen, Esquire

**April 4, 1997**

**To: Hillsborough Planning Board**

**From: Rick Nunn**

**Re: Recommendation from the Land Use Sub Committee to the Planning Board**

**The Charge:**

The Township Committee requested that the Planning Board take over the responsibility of delineating areas of the Township for proposed sewer facilities in the Waste Water Management Plan as part of the Hillsborough Master Plan and

The Land Use Subcommittee of the Planning Board has been assigned the task of making recommendations to the Planning Board regarding this responsibility and

The Subcommittee has reviewed the current map showing the existing and proposed areas of the Township to be sewered along with the report prepared by Malcolm Pierney, Inc. projecting the volumes of waste water predicted by the Year 2010 based on Hillsborough's existing Waste Water Management Plan and has also reviewed the Utility Service Plan Element of the Hillsborough Master Plan

**Findings of Fact:**

The Land Use Subcommittee of the Planning Board has determined that the maps delineating existing and proposed sewer facilities were outdated and difficult to read and

The subcommittee also determined that Malcolm Pierney's projections of future commercial waste water flow is approximately 4 times greater than the combined flows for Bridgewater and Somerville when we only have 17 available acres currently zoned commercial and even with an expanded town center, we will not have as much commercial development as the Bridgewater Mall and

The Subcommittee also determined that the Malcolm Pierney report projected 20% greater future flow of industrial waste water flow than Bridgewater and

The Subcommittee found that there were no guiding principles in the Hillsborough Master Plan that would tie the Waste Water Management Plan to the Master Plan,

**Recommendations:**

1. That the Map showing the existing and proposed areas of the Township to be sewered be redrawn so as to be accurate and readily interpreted. The sewer service areas should be delineated by lot line.
2. That the representatives of Malcolm Pierney or Somerset County responsible for creating or using the Malcolm Pierney report be asked to clarify how the huge increases in flow were calculated and to adjust the data where necessary to reflect realistic projections and
3. That a set of principles be added to the Land Use Planning Element of the Hillsborough Master Plan to govern future requests for amendments to the Waste Water Management Plan and changes in the proposed sewer facilities map in order to ensure that a responsible 20 year forecast will be available to the Somerset Raritan Valley Sewer Authority for its capacity planning without creating pressures on growth that are inconsistent with the Hillsborough Master Plan or without stifling growth that is encouraged by the Plan and

4. That the principles so drafted be applied to the current updated sewer facilities map to the CDZ and O5 zones in the industrial corridor, the PAC/HCF zone in the vicinity of Mill Lane, the land along East Mountain Road and other areas for which requested amendments to the current plan have been requested.

# RESOLUTION OF THE HILLSBOROUGH TOWNSHIP PLANNING BOARD

## Subject Matter: Proposed Changes to the Waste Water Management Plan

WHEREAS, The Township Committee requested that the Planning Board assume the responsibility of delineating areas of the Township for proposed sewer facilities in the Waste Water Management Plan as part of the Hillsborough Master Plan; and

WHEREAS, the Planning Board has proposed an Amendment to the Hillsborough Master Plan adding a list of principles to govern future requests for amendments to the Waste Water Management Plan and changes in the proposed sewer facilities map; and

WHEREAS, the Planning Board will utilize these principles to meet the Township Committee requirement to evaluate suggested changes to the sewer facilities map in the CDZ and O5 zones in the industrial corridor, the PAC/HCF zone in the vicinity of Mill Lane, the land along East Mountain Road and other areas for which amendments to the current plan have been requested.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Hillsborough on this 3rd day of April, 1997:

1. That those areas in the Eastern and Southern portion of the Township that are in the industrial corridor including the CDZ and O5 zones and the land in the Mountain and R1 zones along East Mountain Road remain as delineated in the 1988 Map showing Existing and Proposed Sewer Facilities. The proposed changes are not justified by other infrastructure changes, changes in zoning, or changes in dedicated open space. There do not appear to be any health and safety conditions that would warrant additions at the time or for the next six year planning period.

2. That the PAC/HCF overlay zone in the area of Mill Lane be added to the proposed sewer facilities area to bring this zone into compliance with the current Master Plan and the State Plan which designates this site as a Planned Village. In the event the current application for development on property in the area of Mill

Lane receives approval and proceeds to development in a timely manner, then it is appropriate that this area remain in the sewer facilities area. However, in the event this property is not developed in accordance with the overlay zone, and development of the land reverts to the underlying zone regulations, then it is appropriate that the added area of the current PAC/HFC zone be deleted from the sewer facilities area.

3. That the remaining changes identified in the Hillsborough Township Waste Water Management Plan submitted previously to the County be accepted based on being in conformance to the principles so stated. Those areas shall be identified on the revised map of Existing and Proposed Sewer Facilities for Hillsborough Township. The revised map will be delineated by lot line in conformance with DEPE regulations and the Hillsborough Master Plan.

4. That the principles for removing land from the sewer service areas shall be applied to the land areas subject to the application process so as to be consistent with the Township Growth Management Plan in the Master Plan.

5. That a copy of this resolution and subsequently the revised map shall be forwarded to the Hillsborough Township Committee, New Jersey Department of Environmental Protection, Somerset County Planning Board and the Hillsborough Township Municipal Utilities Authority.

Certified to be a true copy of a Resolution adopted by the Planning Board of Hillsborough Township at a public meeting held on April 3, 1997.



---

Thomas Bates,  
Chairman of the Board

# RESOLUTION OF THE HILLSBOROUGH TOWNSHIP PLANNING BOARD

## Subject Matter: Amendment to the Master Plan

WHEREAS, the Township Committee requested that the Planning Board assume the responsibility of delineating areas of the Township for proposed sewer facilities in the Waste Water Management Plan as part of the Hillsborough Master Plan; and

WHEREAS, the Land Use Subcommittee of the Planning Board has been assigned the task of making recommendations to the Planning Board regarding this responsibility; and

WHEREAS, the Subcommittee found that there were no guiding principles in the Hillsborough Master Plan that would tie the Waste Water Management Plan to the Master Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Hillsborough on this 3rd day of April, 1997:

1. That the following set of principles be added to the Land Use Planning Element of the Hillsborough Master Plan to govern future requests for amendments to the Waste Water Management Plan and changes in the proposed sewer facilities map.

2. The following principles will be utilized to determine future changes to the Hillsborough Township Waste Water Management Plan and the map delineating the proposed sewer service area on lot lines in order to ensure that a responsible 20 year forecast will be available to the Somerset Raritan Valley Sewer Authority for its capacity planning without creating pressures on growth that are inconsistent with the Hillsborough Master Plan or without stifling growth that is encouraged by the Plan.

3. Any future amendments to the Master Plan or changes in lot lines in the Township shall be reviewed by the Planning Staff and a report shall be submitted to the Planning Board in order that amendments be proposed to the Waste Water Management Plan consistent with the principles stated below:

- (a) The Township will not propose additional land to be

sewered if the other infrastructure is not in place to accommodate the growth management plan as stated in the Master Plan.

(b) The Township will not propose removal of land to be sewered from the existing plan where it can be demonstrated that the infrastructure necessary to accommodate the growth management plan as stated in the Master Plan will likely take place within the six year planning period.

(c) The Township will propose additional land to be sewered and will seek an amendment to the Waste Water Management Plan where the proposed change is consistent with the principles stated in the Master Plan or where the need for sewers already exists to meet health and safety requirements of developed areas. Any additions shall be sized only for the properties to be sewered with no excess capacity so as to discourage further development beyond the proposed extension.

(d) The Township will propose removal of land to be sewered from the existing plan and will seek an amendment to the Waste Water Management Plan where the land has been formally removed from the developable inventory of land through any means such as open space dedication, acquisition by the Township, farmland preservation, transfer of development rights or deed restriction. Lands in the Township Greenways and Open Space Plan will serve as guidelines for identifying areas to be removed from the Waste Water Management Plan upon formal dedication as determined during the application process, through acquisition by Hillsborough Township or any governmental or public entity, by voluntary dedication or any other means for the addition of lands to Greenways or Open Space.

(e) These principles shall be reviewed for consistency with federal, state, county and regional statutes, rules and regulations as they relate to environmentally sensitive lands, critical areas, planning, and other development issues.

4. That the principles so drafted be applied to the current updated sewer facilities map to the CDZ and O5 zones in the industrial corridor, the PAC/HCF zone in the vicinity of Mill Lane, the land along East Mountain Road and other areas for which

amendments to the current plan have been requested.

5. That a copy of this resolution shall be forwarded to the Hillsborough Township Committee, New Jersey Department of Environmental Protection, Somerset County Planning Board and the Hillsborough Township Municipal Utilities Authority.

Certified to be a true copy of a Resolution adopted by the Planning Board of Hillsborough Township at a public meeting held on April 3, 1997.

A handwritten signature in black ink, appearing to read "Thomas Bates", written over a horizontal line.

Thomas Bates,  
Chairman of the Board

1

K



# Township of Hillsborough



COUNTY OF SOMERSET  
MUNICIPAL BUILDING  
AMWELL ROAD  
NESHANIC, NEW JERSEY 08853

(908) 368-4313

April 22, 1997

Hillsborough Township Municipal Building  
555 Amwell road  
Neshanic, NJ 08853

Dear Mayor & Township Committee:

On January 28, 1997, the Township Committee passed a resolution naming the Planning Board Chairman to represent Hillsborough Township on the Somerset County Wastewater Management Advisory Committee. Subsequently, the Planning Board passed a resolution requesting that Somerset County hold Hillsborough's Wastewater Management Plan Amendments from submission to the DEP to permit review in light of the Master Plan and Zoning Ordinances.

The Land Use Subcommittee of the Planning Board reviewed the Master Plan to determine the consistency with the Wastewater Management Plan Amendments proposed by the County. That subcommittee submitted its report to the Planning Board at its regularly scheduled public meeting of April 3, 1997. They recommended a set of development principles to be applied to the proposed Wastewater Management Plan.

These principles were applied to the proposed County Plan. A resolution was passed by the Board recommending that the PAC/HCF Zone remain in the proposed sewer service area pursuant to its status in the Hillsborough Master Plan and the State Master Plan.

Recommending removal of the PAC/HCF from the County Plan would not only lead to costly litigation with a high degree of risk, but would have been counter to all the planning and efforts by the Township over the past eight years.

About nine years ago senior housing was introduced as a land use that meets an emerging market need, while at the same time, addresses the desire for clean, safe, attractive, affordable ratables.

The Master Plan was revised by the Planning Board. The Township Committee passed PAC/HCF Ordinance that took into account total senior living and health care. The PAC/HCF received the endorsement of the State Office of Planning and the Council on Affordable Housing. All of this activity was conducted in accordance with the Municipal Land Use Law and went through the Cross Acceptance process of

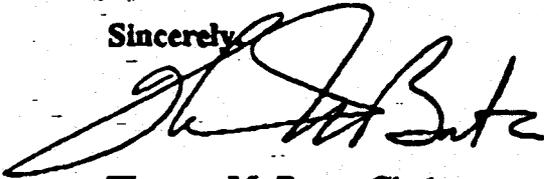
the State Plan. The PAC/HCF was a major campaign issue of the 1992 election and the voters elected the supporters of this plan.

The PAC/HCF will provide growth at the rate of around 100 to 150 units per year over the next twenty years. At total build out, the Township tax rolls would be increased by over \$6,000,000 per year with very little increase in school costs. Development of this land to its underlying density with non-age restricted housing will cost Township taxpayers approximately \$2,000,000 per year.

Relying on the Township's actions a group of land owners assembled a large tract of land suitable for the amenities needed to provide a quality project, formed a limited partnership called the Hillsborough Alliance for Living (HAL). HAL proceeded to implement a General Development Plan. They selected a reputable developer of adult communities, US Home, who submitted an application which is presently before the Planning Board for public hearing.

Given the long history of support for the PAC/HCF by Township Officials and the reliance by the land owners on that support, I respectfully suggest that the Committee seek counsel from a law firm that specializes in Land Use Law before making decisions regarding the Board's recommendation on the Wastewater Management Plan, on the PAC/HCF Zone, on the US Home application before the Planning Board, on COAH obligations, or on any other application involving senior housing.

Sincerely,



**Thomas M. Bates, Chairman**  
**Hillsborough Township Planning Board**

TB:ker

L

GIORDANO, HALLERAN & CIESLA

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

125 HALF MILE ROAD

POST OFFICE BOX 190

MIDDLETOWN, NEW JERSEY 07748

(908) 741-3900

FAX: (908) 224-6599

441 EAST STATE STREET  
TRENTON NEW JERSEY 08625  
(609) 695-3900

PLEASE REPLY TO: MIDDLETOWN

DIRECT DIAL NUMBER:

April 28, 1997

FEDERAL EXPRESS

156 2571 087

LAURA N. ANDERSON  
JOANNE S. GRAY  
PAUL V. FERNICOLA  
JAY S. BECKER  
J. ANDREW KINSEY  
TIMOTHY D. LYONS  
LAWRENCE J. SHARON  
SEANE REGAN  
MARK D. MILLER  
DEBRA J. RUBENSTEIN  
GERALD P. LALLY  
CATHERINE T. HEACOX  
J. SCOTT ANDERSON  
CRAIG S. VIRGIL  
JOSEPH G. CAPPUCCIO  
CHARLES A. CERUSI  
JORDANA SILVERSTEIN  
MICHAEL J. VITIELLO  
ERIC S. SCHAEER  
DAVID A. DESIMONE  
ANITA L. CHAPDELAIN  
ADAM R. KOKAS  
LYNETTE J. CARHART  
PATRICK S. CONVERY

CERTIFIED CIVIL TRIAL ATTORNEY  
A CERTIFIED CRIMINAL TRIAL ATTORNEY

FILE NO.

