

# Housing Plan Element and Fair Share Plan

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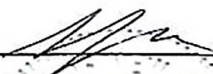

Borough of Hopewell  
Mercer County, New Jersey

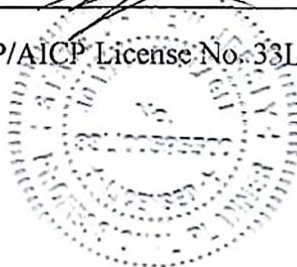
*June 4, 2025*

*Prepared by*  
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The original of this report was signed and sealed  
in accordance with N.J.A.C. 13:41-1.3

  
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HOUSING ELEMENT AND FAIR SHARE PLAN  
BOROUGH OF HOPEWELL

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## EXECUTIVE SUMMARY

This amended Housing Element and Fair Share Plan sets forth the manner in which Hopewell Borough will address its cumulative affordable housing obligations through the fourth round based on the amended Fair Housing Act (FHA). A summary of the cumulative affordable housing obligations, certified units to date, and determination of Realistic Development Potential for the Borough are identified in Table 1:

**Table 1: Hopewell Borough's Cumulative Affordable Housing Obligation**

	<b>Number of Affordable Units</b>
2 <sup>nd</sup> Round obligation (Jacobson Decision)	+ 29
2 <sup>nd</sup> Round credits through RCA	- 9
3 <sup>rd</sup> Round Obligation (Jacobson Decision)	+ 101
4 <sup>th</sup> Round Present Need Obligation (rehabilitation)	0
4 <sup>th</sup> Round Obligation (DCA October Report)	+ 39
<b>Cumulative Obligation</b>	<b>=160</b>
<b>Obligation Utilizing VLA/RDP</b>	
Preliminary VLA/RDP Adjustment (To be Addressed Units)	13
Unmet Need (Cumulative Round)	147
<b>Obligation (VLA/RDP + Unmet = Cumulative Obligation)</b>	<b>=160</b>
Affordable Housing Credit 3 <sup>rd</sup> Round Credits addressing the VLA/RDP adjustment (deducted from cumulative obligation)	-32
<b>Remaining Cumulative Obligation (Unmet Need)</b>	<b>128</b>

## HOPEWELL BOROUGH'S AFFORDABLE HOUSING COMPLIANCE

This is Hopewell Borough's Fourth Round Fair Share Plan and Housing Plan Element. This Plan is part of the Borough's ongoing commitment and compliance to provide affordable housing and a diverse housing stock within the Borough. The Borough received first round certification on November 7, 1990, which the Borough had a zero (0) unit obligation. The Borough participated in the second round (1993-1999) receiving substantive certification on December 6, 2000, which was extended to December 6, 2006. The plan included an original affordable housing obligation of 37 units, which was reduced to 29 units based upon an approved vacant land adjustment (VLA). The certified second round plan addressed the 29 units and 8 rehabilitation units. In May 2000, nine (9) RCA units were authorized to the City of Trenton, which were completed in November 2001. Additionally, three (3) accessory apartments were authorized in 2006.

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In January 2007 the NJ Appellate Division overturned COAH's substantive rules as a result of a challenge and suspended any further COAH substantive certifications of municipal Third Round Plans. In the Matter of the Adoption of N.J.A.C. 5:94 and 5:95 by New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), *certif. denied* 192 N.J. 72 (2007). (2007 Case). The Court ordered COAH to revise its rules, and COAH adopted the revised third round rules in September 2008, which became effective on October 20, 2008. (2008 Rules). As a result, the 562 municipalities that were not certified prior to ruling in the 2007 Case were required to repetition COAH in order to remain under COAH's protection from "builder's remedy" lawsuits.

On October 2008, Hopewell adopted its Third Round Plan, and in February 2009 petitioned the NJ Council on Affordable Housing (COAH) for Third Round Substantive Certification. However, by this time COAH had suspended substantive certification and thus the plan was never certified. The 2008 plan identified compliance mechanisms and affordable housing techniques that would have fully satisfied Hopewell's Third Round (then 2004 to 2014) and prior round affordable housing obligations as found in COAH's regulations.