4328/052

JOHN C. GIORDANO JR.  
JOHN R. HALLERAN  
FRANK R. CIESLA  
BERNARD J. BERRY JR.  
THOMAS A. PLISKIN  
JOHN A. AIELLO  
MICHAEL J. GROSS  
RICHARD L. FRIEDMAN DA  
GEORGE J. TYLER  
JOHN A. GIUNCO  
NORMAN M. HOBBS DA  
EDWARD S. RADZELY  
STEVEN M. BERLIN DA  
SHARLENE A. HUNT  
PHILIP D. FORLENZA  
TOBI E. GRAFF  
MICHAEL J. CANNING DA  
PAUL H. SCHNEIDER  
M. SCOTT TASHJY  
MICHELE A. QUERQUES  
DAVID P. CORRIGAN DA  
EDWARD C. BERTUCIO, JR. A  
ANDREW B. ROBINS  
MICHAEL A. BRUNO  
MARGARET B. CARMELI  
KURT E. ANDERSON  
PAUL T. COLELLA  
STEVEN J. BRODMAN  
SUSAN D. DAVIS

COUNSEL:

ELIZABETH CHRISTIAN  
ROBERT E. LINKIN

OF COUNSEL:

S. THOMAS GAGLIANO

JOHN C. GIORDANO  
(1921-1989)

Ms. Deborah A. Bechtel  
Principal Environmental Specialist  
Water Planning Group  
State of New Jersey  
Department of Environmental Protection  
Office of Environmental Planning  
401 E. State Street, Floor 2  
CN 418  
Trenton, New Jersey 08625

Re: Petition of U.S. Home Corporation and Hillsborough Alliance For Assisted Living, L.P. (collectively, the "Petitioners") for inclusion of Lots 1, 6, 10A, 13, 27, 28, 34, 44 and 44A in Block 11, and Lots 26, 27, 28, 29A, 33, 44, 45 and 47 in Block 12, as shown on the Official Tax Map of the Township of Hillsborough, Somerset County ("Petitioners' Lands"), comprised of 760+ acres to be developed as "Greenbriar at The Village" (the "Project") in the pending proposed Somerset County/Upper Raritan Watershed Wastewater Management Plan.

Dear Ms. Bechtel:

Please be advised that this office is counsel to Hillsborough Alliance For Assisted Living, Inc. as the owner, and U.S. Home Corporation as the contract purchaser, of the Petitioners' Lands above described and intended to be developed by U.S. Home Corporation as a Planned Adult Community/Health Care Facility known as "Greenbriar at The Village", and on behalf of the Petitioners, I enclose herewith for filing with your respective offices seven (7) copies each of their Petition For Inclusion of Petitioners' Lands within the proposed Somerset

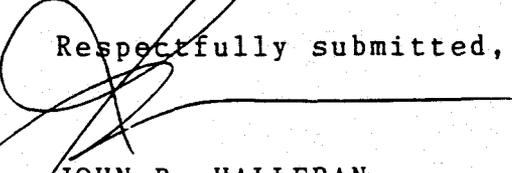
**GIORDANO, HALLERAN & CIESLA**

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

Ms. Deborah A. Bechtel  
Principal Environmental Specialist  
Water Planning Group  
State of New Jersey  
Department of Environmental Protection  
April 28, 1997  
Page 2

County/Upper Raritan Watershed Wastewater Management Plan presently pending before the Department Of Environmental Protection of the State of New Jersey (the "County WMP"), for your consideration and action in the further processing of the County WMP. While the draft of the County WMP currently includes Petitioners' Lands, it is Petitioners' current understanding that the County of Somerset intends to submit revisions to the County WMP, the effect of which will be to remove, or only conditionally include, Petitioners' Lands from the County WMP.

Respectfully submitted,

  
JOHN R. HALLERAN

cc: Mr. Harry Smith - w/encl. - Via Fax 369-4303  
Mr. Robert Heibell - w/encl. - Via Fax - 359-1580  
Gregory Snyder - w/encl. - Via Fax - 780-7752  
Township Clerk, Township of Hillsborough -  
w/encl. - Via Fax - 369-6034  
County Clerk, County of Somerset -  
w/encl. - Via Fax - 253-8853

**GIORDANO, HALLERAN & CIESLA**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

Ms. Deborah A. Bechtel  
Principal Environmental Specialist  
Water Planning Group  
State of New Jersey  
Department of Environmental Protection  
April 28, 1997  
Page 3

bc: Thomas C. Miller, Esq. - w/encl. - Via Fax - 722-7737  
Peter A. Buchsbaum, Esq. - w/encl. - Via Fax - 549-1881

GIORDANO, HALLERAN & CIESLA  
A Professional Corporation  
125 Half Mile Road  
P.O. Box 190  
Middletown, New Jersey 07748  
(908) 741-3900  
Attorneys for Petitioners

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IN THE MATTER OF THE PETITION OF: STATE OF NEW JERSEY  
U.S. HOME CORPORATION and HILLS-: DEPARTMENT OF ENVIRONMENTAL  
BORO ALLIANCE FOR ADULT LIVING, : PROTECTION  
L.P., FOR INCLUSION OF LANDS IN :Office of Environmental Planning  
THE WASTEWATER MANAGEMENT PLAN : Bureau of Water Planning  
OF THE COUNTY OF SOMERSET. :  
:

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TO: DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE STATE  
OF NEW JERSEY - Office of Environmental Planning -  
Bureau of Water Planning:

Petitioners U.S. HOME CORPORATION, ("USH"), a corporation of the State of Delaware authorized to do business in the State of New Jersey, with offices located at 800 West Main Street, Freehold, New Jersey 07728, and HILLSBOROUGH ALLIANCE FOR ADULT LIVING, L.P., a New Jersey limited partnership, with offices located at P. O. Box #720, Neshanic, New Jersey 08853 ("HAAL" and, collectively with USH, the "Petitioners"), by way of petition to the DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE STATE OF NEW JERSEY ("DEP"), respectfully pray that the currently proposed Somerset County/Upper Raritan Watershed Wastewater Management Plan (the "County WMP") previously submitted to DEP by the County of Somerset and presently pending before DEP, be

amended pursuant to N.J.A.C. 7:15-3.4 prior to its adoption by DEP to include Petitioners' Lands has hereinafter described for the reasons hereinafter set forth.

#### INTRODUCTION AND BACKGROUND

1. At all times hereinafter referred to, HAAL has been and is the owner, and USH is the contract purchaser, of certain tracts of land in the Township of Hillsborough and County of Somerset (the "Township"), known and designated as Lots 1, 6, 10A, 13, 27, 28, 34, 44 and 44A in Block 11, and Lots 26, 27, 28, 29A, 33, 44, 45 and 47 in Block 12, as shown on the Official Tax Map of the Township, comprised of 760± acres (alternatively referred to as the "Project Site" or "Petitioners' Lands").

2. The Petitioners' Lands are proposed to be developed as a Planned Adult Community/Health Care Facilities planned development (the "Project") pursuant to §77-91.1 of the Hillsborough Township Code (the "PAC/HCF Ordinance").

3. Subsequent to the adoption of the PAC/HCF Ordinance by the Township Committee in June 1991, upon the application of HAAL to the Planning Board of the Township of Hillsborough ("Planning Bd.") pursuant to the PAC/HCF Ordinance, the Planning Bd. (i) classified the Project as a PAC/HCF on July 18, 1991, and (ii) approved the General Development Plan for the Project on January 2, 1992.

4. The Project Site comprises all of Petitioners' Lands containing approximately 760 acres along Mill Lane from Amwell Road to the Conrail railroad tracks (north to south) and from the proposed County road known as West County Drive to River Road (east to west). The Project is intended to be developed as a senior citizen community of approximately 3,000 houses, with building densities shown as lower, moderate and upper, together with congregate care, nursing, extended care and hospital, medical, recreation, office, and mixed use, facilities and an eighteen hole golf course.

5. On August 16, 1993, HAAL entered into an agreement with Hunterdon Healthcare Systems, a new Jersey Nonprofit Corporation ("HHS") whose responsibilities include assessing and providing for the healthcare needs of the population served by Hunterdon Medical Center with which it is affiliated (the "HHS Contract"). By the HHS Contract, HHS contracted with HAAL to provide the planning services necessary for the development of the health care facilities components of the Project.

6. On February 1, 1996, HAAL entered into a Municipal Development Agreement with the Township of Hillsborough (the "Fair Share Housing Contract"). By the Fair Share Housing Contract, HAAL agreed to include, as part of the housing components of the Project, low and moderate income housing for age-restricted and non-age-restricted occupancies, on a sale or rental basis.

7. Subsequent to the Original GDP Approval, pursuant to an application made by the Township of Hillsborough (the "Township"), on April 3, 1996, the Council on Affordable Housing ("COAH") granted substantive certification of Hillsborough Township's Housing Element and Fair Share Plan, acting pursuant to the New Jersey Fair Housing Act, N.J. Stat. Ann. 52:27D-301 et seq. and N.J.A.C. 5:93. The Housing Element and Fair Share Plan are premised on development of the Project on the Project Site, which COAH found to be "available, approvable, suitable and developable" (the "COAH Approval"). On May 20, 1996, New Jersey Future, Inc. filed an appeal from the COAH Approval with the Appellate Division of the New Jersey Superior Court which is currently pending (the "COAH Appeal"). Notwithstanding the COAH Appeal, the COAH Approval remains in full force and effect.

8. On application of HAAL to the Planning Bd. on December 7, 1995, the Planning Board approved an amended general development plan for the Project (the "Amended GDP Approval"), which results in a residential building density of the Project of 3,000 dwelling units, together with an eighteen (18) hole golf course, recreation facilities, a nursing home, extended care, hospital and medical facilities, offices and a congregate care facility.

9. On June 27 and July 18, 1996, USH appeared before the Planning Bd. at workshop sessions, at which time USH advised that it was the contract purchaser of the Project Site and made a presentation demonstrating its experience in the development of

planned adult and retirement community projects and an overview of its development plans for this Project to be known as "Greenbriar At The Village".

10. On July 1, 1996, HAAL originally filed, and after a subsequent withdrawal, on December 23, 1996 USH refiled, App. No. 96-PB-40-MJ/PUD with the Planning Board for preliminary subdivision approval of Phase I of the Project covering Lots 27 and 34 of Block 11 of the Project Site, seeking the subdivision of 25 building lots (the "Phase I Application").

11. Phase I of the Project shall consist of twenty-five senior citizen residential lots along Amwell Road in the Southern portion of Greenbriar at The Village, a planned adult community ("Phase I").

12. At all times hereinbefore and hereinafter mentioned, the Petitioners, Planning Board and the Township all understood, acknowledged and agreed that the Project was to be served by central sanitary sewer collection and treatment facilities ("Sewer Service") proposed to be provided by the Township of Hillsborough Municipal Utilities Authority ("HTMUA").

13. At the present time, the Project Site is not included in the Township Wastewater Management Plan (the "Tp. WMP"). The existing "Wastewater Management Plan for Hillsborough Township, Somerset County, New Jersey" as dated May 10, 1988, prepared by Van Cleef Engineering Associates was approved by DEP on September 8, 1988, prior to the adoption of the PAC/HCF Ordinance and the GDP Approval. The "Amendment of the Wastewater Management Plan

for Hillsborough Township, Somerset County, New Jersey" was revised on October 18, 1995, and was approved by DEP on December 14, 1995, but did not include the Project Site, as shown on "Exhibit A" annexed hereto.

14. The proposed Somerset County/Upper Raritan Watershed Wastewater Management Plan as prepared by Malcolm Pirnie, Inc., dated November 1994 (the "County WMP"), was submitted to DEP on behalf of the County of Somerset ("Somerset County") for review and approval in November 1994, and does include the Project Site. Deborah A. Bechtel, Principal Environmental Specialist, Water Planning Group, DEP, issued a ten page review report to Malcolm Pirnie, Inc. on November 15, 1995, and Malcolm Pirnie, Inc., on behalf of Somerset County, submitted revisions to the County WMP on or about June 1, 1996. The County WMP is still pending before DEP in the review process.

15. Upon the information and belief of Petitioners, Somerset County is in the process of modifying the County WMP for submission to DEP, which modifications may result in the deletion or conditional deletion of the Petitioners' Lands from the County WMP (the "WMP Modifications").

#### PETITION

16. As a part of the revision process by Malcolm Pirnie, Inc., intended to result in the WMP Modifications to the County WMP being submitted to DEP, Somerset County invited comment from

the Township Committee of the Township of Hillsborough ("Township Committee") concerning the areas of the Township to be included in the County WMP.

17. At the request of the Township Committee, the Planning Board undertook a study to delineate the areas of the Township to be included in the County WMP and, at its meeting held on April 3, 1997, the Planning Board adopted three (3) resolutions whereby the Petitioners' Lands as the Project Site were recommended for inclusion within the County WMP.

18. Upon information and belief, the Township Committee is currently considering making its recommendation to the County as to those lands within the Township to be included within the County WMP, which recommendation may seek the removal of Petitioners' Lands from the County WMP (the "Negative Recommendation").

19. In anticipation of the Negative Recommendation, on April 21, 1997, Petitioners filed a Petition with the Township Committee and the Board of Freeholders of Somerset County seeking inclusion of Petitioners' Lands in the County WMP, a copy of which is annexed as "Exhibit B" and incorporated herein by reference.

210 In the event of a Negative Recommendation, Petitioners believe that the WMP Modifications submitted by Somerset County will seek the removal of Petitioners' Lands from the County WMP, and in the event that Somerset County submits the WMP Modifications to DEP prior to receipt of the Negative

Recommendation, Petitioners believe that the WMP Modifications may be expressly subject to the subsequent issuance of a Negative Recommendation by the Township Committee.

21. By reason of the foregoing, and for the following reasons, Petitioners by this Petition to DEP independently seek, and respectfully pray, that Petitioners' Lands be (or remain) included within the County WMP as the same is finally adopted and approved by DEP.

22. All of Petitioners' Lands were assembled as an integrated real estate parcel to be developed as the Project and serviced with Sewer Service from the HTMUA.

23 The Petitioners' Lands will have no recourse to Sewer Service unless the Project Site is included in the County WMP.

24. The PAC/HCF Ordinance and the Amended GDP Approval expressly contemplated that Sewer Service was to be provided to the Project by the HTMUA.

25. The Fair Share Housing Contract expressly contemplated that Sewer Service was to be provided to the Project by the HTMUA.

26. The COAH Approval is predicated upon Sewer Service to be provided to the Project by the HTMUA.

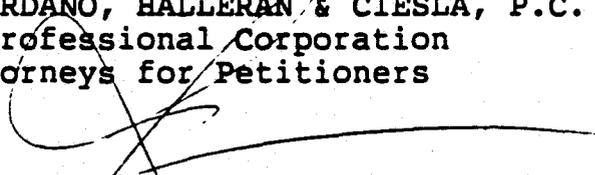
27. The inclusion of Petitioners' Lands within the County WMP is a condition precedent to the HTMUA providing Sewer Service to the Project.

28. The PAC/HCF Ordinance and the Amended GDP Approval for the development of the Project on Petitioners' Lands are wholly consistent with the New Jersey State Development And Redevelopment Plan adopted on June 12, 1992, which classified Petitioners' Lands in Planning Area 4 as a Village Center, as shown on "Exhibit C" annexed hereto.

WHEREFORE, Petitioners U.S. HOME CORPORATION and HILLSBOROUGH ALLIANCE FOR ADULT LIVING, L.P. respectfully pray that the DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE STATE OF NEW JERSEY include the Petitioners' Lands in the Somerset County/Upper Raritan Watershed Wastewater Management Plan as the same is finally adopted by that Agency.

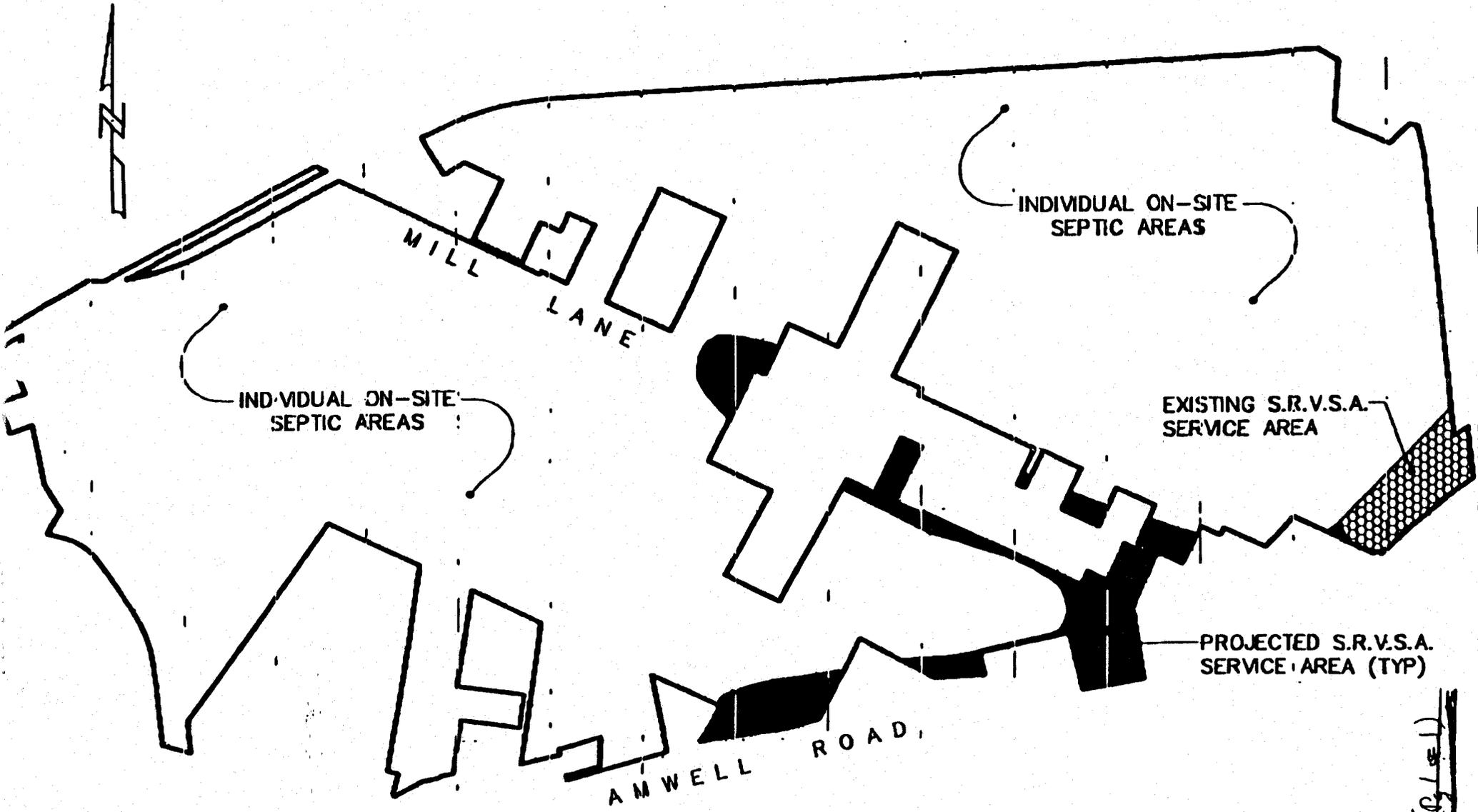
Respectfully submitted;

GIORDANO, HALLERAN & CIESLA, P.C.  
A Professional Corporation  
Attorneys for Petitioners

By: 

JOHN R. HALLERAN, ESQ.

Dated: April 28, 1997



SOURCE MAP:  
 SEWER SERVICE AREA MAP  
 FOR THE  
 WASTEWATER MANAGEMENT PLAN  
 FOR  
 HILLSBOROUGH TOWNSHIP  
 SOMERSET COUNTY, NEW JERSEY  
 PREPARED BY  
 VAN CLEEF ENGINEERING ASSOCIATES  
 AS AMENDED OCTOBER 18, 1995

SANITARY SEWER SERVICE AREAS:  
 FOR  
 GREENBRIAR AT THE VILLAGE  
 SITUATED IN  
 HILLSBOROUGH TOWNSHIP  
 SOMERSET COUNTY I, NEW JERSEY  
 PREPARED BY  
 VAN CLEEF ENGINEERING ASSOCIATES  
 APRIL 25, 1997  
 SCALE: 1" = 1,000'

EXHIBIT A (of 5)

M



State of New Jersey

Department of Environmental Protection  
OFFICE OF ENVIRONMENTAL PLANNING  
401 East State Street 7th Fl. West. Wing  
P.O. 418  
Trenton, NJ 08625-0418

Robert C. Shinn, Jr.  
Commissioner

RECEIVED

OCT - 1 1997

SEP 26 1997

SEP 26 1997

Normal

Christine Todd Whitman  
Governor

John Halleran  
Giordano, Halleran & Ciesia  
125 Half Mile Road  
PO Box 190  
Middletown, NJ 07748

Re: Hillsborough Planned Adult Community(PAC)/Greenbriar at the Village

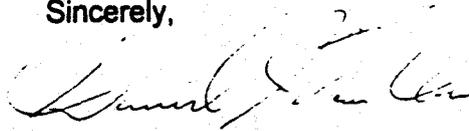
Dear Mr. Halleran:

This is in response to your letters of June 11 and April 28, 1997 to Deborah Bechtel of this Office. At the present time the Department is proceeding to review and process the Somerset County/Upper Raritan Watershed Wastewater Management Plan (WMP) as it has been presented to us. According to the WMP, Hillsborough Township is currently contemplating rezoning the area in question. It is contemplated that the PAC area will either be part of the Somerset Raritan Valley Sewerage Authority sewer service area or part of the area for ground water disposal facilities with design flows of less than 2,000 gallons per day (gpd), depending upon Hillsborough's decisions regarding their zoning. Although you have petitioned the Department to include the PAC/HCF in the WMP, the Department, in concurrence with Somerset County, recognizes that there are components of the WMP important to other municipalities which should not be delayed, and we are not considering the PAC/HCF or any additional projects for inclusion in the WMP at this time.

It is anticipated that the WMP will be public noticed in the New Jersey Register on October 6, 1997, with public hearings scheduled for November 12 and 17. If there are no major changes to the draft WMP as a result of public comments or the hearing, it is hoped the plan can be adopted shortly thereafter. After the WMP is adopted, the Department will first evaluate the progress Hillsborough Township has made relative to its re-evaluation of the zoning. If the Township decides to zone the Mill Lane area in favor of the PAC/HCF, the WMP must be amended to include the area. Regardless of whether or not the Township decides to zone in favor of the PAC/HCF, the project will be evaluated against the State Development and Redevelopment Plan, the Council of Affordable Housing(COAH) actions on this project, Administrative Order 1996-06, and the Water Quality Management Planning Regulations, to the extent that they are relevant and legally germane to the review.

Enclosed for your information is a copy of the public notice to be published in the New Jersey Register and the local newspapers on October 6, 1997.

Sincerely,

A handwritten signature in cursive script, appearing to read "Daniel J. Van Abs".

Daniel J. Van Abs, Ph.D.  
Assistant Administrator

**Enclosure**

c: Deborah Bechtel, OEP  
Brenda Jogan, OEP  
Daren Eppley, DAG  
Anthony McCracken, Somerset Co. Plan.  
Hillsborough Twp Clerk

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF ENVIRONMENTAL PLANNING

AMENDMENT TO THE UPPER RARITAN, LOWER RARITAN/MIDDLESEX  
COUNTY AND NORTHEAST WATER QUALITY MANAGEMENT PLANS

Public Notice

The New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Upper Raritan, Lower Raritan/Middlesex County and Northeast Water Quality Management (WQM) Plans. This amendment proposal was submitted by Somerset County Board of Chosen Freeholders. This amendment proposal will adopt the Somerset County/Upper Raritan Watershed Wastewater Management Plan (SC/URW WMP). The WMP area encompasses all or part of the following municipalities: Bedminster, Bernardsville, Branchburg, Bridgewater, Far Hills, Hillsborough, Manville, Millstone, Peapack-Gladstone, Raritan, Somerville, and Warren. In addition to these municipalities, upon adoption the WMP area will encompass portions of Bernards, Green Brook and Chester Townships. Upon adoption, the Somerset County/Upper Raritan WMP will supersede all present individual municipal WMPs. The Bernards Township Sewerage Authority (BTSA) and Readington-Lebanon Sewerage Authority (SA) WMPs will be amended relative to proposals contained within this WMP which affect their respective WMP areas.

The SC/URW WMP identifies existing and proposed sewer service areas of the Somerset Raritan Valley Sewerage Authority (SRVSA), Environmental Disposal Corporation (EDC), Middlesex County Utilities Authority (MCUA), BTSA, Borough of Bernardsville, Fox Hollow, Neshanic Station, River Road, and Fieldhedge sewage treatment plants (STPs). The WMP addresses smaller domestic and commercial STPs including the Department of Veterans' Affairs Supply Depot (Veterans' Affairs), Fiddler's Elbow Country Club, Delorean, Royce Brook Golf Course, Hamilton Farms and Merck. The WMP identifies existing industrial treatment facilities within the WMP area as well as areas to be served by ground water disposal facilities with design flows of less than 2,000 gallons per day (gpd) [such as individual home septic systems].