The Appellate Division again invalidated COAH's Third Round Rules (Chapter 97) and ordered revised rulemaking. COAH attempted to adopt a third set of Third Round Rules (proposed Chapter 99) but failed to garner a sufficient number of votes on the Council to adopt the rules. As a result, the Chapter 97 Rules remained invalid with no revised rules in place to guide municipal Third Round Mount Laurel compliance. Simultaneously, with these developments, the NJ Supreme Court heard an appeal of the Appellate Division decision invalidating Chapter 97 (and the attendant "procedural rules" entitled Chapter 96) and ruled in the matter of on March 10, 2015. In the Matter of the Adoption of N.J.A.C. 5:96 and 5:95 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 42 (2015).

The Borough adopted a Housing Element and Fair Share Plan in response in response to the NJ Supreme Court's March 10, 2015 decision and order, which dissolved the NJ Fair Housing Act's (FHA) exhaustion-of-administrative-remedies requirement and authorized the Courts to hear and decide actions addressing municipal compliance with Mount Laurel obligations by the municipalities that had sought the protections of the Fair Housing Act (FHA) through COAH. The Supreme Court transferred jurisdiction of Mount Laurel constitutional compliance from COAH to the Courts because COAH failed to adopt new third round rules as ordered by the Court in September 2013. The Supreme Court's March 15, 2015 order assigned the task of assigning municipal third round fair share obligations to the trial courts.

In July 2015, Hopewell Borough filed a declaratory judgment to provide an additional five months to prepare a Housing Element and Fair Share Plan. However, the Borough had withdrawn their declaratory judgment due to mounting financial strain associated with the process. Despite not participating in the declaratory judgment process, the Borough continued to address its constitutional obligation to provide affordable housing by creating affordable units through use variance applications and redevelopment opportunities.

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On March 20, 2024, Governor Murphy signed into law an amendment to the Fair Housing Act (FHA). The amended FHA formally abolishes COAH and establishes the Affordable Housing Dispute Resolution Program (The Program), which is administered through the Administrative Office of Courts. The amended FHA establishes new and amended procedures and regulations regarding affordable housing. The amended FHA required the New Jersey Department of Community Affairs (NJDCA) to prepare a report and calculations to determine municipal affordable housing obligations which was released in October 2024. The amended FHA establishes specific timelines to prepare affordable housing plans, including the adoption of a Housing Element and Fair Share Plan by June 30, 2025.

This amended Plan identifies existing and proposed affordable housing that will satisfy Hopewell Borough's affordable housing obligations.

### **STATUTORY AFFORDABLE HOUSING REQUIREMENTS**

This Housing Plan Element has been prepared in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-28b(3)) and the Fair Housing Act as amended (N.J.S.A. 52:27D-310), to address the Borough's cumulative housing obligation. N.J.S.A. 52:27D-310 outlines the mandatory requirements for a Housing Plan Element.

The Municipal Land Use Law at N.J.S.A. 40:55D-28.b(3), identifies the following requirements for a Housing Plan Element:

- (3) A housing plan element pursuant to section 10 of P.L.1985, c.222 (C.52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing;

The Content of a Housing Element as outlined at prior regulations found at subsection *(a) of N.J.A.C. 5:97-2.3*, required that a Housing Element submitted to the Council should include the minimum requirements prescribed by N.J.S.A 52:27D-310 which provides that

“a municipal housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing, and shall contain at least:

- a. 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, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into

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account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;

c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;

d. An analysis of the existing and probable future employment characteristics of the municipality;

e. 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

f. 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.”

g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20);

h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality’s most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and (*Not applicable to Hopewell Borough*)

i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

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## PRESENT NEED OBLIGATION

Present need obligation is the obligation associated with the number of deteriorated housing units occupied by low- and moderate-income households. The DCA October 2024 report identified that the Borough has a 0-unit present need obligation.