Some of the activities proposed include: expansion of the SRVSA STP to accommodate annual average wastewater flows of 24.41 million gallons per day (mgd) with peak monthly average flows up to 27 mgd resulting from both expansions of the sewer service area and decommissioning of the Fox Hollow, Neshanic Station, Veterans' Affairs, River Road and Fieldhedge STPs with conveyance to SRVSA; conversion of the existing Fiddlers' Elbow STP to a pump station with conveyance across the Lamington River to a new STP located in Readington Township designed to accommodate an annual average wastewater flow of 0.0198 mgd with peak flows up to 0.030 mgd; expansion of the MCUA sewer service area to include the Borough of Millstone and portions of Bridgewater and Warren Townships; expansion of the EDC STP to accommodate annual average wastewater flows of 1.985 mgd; use of approximately 0.2 to 0.5 mgd of effluent from the EDC STP for irrigation at The Hills Golf Course Development; expansion of various STP sewer service areas to accommodate anticipated development; deletion of some areas, particularly in Hillsborough Township, from the proposed sewer service area, and; a change in Bedminster Township from areas previously proposed for on-site ground water disposal areas for facilities with design flows of less than 20,000 gpd to areas for ground water disposal facilities with design flows of less than 2,000 gpd.

Hillsborough Township is presently reviewing its land use, zoning and sewerage needs relative to the Planned Adult Community/Health Care Facility Zone (PAC/HCF) located near Branchburg and the Corporate Development Zone near Manville. The Township Committee has, by resolution dated June 25, 1997, indicated that the PAC/HCF zone should not be included in the SC/URW WMP. As such, the County has indicated in the WMP that Hillsborough is reviewing these areas with regard to providing for sanitary sewer service and that these areas will remain as areas for ground water disposal facilities with design flows of less than 2,000 gpd until such time as the WMP is amended, if necessary, to reflect Hillsborough's land use decisions.

Considerable public opposition has been voiced regarding a proposed project within the PAC/HCF Zone of Hillsborough Township. Although the developer has petitioned the Department to include the project in the SC/URW WMP, the Department is processing the WMP in its present form in deference to the need to finalize and ultimately adopt the SC/URW WMP so that components of the plan important to other municipalities not be delayed if at all possible. The SC/URW WMP will have to be amended after its initial adoption to include the affected zone which will result in a future public notice and public hearing exclusively for these issues. The Department is requesting that comments on the PAC/HCF Zone and/or project be withheld until the public comment period and public hearing for those specific issues.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

This notice is being given to inform the public that a plan amendment has been proposed for the Upper Raritan, Lower Raritan/Middlesex County and Northeast WQM Plans. All information related to the WQM Plan, and the proposed amendment is located at the Somerset County Planning Division, County Administration Building, 20 Grove Street, PO Box 3000, Somerville, NJ 08876; the Middlesex County Planning Board, 40 Livingston Avenue, New Brunswick, NJ 08901; and the Department, Office of Environmental Planning, 401 East State Street, PO Box 418, Trenton, NJ 08625. It is available for inspection between 8:30 a.m. and 4:00 p.m., Monday through Friday. An appointment to inspect the documents may be arranged by calling either the Somerset County Planning Department at (908) 231-7021, the Middlesex County Planning Board at (908) 745-3016 or the Office of Environmental Planning at (609) 633-1179.

A public hearing on the proposed amendment will be held on November 12, 1997 at 7:00 p.m., in the County Administration Building, Freeholders Meeting Room, located at 20 Grove Street, Somerville, NJ 08876. Interested persons may submit written comments on the proposed amendment to Mr. Anthony McCracken, Sr. at the address cited above; and to Dr. Daniel J. Van Abs, Office of Environmental Planning, at the Department address cited above. Middlesex County will also hold a public hearing in regards to the portion of the amendment effecting the Lower Raritan/Middlesex County. The public hearing will be on November 17, 1997 at 7:00 p.m., in the Freeholders' Meeting Room, 11th Floor, of the Middlesex County Administration Building located on John F. Kennedy Square, New Brunswick, NJ. Interested persons may submit written comments on the amendment to Mr. William Kruse of the Middlesex County planning Board at the County Planning Board address cited above. A copy

of the comments should be sent to Dr. Daniel J. Van Abs at the Department address cited above. All comments must be submitted within 15 days following the public hearing. All comments submitted by interested persons in response to this notice, within the time limit, and at the public hearing shall be considered by the County Freeholders and Department with respect to this amendment request. If the amendment is adopted by the County, the Department must review the amendment prior to final adoption. The Department may approve and adopt this amendment without further notice.

W

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A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

125 HALF MILE ROAD

POST OFFICE BOX 190

MIDDLETOWN, NEW JERSEY 07748

(732) 741-3900

FAX: (732) 224-6599

441 EAST STATE STREET  
TRENTON, NEW JERSEY 08625  
(609) 695-3900

PLEASE REPLY TO: MIDDLETOWN

DIRECT DIAL NUMBER:

(732) 219-5487

December 1, 1997

NICHOLAS P. KAPUR  
LAURA N. ANDERSON  
JOANNE S. GRAY  
PAUL V. FERNICOLA  
JAY S. BECKER  
J. ANDREW KINSEY  
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LAWRENCE J. SHARON  
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DEBRA J. RUBENSTEIN  
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ANITA L. CHAPDELAIN  
ADAM R. KOKAS  
LYNETTE J. CARHART  
PATRICK S. CONVERY

□ CERTIFIED CIVIL TRIAL ATTORNEY  
△ CERTIFIED CRIMINAL TRIAL ATTORNEY

FILE NO.

JOHN C. GIORDANO, JR.  
JOHN R. HALLERAN  
FRANK R. CIESLA  
BERNARD J. BERRY, JR.  
THOMAS A. PLISKIN  
JOHN A. AIELLO  
MICHAEL J. GROSS  
RICHARD L. FRIEDMAN □△  
GEORGE J. TYLER  
JOHN A. GIUNCO  
NORMAN M. HOBBIE □△  
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STEVEN M. BERLIN □  
SHARLENE A. HUNT  
PHILIP D. FORLENZA  
TOBI E. GRAFF  
MICHAEL J. CANNING □  
PAUL H. SCHNEIDER  
M. SCOTT TASHYJ  
MICHELE A. QUEROUES  
DAVID P. CORRIGAN □  
EDWARD C. BERTUCIO, JR. △  
ANDREW B. ROBINS  
MICHAEL A. BRUNO  
MARGARET B. CARMELI  
KURT E. ANDERSON  
PAUL T. COLELLA  
STEVEN J. BRODMAN  
SUSAN D. DAVIS

COUNSEL:  
ELIZABETH CHRISTIAN  
ROBERT E. LINKIN

OF COUNSEL:  
S. THOMAS GAGLIANO

JOHN C. GIORDANO  
(1921-1989)

**VIA FEDERAL EXPRESS**

Daniel Van Abs, Ph.D.  
Assistant Director  
Department of  
Environmental Protection  
Office of Environmental Planning  
401 East State Street  
7th Floor  
P.O. Box 418  
Trenton, NJ 08625-0418

**VIA FEDERAL EXPRESS**

Anthony McCracken, Sr.  
Somerset County Planning Div.  
County Administration Bldg.  
20 Grove Street  
P.O. Box 3000  
Somerville, NJ 08876

**Re: Comments of U.S. Home Corporation and Hillsborough Alliance for Assisted Living, L.P. on Proposed Amendments to Somerset County/Upper Raritan Watershed Water Quality Management Plan**

Dear Messrs. Van Abs and McCracken:

On behalf of U.S. HOME CORPORATION, ("USH"), a corporation of the State of Delaware authorized to do business in the State of New Jersey, with offices located at 800 West Main Street, Freehold, New Jersey 07728, and HILLSBOROUGH ALLIANCE FOR ADULT LIVING, L.P., a New Jersey limited partnership, with offices located at P. O. Box #720, Neshanic, New Jersey 08853 ("HAAL" and, collectively with USH, "USH/HAAL"), we hereby submit these comments on the proposed amendments to the Upper Raritan Water

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Quality Management ("WQM") Plan which, if approved, will amend the Somerset County/Upper Raritan Watershed Wastewater Management Plan ("SC/URW WMP"). As set forth below, neither Somerset County nor the Department of Environmental Protection ("DEP") should adopt or approve the proposed amendments to the WQM Plan or WMP unless the site of the Greenbriar at the Village Planned Adult Community/Health Care Facility (the "PAC/HCF Site") in Hillsborough Township is totally included in the Somerset Raritan Valley Sewerage Authority's ("SRVSA") sewer service area. The currently proposed amendments to the Upper Raritan WQM Plan and SC/URW WMP should be modified prior to approval or adoption by DEP or Somerset County to include the PAC/HCF site in the SRVSA sewer service area.

The October 6, 1997 Public Notice (29 N.J.R. 4340(b)) states that the PAC/HCF Site will not be considered for inclusion in the WQM Plan or WMP as part of the plan amendments being considered at this time, and suggests that comments on the PAC/HCF Site be withheld. But, as set forth below, any action by Somerset County or DEP in adopting or approving the plan amendments in their present form, without including the PAC/HCF Site in the SRVSA's sewer service area, would be contrary to the Water Quality Management Planning regulations, and would otherwise be

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arbitrary, capricious and unreasonable. In addition, the State Development and Redevelopment Plan and Council on Affordable Housing (COAH) actions on this Site also support the inclusion of the PAC/HCF Site in the sewer service area.

At the November 12, 1997 public hearing on the WQM Plan, Mr. Van Abs stated that because the Public Notice indicates that the PAC/HCF Site will not be included in the sewer service area, Somerset County and DEP cannot modify the proposed amendments to include the PAC/HCF Site without providing additional public notice and an opportunity for the public to be heard. Assuming this to be accurate, then the appropriate course of action would be to provide such public notice and solicit public comments at this time, as part of the pending plan amendment process.

In June 1991 the PAC/HCF Site was zoned for development as a Planned Adult Community/Health Care Facility under §77-91.1 of the Hillsborough Township Code (a "PAC/HCF"). Since January, 1992, the PAC/HCF Site has been approved for development as a PAC/HCF under a General Development Plan. As amended in 1995, the General Development Approval for the PAC/HCF Site contemplates the development of 3,000 residential units (the "Project"). Further, pursuant to an agreement between Petitioners and the Township of Hillsborough dated February 27,

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1996, the New Jersey Council on Affordable Housing ("COAH") granted substantive certification to the Township's Housing Element and Fair Share Plan. That Plan expressly relies upon the development of low and moderate income residential units as part of the Project in order to satisfy Hillsborough's fair housing obligations.

In late October 1997, Hillsborough amended its zoning ordinance to delete §77-91.1. But, USH/HAAL is challenging the validity of this zoning amendment in the Superior Court of New Jersey. USH/HAAL expects that the zoning amendment will be invalidated by the courts.

In any event, in light of the fact that the Project had received General Development Approval pursuant to the Municipal Land Use Law ("MLUL") prior to the zoning amendment, the Project has vested rights, so that it may proceed notwithstanding any change in zoning of the PAC/HCF Site. See N.J.S.A. 40:55D-45.1(a). Hence, because of the General Development Plan approval by Hillsborough, this Project now enjoys vested rights and the DEP and Somerset County must proceed to include the Project and the PAC/HCF Site in the WMP at this time, as part of the pending plan amendments.

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In addition, the PAC/HCF Site should be included in the SRVSA sewer service area as part of the current plan amendment because the PAC/HCF Project is consistent with the State Development and Redevelopment Plan. The Office of State Planning has waived center designation for the PAC/HCF Site, and COAH has accepted that waiver and granted Hillsborough substantive certification of its housing plan, which expressly includes the Project. Because this is a Mt. Laurel site, because the PAC/HCF Project is an essential element of Hillsborough's Housing Element and Fair Share Plan, and because COAH and the Office of State Planning are the lead agencies in dealing with this issue, these actions by the Office of State Planning and COAH constitute authoritative determinations as to both the consistency of this Project with the State Plan and the suitability of the PAC/HCF Site for the Project.

Under these circumstances, the Water Quality Management Planning Regulations, N.J.A.C. 7:15-1.1 et seq., require that the Project be included in the WQM Plan in conjunction with the pending amendments to the WQM Plan. These regulations require that, to the maximum extent practicable, wastewater service areas shall be identified in such a manner as to provide adequate wastewater service for land uses allowed in zoning ordinances

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that have been adopted and are in effect under N.J.S.A. 40:55D-62, as well as for projects that are not consistent with local zoning ordinances but which have secured vested rights under the MLUL. See N.J.A.C. 7:15-5.18(b). As noted above, the Project and the PAC/HCF Site satisfy both of these criteria.

Thus, the Water Quality Management Planning Regulations require that DEP and Somerset County include the PAC/HCF Site in the SRVSA sewer service area as part of the current process of amendments to the Upper Raritan WQM Plan and SC/URW WMP. Because a failure by DEP or Somerset County to proceed in this matter would be arbitrary and unreasonable and otherwise contrary to law, USH/HAAL are using the public participation process to demand this action, notwithstanding the request in the Public Notice that comments not be submitted on this issue. DEP cannot use such a Public Notice to circumvent its own regulations or USH/HAAL's right to protect their interests through their participation in the plan amendment process.

We are aware that DEP has suggested that although it will not consider the PAC/HCF Site as part of the current plan amendment process, it may revisit the issue at some indefinite time in the future, in order to facilitate other aspects of the current plan amendment process. Yet, as set forth above, there

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is no basis for this in regulation. If further public participation is required in order to address the PAC/HCF Site now, as part of the current plan amendments, then such notice should be provided now, at this time, before final action on the pending plan amendments.

Indeed, because the Public Notice indicates that DEP has prejudged this issue prior to the public participation process, and because the Public Notice improperly seeks to proscribe legitimate public comment, it appears that proper Public Notice and public participation procedures have not been followed in any event.

Set forth below is a further detail on some of the underlying facts relevant to the PAC/HCF project.

1. HAAL is the owner, and USH is the contract purchaser, of certain tracts of land in the Township of Hillsborough and County of Somerset (the "Township"), known and designated as Lots 1, 6, 10A, 13, 27, 28, 34, 44 and 44A in Block 11, and Lots 26, 27, 28, 29A, 33, 44, 45 and 47 in Block 12, as shown on the Official Tax Map of the Township, comprised of 760+ acres, (referred to herein as the "PAC/HCF Site").

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2. The PAC/HCF Site is proposed to be developed as a Planned Adult Community/Health Care Facilities planned development (the "Project") pursuant to §77-91.1 of the Hillsborough Township Code (the "PAC/HCF Ordinance") and prior approvals received pursuant to that ordinance that have resulted in vested rights under the MLUL.

3. Subsequent to the adoption of the PAC/HCF Ordinance by the Township Committee in June 1991, upon the application of HAAL to the Planning Board of the Township of Hillsborough ("Planning Bd.") pursuant to the PAC/HCF Ordinance, the Planning Bd. (i) classified the Project as a PAC/HCF on July 18, 1991, and (ii) approved the General Development Plan for the Project on January 2, 1992. Exhibits A, B, and C.

4. The PAC/HCF Site contains approximately 760 acres along Mill Lane from Amwell Road to the Conrail railroad tracks (north to south) and from the proposed County road known as West County Drive to River Road (east to west). The Project is intended to be developed as a senior citizen community of approximately 3,000 houses, with building densities shown as lower, moderate and upper, together with congregate care, nursing, extended care and hospital, medical, recreation, office, and mixed use, facilities and an eighteen hole golf course.

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5. On August 16, 1993, HAAL entered into an agreement with Hunterdon Healthcare Systems, a new Jersey Nonprofit Corporation ("HHS") whose responsibilities include assessing and providing for the healthcare needs of the population served by Hunterdon Medical Center with which it is affiliated (the "HHS Contract"). Exhibit D. By the HHS Contract, HHS contracted with HAAL to provide the planning services necessary for the development of the health care facilities components of the Project.

6. On application of HAAL to the Planning Board, on December 7, 1995, the Planning Board approved an amended general development plan for the Project (the "Amended GDP Approval"), which results in a residential building density of the Project of 3,000 dwelling units, together with an eighteen (18) hole golf course, recreation facilities, a nursing home, extended care, hospital and medical facilities, offices and a congregate care facility. See Exhibits E and F.

7. On February 27, 1996, HAAL entered into a Municipal Development Agreement with the Township of Hillsborough (the "Fair Share Housing Contract"). Exhibit G. By the Fair Share Housing Contract, HAAL agreed to include, as part of the housing

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components of the Project, low and moderate income housing for age-restricted and non-age-restricted occupancies, on a sale or rental basis.

8. Pursuant to an application made by the Township of Hillsborough (the "Township"), on April 3, 1996, the Council on Affordable Housing ("COAH") granted substantive certification of Hillsborough Township's Housing Element and Fair Share Plan, acting pursuant to the New Jersey Fair Housing Act, N.J. Stat. Ann. 52:27D-301 et seq. and N.J.A.C. 5:93. Exhibits H and I. The Housing Element and Fair Share Plan are premised on development of the Project on the Project Site, which COAH found to be "available, approvable, suitable and developable" (the "COAH Approval"). On May 20, 1996, New Jersey Future, Inc. filed an appeal from the COAH Approval with the Appellate Division of the New Jersey Superior Court which is currently pending (the "COAH Appeal"). Notwithstanding the COAH Appeal, the COAH Approval remains in full force and effect.

9. In conjunction with its review of the Hillsborough Township's Housing Element and Fair Share Plan, COAH and the Office of State Planning have reviewed the PAC/HCF project for consistency with the State Development and Redevelopment Plan,

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and have determined to waive center designation for the PAC/HCF Site. Documents to the relevant to the waiver of center designation are attached as Exhibit J.

10. On June 27 and July 18, 1996, USH appeared before the Planning Bd. at workshop sessions, at which time USH advised that it was the contract purchaser of the Project Site and made a presentation demonstrating its experience in the development of planned adult and retirement community projects and an overview of its development plans for this Project to be known as "Greenbriar At The Village".

11. On July 1, 1996, HAAL originally filed, and after a subsequent withdrawal, on December 23, 1996 USH refiled, App. No. 96-PB-40-MJ/PUD with the Planning Board for preliminary subdivision approval of Phase I of the Project covering Lots 27 and 34 of Block 11 of the Project Site, seeking the subdivision of 25 building lots (the "Phase I Application"). Phase I of the Project shall consist of twenty-five senior citizen residential lots along Amwell Road in the Southern portion of Greenbriar at The Village, a planned adult community ("Phase I").

12. In issuing the approvals mentioned above, the Planning Board and the Township all understood, acknowledged and agreed that the Project was to be served by central sanitary sewer

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collection and treatment facilities ("Sewer Service") proposed to be provided by the Township of Hillsborough Municipal Utilities Authority ("HTMUA") through the SRVSA system. But, the existing "Wastewater Management Plan for Hillsborough Township, Somerset County, New Jersey" as dated May 10, 1988, prepared by Van Cleef Engineering Associates was approved by DEP on September 8, 1988, prior to the adoption of the PAC/HCF Ordinance and the GDP Approval. Thus at the present time, the Project Site is not totally included in the sewer service area.

13. The "Amendment of the Wastewater Management Plan for Hillsborough Township, Somerset County, New Jersey" was revised on October 18, 1995, and was approved by DEP on December 14, 1995, but did not totally include the Project Site. Yet, on July 12, 1994, the Hillsborough Township engineer wrote to Mr. McCracken urging that the PAC/HCF Site be included in the sewer service area as a "minor change to the existing greater Water Quality Management Plan." On July 21, 1994 Mr. McCracken wrote back, acknowledging that the PAC/HCF Site should be included in the sewer service area. Those letters are included in Exhibit K. On August 1, 1994, the Mayor of Hillsborough wrote to Mr. Van Abs urging that the PAC/HCF Site be included in the sewer service area. Exhibit L.

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14. The proposed Somerset County/Upper Raritan Watershed Wastewater Management Plan as prepared by Malcolm Pirnie, Inc., dated November 1994 (the "County WMP"), was submitted to DEP on behalf of the County of Somerset ("Somerset County") for review and approval in November 1994, and does include the Project Site. See Exhibit M. For example, please note that Table 1 of Exhibit M, and specifically Footnotes 16 and 20 indicate flows of population projections from the then proposed 10,604 units for the PAC/HCF. See also Exhibit N, which are portions of Plate 3A of the Somerset County/Upper Raritan Watershed Wastewater Management Plan dated October 1994 as submitted to DEP, which indicates that the PAC/HCF is proposed to be in the sewer service area of the SRVSA.

15. At the request of the Township Committee, the Planning Board undertook a study to delineate the areas of the Township to be included in the County WMP and, at its meeting held on April 3, 1997, the Planning Board adopted three (3) resolutions whereby the Petitioners' Lands as the Project Site were recommended for inclusion within the County WMP. Exhibit O. This is further addressed in an April 22, 1997 letter from the Chairman of the Hillsborough Township Planning Board to the Mayor and Township Committee. Exhibit P.

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CONCLUSION

For the foregoing reasons, the currently proposed Upper Raritan WQM Plan and SC/URW WMP presently pending before DEP must be amended prior to its approval or adoption by DEP or Somerset County to designate the PAC/HCF Site to be totally within the SRVSA sewer service area. If further public notice and participation is necessary to accomplish this, then such notice should be provided at this time in conjunction with the pending plan amendments.

Thank you for your consideration of this matter.

Very truly yours,

*Paul H. Schneider*

PAUL H. SCHNEIDER

PHS/sba  
Enclosures

**GIORDANO, HALLERAN & CIESLA**

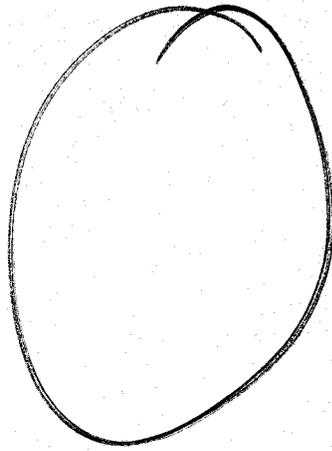
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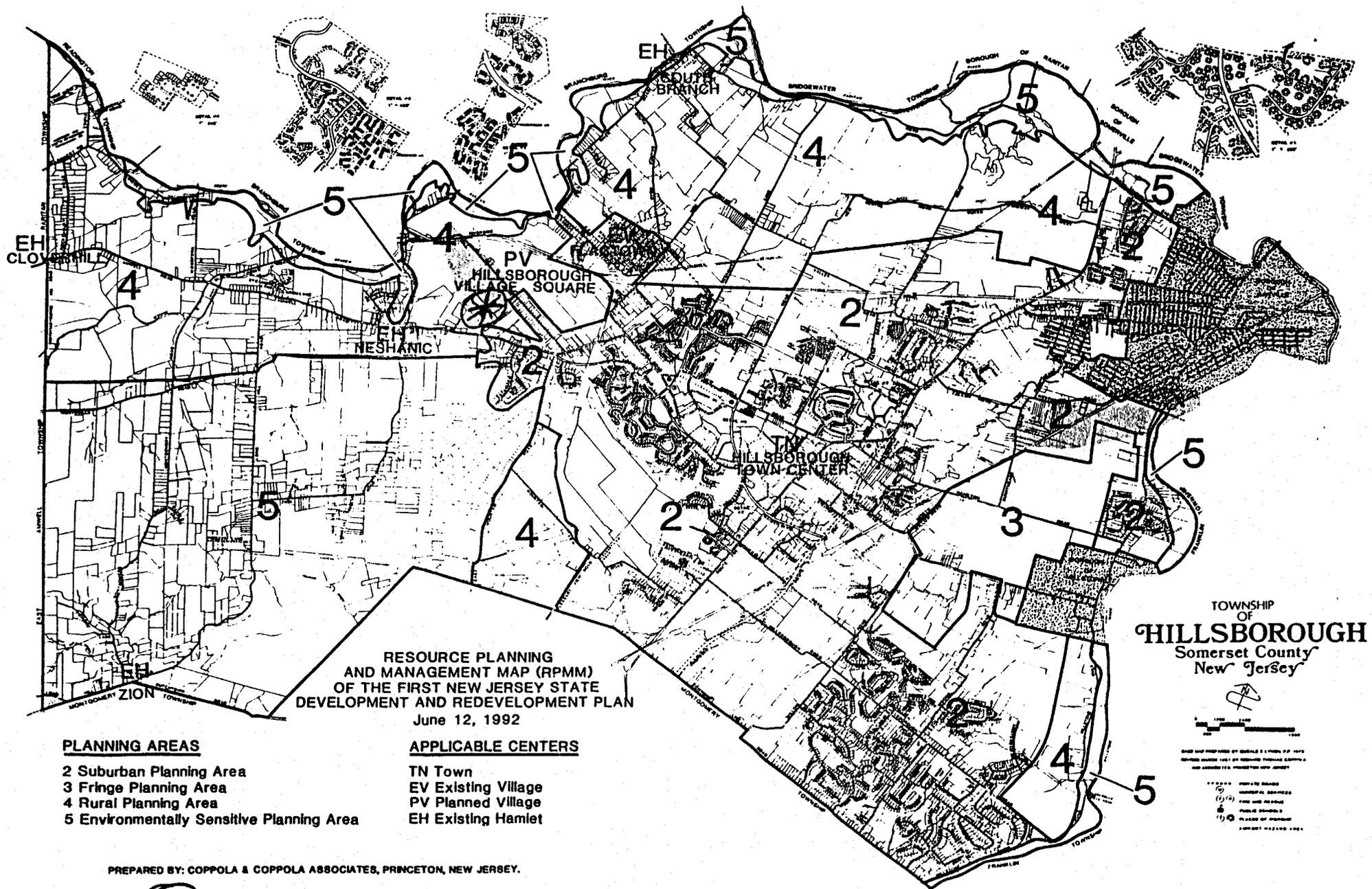
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bcc: Mr. Harry Smith  
Mr. Robert Heibell  
Gregory Synder  
Thomas C. Miller, Esq.  
Peter A. Buchsbaum, Esq.  
John R. Halleran, Esq.

v9/EN/PHS2/ATTYS/L971114-VanAbs





RESOURCE PLANNING AND MANAGEMENT MAP (RPMM) OF THE FIRST NEW JERSEY STATE DEVELOPMENT AND REDEVELOPMENT PLAN  
June 12, 1992

TOWNSHIP OF  
**HILLSBOROUGH**  
Somerset County  
New Jersey

- PLANNING AREAS**
- 2 Suburban Planning Area
  - 3 Fringe Planning Area
  - 4 Rural Planning Area
  - 5 Environmentally Sensitive Planning Area

- APPLICABLE CENTERS**
- TN Town
  - EV Existing Village
  - PV Planned Village
  - EH Existing Hamlet

SCALE: 1" = 1/4 MILE

BASE MAP PROVIDED BY SHARPE & LYONS, P.P. 1979  
REVISIONS MADE 1981 BY GEORGE THOMAS CAMPBELL  
AND LABORATORIES THROUGH 1980

- \*\*\*\*\* PRIVATE DRIVE
- (○) MUNICIPAL SERVICES
- (○) FIRE AND RESCUE
- (○) PUBLIC SERVICES
- (○) PL. ROAD AT INTERSECTION

JANUARY 1992

PREPARED BY: COPPOLA & COPPOLA ASSOCIATES, PRINCETON, NEW JERSEY.