## FIRST AND SECOND ROUND OBLIGATION

Hopewell Borough's first round obligation was zero (0) and second round obligation of 29 units. The Borough prepared a second round plan which was adopted in October 1996 and certified by COAH on December 6, 2000, and was granted an extension through December 6, 2006. The Borough's obligation at that time was 37 units, which was reduced to 29 units based on an approved vacant land analysis. The Borough participated in a Regional Contribution Agreement (RCA) with the City of Trenton for nine (9) units towards that obligation, leaving an unmet need of 20 units (Table 2).

**Table 2: Allocation of Units and Credits to Address Prior Round Obligation of 29 Units**

Project	Type of unit	Number of units
RCA with City of Trenton	RCA	9
2 <sup>nd</sup> Round Obligation		29
<b>Total Remaining Obligation</b>		<b>20</b>

## VACANT LAND AND REALISTIC DEVELOPMENT POTENTIAL ANALYSIS

Hopewell Borough has historically been granted a vacant land adjustment based on the lack of available land for new construction and development. The Borough's first round obligation was zero and the second round obligation of 37 was reduced to 29 based on an approved VLA. Under COAH Third Round regulations, the Borough is entitled to rely on its prior vacant land adjustment. N.J.A.C. 5:97-5.1 (d). Although COAH was abolished as a result of the amended Fair Housing Act, the Borough is entitled to rely on COAH's Third Round regulation since it has not been contradicted by statutory amendment or a binding court decision. COAH regulations recognized that a municipality secured a vacant land adjustment should not be required to do that analysis again:

“COAH regulations N.J.A.C. 5:97-5.1 (d): A vacant land adjustment that was granted as part of a first round certification or judgment of compliance shall continue to be valid provided the municipality has implemented all of the terms of the substantive certification or judgment of compliance, and received or petitioned to the Council for second round substantive certification or was under the Court's jurisdiction for second round. If the municipality failed to implement the terms of the substantive certification or judgment of compliance, the Council may reevaluate the vacant land adjustment.”

As noted, COAH determined that the Borough had an RDP of zero (0) when it certified the Borough's plan in the First Round and reduced the obligation to 29 when it certified the Borough's obligation in Second Round. The Borough lacked sufficient land to satisfy its Prior Round Obligation of 29 and was able to address 9 units through an RCA with Trenton. The available land base has since been reduced in

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the Borough, and therefore lacks sufficient land to satisfy the additional 101 obligation imposed in the Third Round and the 39-unit fourth round obligation.

The Borough has conducted and updated VLA and Realistic Development Potential (RDP) analysis in response to the reduction in the Borough's land base for new construction and to identify new redevelopment opportunities ([Appendix A](#)), which results in an RDP of 13 units.

### THIRD ROUND AFFORDABLE HOUSING PLAN

Hopewell has a third-round prospective obligation of 101 units and a 20-unit second round unmet need obligation, for a cumulative obligation of 121 units.

#### Third Round Compliance

The Borough did not participate in the ongoing Declaratory Judgment actions of the Third Round but continued to address its affordable housing obligations as opportunities became available. As required in the FHA, Table 3 and Figure 1 identifies the mechanisms addressing the prior round obligation.

**Table 3: Mechanisms to Address Third Round RDP**

Name	Mechanism	Status	Units	Bonus	Affordable Credits
Hopewell Special, LLC/ 19 West Broad Street	Family Rental	Completed	1	1*	2
HVIB Holdings, LLC/ Hopewell Inn/15 East Broad Street	Family Rental	Under Construction	1	1*	2
Sawdust Townhouse Redevelopment Plan/ 24 Model Avenue	Family Rental	Approved	2	2*	4
Hopewell 57, LLC/ 57 Hamilton Avenue	Family Rental	Redevelopment Plan Approved and Site Plan Application Pending	24	12** <i>Upon Completion</i>	24 <i>36 total upon completion</i>
<b>TOTAL CREDITS</b>			<b>28</b>	<b>4</b> <i>16 total pending Hopewell 57</i>	<b>32</b> <i>44 total pending Hopewell 57</i>