*(\*) Shaded Area is General Location of HAAL site*

R



Q



CHRISTINE TODD WHITMAN  
Governor

State of New Jersey  
COUNCIL ON AFFORDABLE HOUSING  
PO Box 813  
TRENTON NJ 08625-0813  
609-292-3000  
FAX: 609-633-6056  
TDD#: (609) 278-0175

JANE M. KENNY  
Chairman  
SHIRLEY M. BISHOP, P.P.  
Executive Director

February 5, 1998

Peter A. Buchsbaum, Esq.  
Greenbaum, Rowe, Smith, Ravin  
Davis & Himmel LLP  
Metro Corporate Campus One  
PO Box 5600  
Woodbridge, NJ 07095-0988

**RE: IN THE MATTER OF THE PETITION FOR SUBSTANTIVE CERTIFICATION  
OF THE HOUSING ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP  
OF HILLSBOROUGH, SOMERSET COUNTY  
COAH DOCKET #COAH 97-905**

Dear Mr. Buchsbaum:

On February 5, 1998, the Council on Affordable Housing (COAH) approved a Resolution Memorializing the COAH Decision of October 3, 1997, regarding the above captioned matter. A copy of the Resolution is enclosed.

If you have any questions, please feel free to call me at 609/292-4323.

Sincerely,

Renee Reiss  
Council Secretary

c: William Malloy, DAG  
Monica Etz, COAH  
Attached Service List



RESOLUTION MEMORIALIZING COAH DECISION OF  
OCTOBER 3, 1997

WHEREAS, Hillsborough Alliance for Adult Living and U.S. Home Corporation ("HAAL") filed an emergent motion with the New Jersey Council on Affordable Housing ("COAH" or "the Council") requesting that COAH enforce its grant of substantive certification to the housing element and fair share plan of the Township of Hillsborough ("Hillsborough") and order Hillsborough to not alter the zoning on HAAL's Planned Adult Community/Health Care Facility ("PAC") site and to seek the necessary water and sewer approvals for the PAC site, as provided in a mediated agreement between Hillsborough and HAAL; and

WHEREAS, objections to the emergent motion were filed by Hillsborough, New Jersey Future, PEC Builder's, Inc., and the Friends of Hillsborough, Inc.; and

WHEREAS, oral argument was held on the emergent motion at the regularly scheduled COAH meeting of October 3, 1997; and

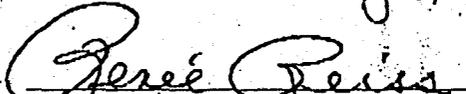
WHEREAS, the Council at its October 3, 1997 meeting considered the arguments of all parties, both oral and written, made in support of and in opposition to the HAAL emergent motion; and

WHEREAS, the Council at its October 3, 1997 meeting voted unanimously to deny the relief sought in the HAAL emergent motion because the Council's grant of substantive certification to

Hillsborough's housing element and fair share plan was currently on appeal to the Appellate Division of the Superior Court, the Appellate Division had denied the Council's motion to return jurisdiction of the case to the Council and Hillsborough's grant of substantive certification contained language requiring Hillsborough to continue to comply with the terms of its grant of substantive certification.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey Council on Affordable Housing hereby memorializes its decision of October 3, 1997 denying the relief sought in the emergent motion filed by the Hillsborough Alliance for Adult Living.

I hereby certify that this Resolution was duly adopted by the Council on Affordable Housing on February 4, 1998.

  
Renee Reiss, Secretary  
Council on Affordable Housing

R



State of New Jersey  
DEPARTMENT OF THE TREASURY  
OFFICE OF STATE PLANNING  
CN-204  
TRENTON NJ 08625-204

CHRISTINE TODD WHITMAN  
Governor

BRIAN W.  
State Tre

January 31, 1996

RECEIVED

FEB 2 1996

COUNCIL ON AFFORDABLE HOUSING

Ms. Shirley Bishop  
Executive Director  
Council on Affordable Housing  
CN 813  
Trenton, New Jersey 08625

RE: Request for Center Designation Waiver for Hillsborough Township.

Dear Ms. Bishop:

I am writing in response to your letter of January 5th, which informs the Office of State Planning (OSP) that Hillsborough Township has requested a waiver of center designation from COAH for its planned adult community and health care facility development project (PAC/HCF). You also indicate that the Council on Affordable Housing is supportive of this waiver request. Under the policies agreed to by COAH and the Office of State Planning, any waiver request would be referred to OSP for comment prior to final COAH action. This letter contains my comments and recommendations regarding this waiver request.

As you know, the relationship between COAH and the State Plan is based on statute, regulation, a Memorandum of Understanding and policy. The intent of these linkages is clear: to insure that the allocations made by COAH take due consideration of the State Plan's Resource Planning and Management Structure and that affordable housing be located in compact "centers" to the greatest extent possible.

In Planning Areas 4 and 5, our common intent is to locate affordable housing in centers where infrastructure exists or is planned and where a variety of public services is easily accessible to residents of affordable housing.

I have reviewed the plans for the PAC/HFC and have met with you and your staff, township officials and the developer. I have also toured the site and the surrounding region.

While I am quite troubled by the loss of farmland which would result from the construction of the PAC/HCF at this site, I do not formally object to COAH action to waive center designation for this project. This conclusion is based on the following facts and circumstances.

1. The proposed PAC/HCF is located largely in Planning Area 4 with a small portion (5 percent) located in Planning Area 2. State Plan policy 20 (p28) states that "In instances where municipalities and counties identify a center at the intersection of

two or more planning areas a center will be designated as lying within the planning area of lowest numerical value." Therefore any center designation for the PAC/HCF would be looked at under the Planning Area 2 policy objectives and criteria. Under the Memorandum of Agreement between COAH and the SPC, sites in Planning Area 2 are not required to be located in designated centers.

2. "Hillsborough Village Square" is identified as a planned village in the State Plan.

3. The general development plan for the PAC/HFC was given initial approval in 1991, prior to the adoption of the State Plan.

4. The proposed extension of sewer infrastructure, if approved by the Department of Environmental Protection, would not extend very far beyond existing sewer infrastructure.

5. The request to include this site as part of the Township's fair share obligation is made jointly by the developer and the municipality.

6. The representation in your letter that COAH rules regarding the timely filing of a petition for substantive certification by Hillsborough would preclude the granting of a builders remedy or site specific relief to an objector by COAH.

7. The Principle in the COAH /OSP MOU which states that "Municipalities that are consistent with the State Plan's goals, objectives and policies, and that petition the Council within two years of filing a housing element with the Council, will receive the benefit of maximum flexibility with respect to Council certification."

8. The vigorous plan for acquisition of open space and easements by the Township, Somerset County, a neighboring community in Hunterdon County, and Hunterdon County. Consistent with the intent of Planning Area 4 these acquisitions will serve to create an open space green belt including much of the undeveloped lands in proximity to the PAC/HCF.

9. If a center designation petition were filed, I believe a reasonable case could be made that the project could meet many of the criteria for center designation, particularly if incorporated into a somewhat larger community development area. The PAC/HCF appears to meet many of the policy objectives of Planning Area 2. The PAC/HFC is consistent with many of the design characteristics of a planned village, including a range of housing types, sufficient density (well in excess of 3 dwelling units per net acre) and intensity of use, a pedestrian oriented commercial core and green, and adequate internal pedestrian linkages. Commercial and health care related employment is accommodated. The project is identified in local and county plans. Adequate transportation capacity would have to be demonstrated.

The age restricted nature of the great majority of the proposed development is, however, problematic. The State Plan does not explicitly address age restricted centers. While this issue needs to be addressed by the SPC, I believe it should be addressed as part of the preparation of the next preliminary State Plan, not at the time of this waiver request. In this way, age restricted housing will be reviewed in the context of a full State Plan review and any policies recommended will be subject to cross-acceptance review.

It is important to emphasize that my recommendation is based on weighing all the factors involved in this issue and that no single factor is sufficient to be

determinative. For example, the fact that a development was approved prior to the adoption of the State Plan would not on its own be sufficient justification to support a waiver, nor would the fact that it was identified as a planned village nor that the town and the developer were jointly agreeing on the site. Therefore, my conclusion concerning this request for a center designation waiver should not be viewed as a precedent for a future waiver request by any other municipality.

A waiver of center designation precludes the formal opportunity to engage in an intergovernmental dialogue between the State, County and the Township. The waiver also precludes the higher funding and permitting priorities provided for centers. In lieu of the center designation process I would request that COAH condition its approval of the center designation waiver on the following actions:

a. A request by the Township for a consistency review of its master plan by OSP. This will lead to a determination of the areas of consistency between the local master plan and the State Plan, as referred to in number 7 above. A consistency review is an advisory report and has no regulatory consequences.

b. OSP would expect the opportunity to be fully involved in the PAC/HCF design review process and to have its comments given appropriate consideration by the developer and the Township. This should not be construed as suggesting that OSP is seeking or would be given any authority over design decisions or approvals granted by the Township or other agencies.

OSP intends to participate in discussions with appropriate agencies regarding the extension of sewer infrastructure and the adequacy of the transportation system in the area to insure that those decisions are made in ways compatible with the policies in the State Plan to the greatest degree possible.

Subject to our discussions with the Department of Environmental Protection, the Department of Transportation, Somerset County and other agencies regarding the adequacy of current or proposed infrastructure improvements, the Office would recommend to the State Planning Commission that areas encompassing and immediately surrounding the PAC/HCF be given consideration by the State Planning Commission for redesignation as Planning Area 2.

Thank you for this opportunity to comment on the Hillsborough center designation waiver request. If you have any questions please contact me at 292-3155.

Sincerely,

*Herb Simmens*

Herbert Simmens  
Director

HS:meh

c State Planning Commission Members  
Charles P. Newcomb, Assistant Director  
Receptionis/Chron.

S

**COAH COMPLIANCE REPORT - Substantive Certification  
HILLSBOROUGH TOWNSHIP, SOMERSET COUNTY**

**March 4, 1996**

**Prepared by Monica Etz, Principal Planner**

**I. INTRODUCTION**

Hillsborough Township was originally granted substantive certification of its housing element and fair share plan on June 6, 1988. The township's plan proposed a regional contribution agreement (RCA), two inclusionary developments, rental bonus credits and a rehabilitation program to address the 194-unit first round obligation.

On February 28, 1995, the Council on Affordable Housing (COAH) received Hillsborough Township's adopted housing element and a resolution from the governing body requesting substantive certification of its 12-year cumulative obligation. Hillsborough published notice of its petition in the Courier News on March 6, 1995. The publication of notice initiated a 45-day objector period which ended on April 19, 1995. During the 45 days, one objection to Hillsborough Township's housing element and fair share plan was filed.

**II. HOUSING STOCK INVENTORY, PROJECTION and ANALYSIS**

Hillsborough Township provided housing inventory and analysis based on the 1990 census information. Housing stock, age of housing stock, condition of housing, housing values, occupancy characteristics and types, projection of the housing stock, demographic characteristics, household size, household income and employment data have been submitted in conformance with N.J.A.C. 5:93-5.1(b).

**III. CREDITS and REDUCTIONS**

Hillsborough has a cumulative 12-year calculated need of 482 housing units: 21 rehabilitation and 461 new construction. The township is requesting no prior-cycle credits. Hillsborough is requesting reductions for a 79-unit RCA with the Town of Phillipsburg (the transfer of funds has been completed), credit for 14 units of rehabilitation completed after April 1, 1990 (all documentation has been submitted), 91 family rental units which resulted from two inclusionary developments proposed in Hillsborough's 1987 certified housing element and fair share plan: Crestmont Hills and Heritage Green (both projects have received approvals; building permits have been issued for all 91 units and construction has begun).

RCA	79
Rehabilitation since 1990	14
Crestmont Hills <u>family</u> rentals	56 (under construction)
Heritage Green <u>family</u> rentals	<u>+35 (under construction)</u>
	<b>184 credits</b>

Calculation of Rental Obligation and Rental Bonus Credit

Hillsborough is requesting rental bonus credits for the family rental units under construction. As per N.J.A.C. 5:93-5.13(d), a municipality may receive a two-for-one rental bonus credit for affordable family rental units. The maximum number of units eligible for the bonus is defined below:

$$\begin{aligned}
&= (.25)(\text{precredited need} - \text{prior cycle credits} - \text{rehabilitation}) \\
&= (.25)(482 - 0 - 21) \\
&= (.25)(461) \\
&= 115
\end{aligned}$$

This calculation determines the township's rental obligation (115 rental units must be provided within Hillsborough) and the maximum number of rental units that can receive rental credit. In this case, Hillsborough may receive rental bonus credits for 115 units. Therefore, all 91 family rentals under construction may receive a two-for-one rental credit, leaving an additional 24 rental units to be addressed in the proposed plan. Shown below is a summary of the first round housing activity:

RCA	79
Rehabilitation since 1990	14
Crestmont Hills <u>family</u> rentals	56 (under construction)
Crestmont Hills family rental <u>bonus</u>	56
Heritage Green <u>family</u> rentals	35 (under construction)
Heritage Green family rental <u>bonus</u>	+ 35
	<hr/>
	275 total credits

Based on the eligible credits and reductions from the RCA, rehabilitation program, the units under construction and family rental bonus credits, Hillsborough's precredited need of 482 is reduced by 261 new construction units and 14 rehabilitation units. Therefore, the number is now 207 units: 200 new construction and seven rehabilitation.

Substantial Compliance Calculation

Hillsborough has requested a reduction for substantial compliance. The 1987 certified plan proposed 91 units to be constructed within the township. At the time that Hillsborough petitioned on February 28, 1995, building permits had been issued for all 91 units and construction had begun. N.J.A.C. 5:93-3.6 provides that a municipality may receive substantial compliance reductions based on the percentage of completed units proposed within the municipality. Hillsborough Township has 100 percent compliance and is eligible for a 20 percent reduction on its new construction component.

$$\begin{aligned}
\text{Substantial compliance reduction} &= (.20)(\text{new construction component}) \\
&= (.20)(200) \\
&= 40
\end{aligned}$$

Hillsborough's inclusionary need of 200 is thereby reduced by an additional 40 units for a calculated need of 167: 160 new construction and seven rehabilitation units.

#### IV. PROPOSED HOUSING ELEMENT and FAIR SHARE PLAN

Hillsborough is responsible for addressing 167 units: 160 new construction and seven rehabilitation units. Hillsborough is proposing a combination of senior housing units, family rental units, rental bonus credits and a rehabilitation program. They are described below.

##### A. Rehabilitation Program

Hillsborough has a rehabilitation obligation of seven units and is proposing to address that obligation by rehabilitating at least seven substandard dwellings units within the municipality. The township has an existing municipal rehabilitation program with a documented track record.

COAH regulations require that a municipality allocate \$10,000 per unit for rehabilitation. In this case, Hillsborough must provide \$70,000 over the period of substantive certification for the rehabilitation of seven units. According to N.J.A.C. 5:93-5.2(h) a municipality that chooses to rehabilitate its rehabilitation component is responsible for funding its program. The township has submitted a resolution adopted by the governing body on November 14, 1995, agreeing to fund the rehabilitation program in the event that other funding (grant monies and development fees) is not available.

As per N.J.A.C. 5:93-5.2(k), Hillsborough has submitted a housing rehabilitation manual that outlines the procedures of the municipal rehabilitation program. The manual outlines owner eligibility procedures, eligible repairs, money availability, application procedures, inspection procedures and loan terms. As per N.J.A.C. 5:93-5.2(d), Hillsborough submitted a rehabilitation marketing plan. The rehabilitation manual and the rehabilitation marketing plan meet COAH criteria. Hillsborough will be required to provide funding for the rehabilitation of substandard housing units as per the following schedule:

March 1997	2 units
March 1998	1 unit
March 1999	1 unit
March 2000	1 unit
March 2001	1 unit
March 2002	<u>+ 1 unit</u>
	7 units total to be rehabilitated

##### B. PAC/HFC Development (Block 11: lots 1, 6, 10A, 13, 27, 28, 34, 44, and 44A as well as Block 122: lots 13A, 26, 27, 28, 29A, 33, 44, 45 and 47)

Hillsborough is proposing to address its remaining inclusionary component in the Planned Adult Community/Health Care Facility General (PAC) Development. The 742-acre site was zoned in 1991 in response to the needs of an aging population. The site lies near the municipal complex, the library, police department and YMCA. The site design calls for separate but interrelated residential neighborhoods, linked open spaces, recreation facilities, health care facilities and retail shops. The PAC is intended primarily as an age-restricted development

senior units via an RCA may receive credit for age-restricted units based on the following formula

$$\begin{aligned} &= (.25)(\text{precredited need} - \text{rehabilitation} - \text{prior cycle credits} - \text{RCA}) - \text{1st round senior units} \\ &= (.25)(482 - 21 - 0 - 79) - 0 \\ &= (.25)(382) - 0 \\ &= 96 \end{aligned}$$

Therefore, Hillsborough may receive COAH credit for 96 age-restricted affordable housing units for this second round. The owner of the PAC site will build a total of 3,000 units. The township and the developer signed a developer's agreement on February 27, 1996 (see attached Exhibit A) which stipulates that within this six-year period of substantive certification, 96 age-restricted units and 40 family rental units will be built within the PAC. These 40 rental units satisfy Hillsborough's rental obligation as outlined on page 2. Because the developer's agreement addresses the production of the 40 family rental units, COAH will grant 24 rental bonus credits.

The developer's agreement specifies that 32 age-restricted affordable units will be ready for occupancy at each of the 30th, 60th, and 80th percentile of certificates of occupancy issued for the market-rate units or more specifically, the 231st, the 462nd and the 616th certificates of occupancy for the market-rate units. Additionally, the 40 family rental units will be built on or before the issuance of the 693rd market-rate certificate of occupancy. In any case, all affordable units will be delivered no later than June 30, 2001 or approximately five years from the date of substantive certification, whichever is later.

This construction phasing of affordable units is not in strict conformance with the phasing schedule set forth in N.J.A.C. 5:93-5.6(d) and requires a waiver pursuant to N.J.A.C. 5:93-15.1(b). COAH staff recommends granting a waiver of N.J.A.C. 5:93-5.6(d) concerning the phasing of affordable units as the deviation is minor and there is a developer's agreement that stipulates all affordable units shall be completed no later than five years from the grant of substantive certification.

See N.J.A.C. 5:93-15.1(b).

The developer's agreement further states that of the aforesaid 3,000 total units, 15 percent shall be set aside for affordable housing to meet future fair share obligations. Assuming 135 affordable housing units are built in connection with the present substantive certification, 315 additional units shall be set aside for future cycles of substantive certification. The 15 percent setaside is based on a density of four units per acre in accordance with N.J.A.C. 5:93-5.6.

#### Waiver of Center Designation

The PAC site is located predominantly in Planning Area 4 and partially in Planning Area 2 and is included as a "Planned Village" on the Resource Planning and Management Map of the State Development and Redevelopment Plan (SDRP). As such, N.J.A.C. 5:93-5.4(c) requires that when a municipality designates an inclusionary site in Planning Areas 4 or 5, COAH requires that the development be located in a center. Hillsborough has requested a waiver from this requirement.

While COAH confirms its support of the SDRP and encourages center designation, COAH may waive the center designation in N.J.A.C. 5:93-5.4(c) when a new site meeting a 12-year obligation is jointly proposed by the municipality and the developer. Further, COAH policy specifies that the site may qualify for the waiver if it has water and sewer capacity and accessibility and is determined to be available, approvable, suitable and developable. This site meets these criteria.

1. This is a new site meeting a 12-year obligation and is jointly proposed by Hillsborough and the developer. The PAC development received general development plan approval from the Hillsborough Township Planning Board in 1991, prior to the adoption of the SDRP in June 1992. The township proposed this new site in its 1995 housing element and fair share plan to address its second round affordable housing obligation. The municipality and the developer have drafted a developer's agreement for 135 affordable housing units at this site that will address the township's 12-year inclusionary obligation.

2. The site has water and sewer. Public water service will be provided by the Elizabethtown Water Company and the entire tract is within the sewer service area of the Hillsborough Township Municipal Utility Authority. The tract is included in the Somerset County Waste Water Management Plan which is under review by the New Jersey Department of Environmental Protection (DEP). Upon DEP approval, sewage from the tract will be carried to the Somerset Raritan Valley Sewerage Authority regional wastewater treatment plant in Bridgewater Township.

3. The site is available. As per the definition in N.J.A.C. 5:93-1, the owner/developer of the PAC has acquired clear title or has a contract interest for the site, free of encumbrances.

4. The site is approvable. The PAC site first received general development plan approval in 1991. On December 7, 1995 it received approval of an amended general development plan by the Hillsborough Township Planning Board that reduced the total number of potential units from 11,000 to 3,000.

5. The site is suitable. It is adjacent to compatible land uses such as the municipal complex, the library, police department and YMCA. It has vehicular access via Amwell Road, River Road and Mill Lane. It has no environmental constraints which would prevent development of the site at 3,000 units.

6. The site is developable. As stated above, public water service will be provided by the Elizabethtown Water Company and the entire tract is within the sewer service area of the Hillsborough Township Municipal Utility Authority. The tract is included as an amendment to the Somerset County Waste Water Management Plan which is under DEP review.

Moreover, Hillsborough's waiver request meets COAH criteria for a waiver pursuant to N.J.A.C. 5:93-15.1(b). According to N.J.A.C. 5:93-15.1(b), COAH will grant a waiver if:

1. The waiver fosters the production of affordable housing.  
The site not only provides for all of Hillsborough Township's new 12-year cumulative obligation but the developer has agreed to provide an additional 15

... Hillsborough's future fair share obligations. This provision is contained in a signed agreement between Hillsborough Township and the developer which resulted from the mediation process.

2. The waiver fosters the intent, if not the letter, of COAH's rules. COAH's rules regarding center designation in Planning Areas 4 and 5 were based upon an understanding that sites in Planning Areas 4 and 5 did not have infrastructure. After adoption of the rules, COAH learned that this was not accurate and subsequently a meeting between representatives from COAH, the Office of State Planning (OSP) and the State Planning Commission (SPC) took place in the fall of 1994. At that time it was agreed that COAH would not amend its rules with regard to Planning Areas 4 and 5 but would offer a waiver to towns that fell into two specific categories (see attached policy memo, Exhibit B). The Hillsborough site falls into category 2. The policy was articulated at COAH's December 1994 meeting and published in the COAH newsletter. The waiver request meets the criteria of COAH's articulated policy and fosters the intent and pronounced letter of COAH's rules.

3. The strict application of the rule would create an unnecessary hardship. COAH first learned of Hillsborough's PAC site in June 1991 in a letter forwarded to COAH's executive director. The township has been proceeding in good faith to ensure that the site will meet COAH's regulations and policy so it could be included in Hillsborough's 12-year plan. The Hillsborough Township governing body petitioned COAH for substantive certification and the petition contained the PAC site. There was a 45-day period for objectors to file with COAH and the township. One objector did so and at the end of mediation, there were no contested issues of fact. The mediation report was presented at the February 1996 COAH meeting. The many reasons to now grant substantive certification are listed in this report. To not waive N.J.A.C. 5:93-5.4(c) would clearly create an unnecessary hardship.

The Fair Housing Act states that "...the council shall give appropriate weight to pertinent research studies, government reports, decisions of other branches of government, implementation of the State Development and Redevelopment Plan prepared pursuant to P.L. 1985, c. 398 and public comment." The memorandum of understanding between COAH and SPC contains 10 basic principles (see attached Memorandum of Understanding, Exhibit C). COAH has given "appropriate weight" to each of these 10 principles as demonstrated below:

1. COAH has shared all information regarding the Hillsborough plan with OSP. In addition, COAH requested an advisory report from OSP that was subsequently forwarded to COAH. The advisory letter dated January 31, 1996 states that OSP does not formally "object to COAH action to waive center designation for this project."

2. The executive directors of COAH and OSP are in communication regarding all SDRP plan issues particularly those issues pertaining to sites in Planning Areas 4 and 5. Procedures have been developed to ensure that both agencies will receive and share information that will result in greater predictability.