\*Bonus credits under third round regulation 1:1 bonus for family rental units

\*\*Bonus credits under fourth round regulation 1: 0.5 bonus for conversion of non-residential to residential

#### **Hopewell Special, LLC, Block 25, Lot 76, 19 West Broad Street**

Hopewell Special, LLC, formerly known as the Blackwell Farmstead and more recently the Runyon House, is a historic farmstead in the Borough dating back to 1750. The approved use variance and preliminary and final site plan provide for the preservation of the historic home, converting it to a two-

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family unit, and the construction of four (4) duplex units for a total of 8 units to the rear of the home. The developer provided an off-site deed restricted unit located at 25 West Broad Street ([Appendix B](#)). The unit is currently occupied by a tenant but, upon the tenant's departure, the unit will be affirmatively marketed for an income-qualified tenant and the 30-year deed restriction will commence.

### **Hopewell Inn, Block 28, Lot 5, 15 East Broad Street**

The Hopewell Inn, formerly the Hopewell Bistro, is located at 15 East Broad Street at the intersection with Seminary Avenue. The Inn is a historic structure in the Borough and located within the Borough's Historic District. The original structure dates back to 1875 and has been a hotel and tavern for the majority of its history. Most recently, the Hopewell Bistro consisted of a first-floor restaurant and bar with the upper floors remaining vacant. The Hopewell Inn received use variance and preliminary and final site plan approval to reconstruct the Inn to its 1890s appearance and will include a first-floor restaurant and five (5) apartments on the second- and third-floors. One of the apartments has been deed restricted for affordable housing. The Hopewell Inn is currently under construction and a deed restriction for the affordable unit has been approved ([Appendix C](#)).

### **Designated Redevelopment Sites and Suitability**

The remaining two properties contributing to affordable housing in the third round are designated Areas in Need of Redevelopment and have adopted Redevelopment Plans. In 2016 the Borough designated three areas in the Borough as Areas in Need of Redevelopment, as depicted on ([Appendix D](#)). All three areas are currently non-residential with the goal to provide redevelopment consisting of residential or mixed use to reflect the surrounding land uses and neighborhood character. The redevelopment of these sites is beneficial to those who will eventually occupy the units, and also takes into consideration the character of the adjoining uses, the availability of infrastructure, transportation, access to nearby services, and provides for a diverse housing stock and affordable housing in key areas of the Borough. A site suitability analysis was conducted for each site in accordance with COAH suitability criteria which states:

(a) Sites designated to produce affordable housing shall be available, approvable, developable and suitable, according to the following criteria:

1. The site has a clear title and is free of encumbrances which preclude development of affordable housing;
2. The site is adjacent to compatible land uses and has access to appropriate streets;
3. Adequate sewer and water capacity, as defined under N.J.A.C. 5:97-1.4, shall be available to the site or the site is subject to a durational adjustment pursuant to N.J.A.C. 5:97-5.4; and
4. The site can be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21, where applicable. Deviations from those standards are to be done in accordance with N.J.A.C. 5:21-3.

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### **24 Model Avenue/ Block 11, Lot 26/Lumberyard**

The Borough adopted a Redevelopment Plan establishing the “Townhouse Residential” Zone in June 2018 ([Appendix E](#)). The property is 1.146 acres and is currently developed with a lumberyard. The Redevelopment Plan adopted zoning to allow 13 townhouse residential units (11.3 units per acre) of which two would be deed restricted for affordable housing. In 2022, the redeveloper submitted a site plan application to the Planning Board and received approval in July 2022 (Res. PB #2022-08). The approved site plan allowed for 13 attached townhouse units, of which one includes a 2-unit apartment, each with two bedrooms. While the site has already demonstrated suitability, the following addresses the specific requirements under the regulations:

1. The site has a clear title and is free of encumbrances which preclude development of affordable housing;
2. The site is within a residential area and adjacent to compatible land uses consisting of single-family dwellings and multifamily buildings with access to Model Avenue. The existing lumberyard is a pre-existing non-conforming use and its conversion to residential use is more compatible with the character of the surrounding land uses.
3. The Borough is serviced by public water and sewer with the current capacity able to service the development.
4. The site is able to be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21, where applicable, as demonstrated through the site plan approval process.

### **57 Hopewell, LLC/Block 18, Lot 1 & Block 12, Lot 7/57 Hamilton Avenue**

The Borough established the “Multi-Family Residential Housing” Zone through the Redevelopment Plan adopted on July 1, 2024, and amended on October 2024 ([Appendix F](#)). The Redevelopment Area consists of two lots totaling 4.28 acres. Block 18, Lot 1 includes the existing “Hopewell Center” building with frontage on Somerset Street, Hamilton Avenue, and Lafayette Street. Block 12, Lot 7, consists of the existing parking lot north of the building, across Somerset Street.

The redevelopment plan provides for a multi-family development that is more compatible with the surrounding land uses, provides more diverse housing options in the Borough, and remediates environmental contamination on site. The zone permits multi-family dwelling units at 30 units per acre with a 20% set-aside for affordable housing units to contribute to the Borough’s mandated affordable housing obligation. The zone will provide for the development of this property with a cohesive neighborhood plan consisting generally of two “stacked” townhouse buildings, one four-story apartment building, and a common clubhouse building.

The Redeveloper is currently preparing the site plan and anticipates submission to the Planning Board for public hearing this summer. The site is suitable for affordable housing as follows:

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1. The site has a clear title and is free of encumbrances that preclude development of affordable housing;
2. The site is adjacent to compatible land uses and has access to appropriate streets. The site has frontage to three public streets, Hamilton Avenue, Lafayette Street, and Somerset Street. The area consists of diverse land uses including single family and duplex residential uses, office, retail, and service spaces. The redevelopment of the site into multi-family residential uses is more compatible with the surrounding land uses and acts as a transition area between the residential and non-residential uses in this part of the Borough.
3. The Borough currently has enough water and sewer to service the proposed development through the Borough's system.
4. The site can be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21, where applicable.

### **Third Round Unmet Need**

The result after the 32 units described above have been applied to the Borough's third round obligation of 121 units is an unmet need for the Third Round of 89 units. The Borough has two key remaining areas in designated areas of redevelopment, 71 East Broad Street and 54 Somerset Street. These two redevelopment areas currently represent the only two viable developable or redevelopable areas in the Borough. The remaining lands in the Borough are not able to support zoning to accommodate the remaining third round affordable housing obligation of 89 units, which will become unmet need. Unmet need units will be captured if and when land, redevelopment, or other opportunities become available that can support the creation of affordable units. To that end, the Borough will require a 20% affordable housing set aside for any development or redevelopment that includes residential uses and establish a mandatory set aside ordinance.

**Table 4: Mechanisms to Address Third Round Unmet Need**

<b>Name</b>	<b>Mechanism</b>	<b>Status</b>	<b>Affordable Credits</b>
71 East Broad Mixed Use Redevelopment	Family Rental	Proposed	TBD
Service Zone Redevelopment Area	Family Rental	Proposed	TBD
Mandatory Set-Aside Ordinance	Family Rental	Proposed	TBD

The two remaining designated redevelopment areas are described below. These two areas have the most potential for redevelopment, which includes affordable housing opportunities, however, as of this date, there are no redevelopment plans adopted for the areas. The Borough's goal is to attract developers to these sites for residential and mixed-use opportunities.