3. COAH has considered the SDRP's Resource Planning and Management Map. COAH is also aware of SDRP's concern regarding infrastructure availability and environmental sensitivity. COAH's review of the Hillsborough plan indicates that the site is within two planning areas and that there is an SDRP plan policy that states that if a site falls within two planning areas, that the criteria in the lower planning area prevails. Therefore, sites in Planning Area 2 do not need center designation. COAH is sensitive to environmental constraints and in fact has rules that address this issue. A site visit and review of technical data reveal no such constraints. In addition, infrastructure may be easily extended to the site as it is in close proximity. The site is in the Somerset County Wastewater Management Plan and is awaiting DEP approval. COAH understands that Somerset County is supportive of the amendment and DEP expects to move on the plan this year.

4. This site is not inconsistent with the goals objectives and policies of the SDRP. The site is within two planning areas; the site will maximize existing infrastructure in that such infrastructure may be easily extended to the site and the site has been reduced from the potential to yield 11,000 units to a more compact 3,000 units.

5. In addition to planning considerations, the developer downsized the PAC site to explore center designation,. This proved not to be feasible because of the primarily age-restricted nature of the PAC. However, since the site is within Planning Areas 2 and 4 and since the policy objectives and criteria of Planning Area 2 are relevant, a site in Planning Area 2 need not be located in a designated center.

6. This waiver request takes into consideration those housing policies and objectives respecting low and moderate income housing.

7. Both COAH and the SPC accept the definitions, rules and policies of each respective agency.

8. COAH considers the SDRP in allocating regional housing need.

9. COAH is aware of county planning entities assisting in identifying centers.

10. Hillsborough Township filed an adopted housing element with COAH and petitioned for substantive certification within two years of the filing pursuant to N.J.A.C. 5:91-6.2.

In this instance Hillsborough did not wait for two years but petitioned promptly. Hillsborough also completed its first round new construction obligation to qualify for substantial compliance credits. Thus Hillsborough falls under the Memorandum of Understanding Basic Principle 10 to "...receive the benefit of maximum flexibility with respect to Council certification."

For all of the above reasons, COAH staff recommends granting a waiver of N.J.A.C. 5:93-5.4(c) regarding center designation for the 3,000-unit PAC site in Hillsborough Township.

During the 14-day comment period, one party objected to Hillsborough's housing element and fair share plan: Anatol Hiller, a developer, who offered his 143-acre site (known as Gateway at Sunnymead) to be included in Hillsborough's plan as an inclusionary development instead of the PAC site. COAH initiated mediation on August 19, 1995. After two general sessions and eight caucus sessions, mediation was concluded on November 14, 1995. Shown below is a summary of the main objections:

**Objection:** The PAC lies mostly in Planning Area 4 and must apply for center designation.

**Resolution:** Hillsborough requested a waiver from center designation. The site meets COAH criteria for the waiver.

**Objection:** Hillsborough's plan does not provide for its full fair share obligation.

**Resolution:** As per this Compliance Report, Hillsborough has provided a plan which addresses its full obligation.

**Objection:** The PAC site is not suitable because 95 percent of the site lacks infrastructure.

**Resolution:** The Somerset County Planning Board has applied to DEP for an amendment to the 208 waste water management plan as per N.J.A.C. 5:93-5.3(b). The site is in the plan before DEP.

**Objection:** Construction of the affordable units is not realistic during the six-year certification period. Therefore, the township should not be eligible for up-front rental bonus credits.

**Resolution:** The developer of the PAC site has signed a developer's agreement which addresses construction of 136 affordable units during the six-year certification period.

**Objection:** The township ignored the Gateway at Sunnymead tract which is a suitable, realistic site, entirely in Planning Area 2 and meets COAH criteria for an affordable housing site. Gateway requested site specific relief.

**Resolution:** According to N.J.A.C. 5:91-3.6, Gateway is not eligible for site specific relief. Hillsborough reviewed the Gateway proposal and opted to pursue its original plan as proposed.

Mediation was closed without substantial changes to the adopted housing element and without outstanding contested issues of fact. All objections were addressed. A Mediation Report (dated January 17, 1996) was prepared by the mediator. During the subsequent 14-day comment period, the objector filed no comments. The Mediation Report was present to COAH on February 7, 1996.

#### **VI. CREDITS PURSUANT TO N.J.A.C. 5:93-3.2**

When Hillsborough petitioned for substantive certification in February 1995, the township claimed there were units eligible for credit pursuant to N.J.A.C. 5:93-3.2 in Hillsborough and reserved the right to amend its housing element and fair share plan in the future to include these units. On January 11, 1996, the township submitted a letter (see attached Exhibit D) advising COAH that it will not pursue these credits for this round.

## **VII. DEVELOPMENT FEE ORDINANCE and SPENDING PLAN**

In July 1994, Hillsborough Township received COAH's approval of a development fee ordinance. In accordance with N.J.A.C. 5:93-8, Hillsborough submitted a spending plan to COAH for review and approval. The spending plan, which meets COAH criteria, will be addressed in a COAH Spending Plan Report.

## **VIII. FAIR SHARE and AFFORDABLE HOUSING ORDINANCES**

Hillsborough must adopt affordable housing ordinances which reflect COAH's new regulations as outlined in N.J.A.C. 5:93. The ordinances must be adopted within 45 days of substantive certification.

### **Administrative entity**

In accordance with N.J.A.C. 5:93-9.1(a), the Somerset County Coalition on Affordable Housing (SCCOAH) is the entity responsible for administering the affordable housing units from this second round certification. The township submitted a resolution, adopted by the governing body on November 14, 1995, naming SCCOAH as the administrative entity for the PAC/HFC units. SCCOAH will be responsible for the affirmative marketing of sales and resales, rentals and rereals within the PAC/HFC project, preliminary screening of applicants, maintaining lists of all applicants, interviewing all prospective applicants in person, collecting documents to verify income, final qualification of applicants, placing households in units at initial occupancy and placing households in resale units and rereals throughout the 30-year period of affordability controls and enforcing the terms of deed restrictions and mortgage loans. Hillsborough has also designated the township administrator as the housing officer/liaison.

It should be noted that the 91 affordable housing units constructed pursuant to the first round obligation (Heritage Green and Crestmont-Hills) will be administered by the managers of each development. SCCOAH has been retained by Hillsborough as a consultant to oversee the affordable housing procedures at the two developments.

### **Affirmative marketing plan**

Hillsborough has prepared an affirmative marketing program in conformance with N.J.A.C. 5:93-11 which will apply to all rental, rereals, sales and resales of affordable housing units. This must be adopted within 45 days of substantive certification.

### **Affordable Housing Ordinances**

Hillsborough Township has submitted an affordable housing ordinance which must be adopted within 45 days of substantive certification. It contains the following information:

- Low and moderate income split as per N.J.A.C. 5:93-7.2(a)
- Bedroom distribution as per N.J.A.C. 5:93-7.3
- Construction phasing of units pursuant to N.J.A.C. 5:93-5.6(d)
- Affordability controls as per N.J.A.C. 5:93-9.
- Establishment of rents and prices of units as per N.J.A.C. 5:93-7.4(a)

Hillsborough's 12-year cumulative obligation of 482 units has been reduced through eligible credits and reductions to a calculated need of 167 units (160 new construction and seven rehabilitation). The township is addressing the new construction obligation through 96 age-restricted units and 40 family rental units in the PAC site, 24 rental bonus credits and a rehabilitation program for seven units. Hillsborough is requesting a waiver of center designation for the PAC site and from the phasing schedule. COAH staff recommends the waivers.

One party objected to the plan. COAH initiated mediation on August 19, 1995 and after two general sessions and eight caucus sessions, mediation was concluded on November 14, 1995. All objections were addressed.

Hillsborough has submitted a draft affordable housing ordinance, an affirmative marketing plan and a spending plan which meet COAH criteria. The township has also designated an administrative entity to administer the affordable housing units in the PAC development. Based on this review, COAH staff recommends that Hillsborough Township, Somerset County be granted substantive certification with the requirement that the draft ordinances and affirmative marketing plan be adopted and submitted to COAH within 45 days.

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NOT FOR PUBLICATION WITHOUT THE  
APPROVAL OF THE APPELLATE DIVISION

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
A-4152-93T3

IN THE MATTER OF THE  
TOWNSHIP OF DENVILLE.

FILING DATE  
APPELLATE DIVISION

APR 21 1995

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Argued April 4, 1995 - Decided **APR 21 1995**

Before Judges Pressler, Conley and Newman.

On appeal from New Jersey Council on  
Affordable Housing.

Edward J. Buzak argued the cause for  
appellant, Township of Denville (Mr. Buzak  
and Jeanne Ann McManus, on the brief).

William P. Malloy, Deputy Attorney General,  
argued the cause for respondent, New Jersey  
Council on Affordable Housing (Deborah T.  
Poritz, Attorney General, attorney; Joseph L.  
Yannotti, Assistant Attorney General, of  
counsel; Mr. Malloy, on the brief).

Peter A. Buchsbaum argued the cause for  
respondent, Morris County Fair Housing  
Council and Morris County Chapter of the  
National Association for the Advancement of  
Colored People (Greenbaum, Rowe, Smith, Ravin  
and Davis, attorneys; Mr. Buchsbaum, on the  
letter brief).

PER CURIAM

In 1978, the Township of Denville, along with others, was  
sued by the Public Advocate for its failure to comply with Mt.  
Laurel housing requirements. In 1988, COAH granted substantive  
compliance pursuant to N.J.S.A. 52:27D-313. A fundamental  
component of the fair share housing plan that was granted  
certification was the purchase by the Township of what has been

*R. Miller*  
Clerk

referred to as the McGreevy site, and transfer thereof to the Morris County Housing Authority for the construction of low-income housing. It is now 1995 and the Township has purchased the property. But the transfer has not occurred, ostensibly because, although all of the roadblocks along the way have been cleared, a residency preference similar to that contained in various proposed contracts with the Authority, was invalidated by the Supreme Court in In re Township of Warren, 132 N.J. 1 (1993).

In rejecting the Township's contention that this change justified its desire to revisit the plan upon which the substantive certification had been granted, and enforcing compliance with the plan by ordering the Township to transfer the site to the Housing Authority, COAH stated:

The Township of Denville, having been ordered along with other interested parties to appear before the New Jersey Council on Affordable Housing at its regularly scheduled meeting of March 14, 1994 at the North Brunswick Municipal Building to show cause why the Council should not order Denville to comply with the terms of its housing element and fair share plan, which received final substantive certification on August 15, 1988, and also why the Council should not order Denville to take all steps necessary to expeditiously proceed with the construction of 75 low and moderate income rental units at the McGreevy site in conformance with its certified housing element and fair share plan; and the Council having heard from the Township of Denville through its attorney and representatives that the Township no longer wishes to build the 75 units of low and moderate income rental housing on the McGreevy site as it has planned to do in conformance with its certified housing element and fair share plan, but that the Township would rather build 75 units of affordable housing of some other sort on the McGreevy site, the precise nature of the housing to be built, however, having not yet been determined; and the Council having heard from the Morris County Housing attorney and representatives that Morris County Housing Authority has already spent \$250,000 based upon its

agreement with Denville made pursuant to Denville's fair share plan and has allocated money towards the building of the 75 units of low and moderate income rental housing on the McGreevy site, and that State of New Jersey has allocated \$1,192,411.00 of Balanced Housing funds to the development, and that the United States Department of Housing and Urban Development funds of \$6,806,998.00 have also been committed to the McGreevy site's development of 75 units of low and moderate income rental housing; and that these federal and state funds are in danger of being lost because of Denville's failure to sign a purchase agreement transferring the McGreevy property to the Housing Authority of Morris County, so that it can begin construction on the project...

We cannot say that under the peculiar and unique circumstances here the order to transfer the property which does no more than fulfill the purpose of the acquisition the Township has already made and accomplish what it has already agreed to, despite the invalidity of the residency provision, was not a reasonable exercise of the enforcement powers of COAH. Cf. Holmdel Builders Ass'n. v. Township of Holmdel, 121 N.J. 550, 576 (1990); Hills Development Co. v. Bernards Tp., 103 N.J. 1, 57-58 (1986). We note that when the Supreme Court invalidated the residency preference in Warren, the McGreevy site was directly involved and nowhere did the Supreme Court indicate that that would invalidate the plan itself or provide the Township with some leverage to escape its obligations.<sup>1</sup>

We have carefully considered the issues raised on appeal and

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<sup>1</sup>It also is of some note that although the Supreme Court invalidated the particular occupancy preference for local residents then before it, it specifically recognized that COAH "is free to consider alternative means by which to recognize the affordable housing needs of eligible local residents." 132 N.J. at 36.

the applicable law. We are convinced they are without merit and that COAH's enforcement action here, given the particular circumstances, requires no further elaboration. R. 2:11-3(e)(1)(D),(E). We do so notwithstanding the Township's contention that COAH has lost jurisdiction over it because it is now beyond the six-year period during which a substantive certification entitles a municipality to a presumption of validity. See N.J.S.A. 52:27D-313, 317. Neither the loss of that presumption, nor the requirements of N.J.S.A. 40:55D-89 that a municipality's master plan be reviewed every six years, has anything to do with COAH's jurisdiction.

Affirmed.

I hereby certify that the foregoing is a true copy of the original on file in my office.

A handwritten signature in cursive script, appearing to read "R. M. Lox".

Clerk