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### **71 East Broad Street Study Area B/ Block 31, Lots 1, 2 and 19**

This site is currently developed with a vacant automotive repair shop. The site is ideally located along the Borough's main business area, East Broad Street, and a gateway property to the community. The site was designated an Area in Need of Redevelopment along with the others in 2016. The Borough's goal for the property is mixed use, retaining the current 1940s structure for non-residential uses, compatible with the downtown, and residential uses on the east and southern portions of the site. The site includes developmental challenges including inland flood hazard design areas and a piped stream running diagonally beneath the property that prohibits full development, which is the reason for applying the 6 unit per acre density to the property given its limitations and realistic opportunity to redevelop at higher densities. The site suitability requirements for the property are:

1. The site has a clear title and is free of encumbrances that preclude development of affordable housing;
2. The site is adjacent to compatible land uses and has access to appropriate streets. The site has frontage to East Broad Street and Maple Avenue. East Broad Street in this area consists of mixed uses as typical in historic villages. The redevelopment of the site into a mixed use is more compatible with the surrounding land uses.
3. The Borough currently has adequate water and sewer to service the property.
4. The site can be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21, where applicable.

### **54 Somerset Street/ Block 12, Lot 8.01**

The last area in the Borough, which has a realistic opportunity for meaningful future development, is Block 12, Lot 8.01. This property is located on Somerset Street, which dead-ends at the municipal boundary with Hopewell Township. The site consists of 3.2 acres, relatively flat and free of constraints, however, it is included in the Rockwell groundwater contamination area and has a large area of historic fill running the length of the rear of the site. The Borough's goal for the property is residential or small-scale mixed use given its proximity to the 57 Hamilton redevelopment site. However, the Borough recognizes the challenges and unique location of the site and has tentatively placed a 6 units per acre density to the property given its limitations and realistic opportunity to redevelop at higher densities. The site suitability for the property is:

1. The site has a clear title and is free of encumbrances that preclude development of affordable housing;
2. The site is adjacent to compatible land uses and has access to appropriate streets. The site has frontage to Somerset Street, however, Somerset Street dead-ends just to the east of the site at the Hopewell Township boundary. The redevelopment of the site into small scale residential or mixed use is compatible with the surrounding land uses.

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3. The Borough currently has adequate water and sewer to service the property.
4. The site can be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21, where applicable.

### **Mandatory Set-aside Ordinance**

The Borough will adopt an updated affordable housing ordinance which includes a mandatory set-aside for use variance, rezoning, or redevelopment, and require a 20% affordable housing set-aside for any residential development with 5 or more units ([Appendix G](#)). Fractional affordable unit requirements shall be rounded down where the fraction is .49 or less and rounded up for those .50 or greater. All affordable units shall be restricted, regulated and administered consistent with the Borough's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). This shall include but is not limited to income distribution, bedroom distribution, and phasing.

### **Third Round Affordable Housing Requirements**

The Third Round Affordable Housing requirements based on the 13-unit RDP are:

- a. At least 50%, 7 units of affordable units addressing the Third-Round obligation shall be affordable to low- and very low-income households.
- b. At least 25%, 3 units of the Third-Round fair share shall be rental units, half (50%), of which shall be affordable to families, or 2 units.
- c. At least one-half of all Third-Round affordable units, or 7 units, shall be available to families.
- d. Rental bonuses shall not exceed 25% of the Third-Round obligation or 6 units
- e. No more than 25%, 3 units of the Prior Round and Third Round fair share shall be addressed with age-restricted units.

All affordable housing units will meet the required bedroom distribution, controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, UHAC, (N.J.A.C. 5:80-26.1) as shown through the adoption of an Affordable Housing Ordinance. Hopewell Borough has appointed an Administrative Agent and Affordable Housing Liaison, provided in [Appendix H](#). The Borough's affordable housing program will be administered in accordance with the Affirmative Marketing Plan provided in [Appendix I](#).

### **FOURTH ROUND FAIR SHARE PLAN**

As identified above, the Borough has limited land capacity to develop and as such conducted a vacant land and realistic development potential analysis. The results of the analysis provided for an RDP of 13 units, with mechanisms to apply the Borough's current affordable housing inventory to the prior rounds. The result is an unmet need from the third round of 89 units and fourth round obligation of 39 units, a cumulative total of 128 units of unmet need.

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The remaining obligation for the Fourth Round, therefore, consists of a 128-units of Unmet Need. The Borough will continue to utilize the strategies outlined in the third round plan, consisting of mandatory set-aside ordinance and the capture of units through variance or redevelopment. Units captured during the fourth round will be subject to the Amended FHA and UHAC regulations as listed below.

### **Mandatory Set-aside Ordinance**

The Borough will adopt an updated affordable housing ordinance which includes a mandatory set-aside for use variance, rezoning, or redevelopment, and require 20% affordable housing set-aside for any residential development with 5 or more units. Fractional affordable unit requirements shall be rounded down where the fraction is .49 or less and rounded up for those .50 or greater. All affordable units shall be restricted, regulated and administered consistent with the Borough's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). This shall include but is not limited to income distribution, bedroom distribution, and phasing.

### **Remaining Redevelopment Area A Scattered Sites**

Redevelopment Area A, encompassing the Service Zone, includes several developed and active properties, that currently have no indication of redevelopment opportunities. However, the inclusion of the sites in the redevelopment area provides a path for future redevelopment. To that end, the Borough will provide a 20% affordable housing set aside for any redevelopment that may occur in the fourth round in that area.

### **Fourth Round Affordable Housing Requirements**

The amended Fair Housing Act includes the following affordable housing requirements (all exclusive of any bonus credits):

- No more than 30% of the units may be age restricted, or 4 units.
- A minimum of 50% of all affordable units must be available to families with children, or 7 units.
- A minimum of 25% of the affordable housing units must be rental and a minimum of 50% of those units must be available to families with children, or 4 units.

### **FUNDING**

The Borough has amended the existing Development Fee Ordinance ([Appendix J](#)) in conformance with updated regulations. The Borough is seeking a waiver regarding the preparation of the Spending Plan at this time. The Borough has a development fee ordinance but has no funds in the Affordable Housing Trust Fund. The redevelopment of the remaining properties are intended to provide their fair share, 20%, of affordable housing units and therefore will not be subject to the development fee. As such, the Borough has no funds to

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expend from the Trust fund, and the mechanisms to address affordable housing do not involve Borough subsidies. At such time that the Borough should collect development fees, a spending plan in accordance with the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.) will be prepared. Therefore, the Borough is seeking a waiver under NJAC 5:93-15.1

## MULTIGENERATIONAL FAMILY HOUSING

The amended Fair Housing Act requires:

“An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the **Multigenerational Family Housing Continuity Commission**, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20);”

The duties of the Commission are to prepare and adopt recommendations on how governments, community groups, and private entities can advance the goal of enabling senior citizens to reside at the home of their extended families. The Borough ordinances do not impede the Commission's goals for seniors to live with extended family members. The definition of a family states, “*Any number of persons, whether or not related by blood, marriage or adoption, living together as a single housekeeping unit and using certain rooms and housekeeping facilities in common.*” Dwelling units in the Borough are intended as living facilities for a family. Therefore, the Borough’s ordinance does not inhibit the ability for seniors to reside with extended family members.

## RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The Borough’s affordable housing plan aligns with the goals and objectives of the 2001 State Development and Redevelopment Plan, and the pending updated State Development and Redevelopment Plan. The Borough is a historic village located in Planning Area 4, but was previously designated as a center. The Borough is an attractive place to live and work thanks to the long-standing planning goals to support economic vitality of East and West Broad Street, seek diverse housing opportunities for all residents, and continue to enhance the walkability of the community. The goals of the 2001 SDRP included providing diverse housing at a reasonable cost (Goal #6), integrated into the fabric of communities and in key areas that are located near a variety of services. The Borough’s walkable community and use of redevelopment and infill opportunities to provide affordable housing align with the smart growth principles of the current and pending State Plan.

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## HOUSING ELEMENT PLAN

### Inventory of Municipal Housing Conditions

The primary source of information for the inventory of the Borough's housing stock is the 2023 American Community Survey (ACS) 5-year estimates, which the Census now utilizes for many demographic and housing data reporting.

According to the 2023 Census, the Borough had 816 housing units, of which 747 (92%) were occupied. Table A1 identifies the units in a structure by tenure; as used throughout this Plan Element, "tenure" refers to whether a unit is owner-occupied or renter-occupied. While the Borough largely consisted of one-family, detached dwellings (72% of the total, compared to 45.3% in the County), there were 225 units in attached or multi-family structures. The Borough had a relatively low percentage of renter-occupied units, 20%, compared to 39.7% in Mercer County and 36.3% in the State. The borough's housing stock indicates a stable residential community with limited rental options. The relatively low number of multi-family units may restrict housing affordability and availability for lower-income groups.

**Table A1: Units in Structure by Tenure**

Units in Structure	Total Units	Vacant Units	Occupied Units		
			Total	Owner	Renter
1, detached	591	0	591	558	33
1, attached	65	4	61	25	36
2	68	16	52	11	41
3 or 4	82	49	33	0	33
5+	10	0	10	0	10
Other	0	0	0	0	0
Mobile Home	0	0	0	0	0
Total	816	69	747	594	153

*Source: 2023 ACS 5-year estimates B25032 and B25024*

Table A2 indicates the year housing units were built by tenure, while Table A3 compares the Borough to Mercer County and the State. The age of Hopewell's housing stock depicted 69% of the housing built prior to 1960. After the 1960's, the housing stock showed modest increases. Owner-occupied units follow the same pattern as the year structures were built with the majority of owner-occupied units being built prior to 1960. Renter-occupied units had the largest gains prior to 1950. Older housing stock suggests potential concerns for maintenance and modernization, particularly for renter-occupied units. The lack of significant construction post-1960 indicates limited new housing developments, impacting affordability and housing choice. The presence of an older housing stock is one of the factors that correlates highly with filtering. Filtering is a downward adjustment of housing needs that recognizes that the housing

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requirements of lower-income groups can be served by supply additions to the higher-income sections of the housing market.

**Table A2: Year Structure Built by Tenure**

Year Built	Total Units	% of Total	Vacant Units	Occupied Units		
				Total	Owner	Renter
2020 or later	0	0%	0	0	0	0
2010 - 2019	0	0%	0	0	0	0
2000 – 2009	46	6%	0	46	46	0
1990 – 1999	61	7%	0	61	61	0
1980 – 1989	41	5%	16	25	19	6
1970 – 1979	21	3%	0	21	18	3
1960 – 1969	84	10%	0	84	75	9
1950 - 1959	67	8%	0	67	58	9
1940 – 1949	48	6%	16	32	18	14
Pre-1940	448	55%	37	411	299	112
Total	816	100	69	747	594	153

*Source: 2023 ACS 5-year estimates DP04 and B25036*

Table A3 compares the year of construction for all dwelling units in the Borough to Mercer County and the State. Hopewell had a larger percentage of units built prior to 1940 than did the County or State and a smaller percentage of units built after 1940.

**Table A3: Comparison of Year of Construction for Borough, County, and State**

Year Built	%		
	Hopewell Borough	Mercer County	New Jersey
2020 or later	0%	1%	2%
2010 - 2019	0%	5%	6%
2000 – 2009	6%	10%	9%
1990 – 1999	7%	9%	8%
1980 – 1989	5%	13%	12%
1970 – 1979	3%	12%	12%
1960 – 1969	10%	13%	13%
1950 - 1959	8%	14%	13%
1940 – 1949	6%	4%	6%
Pre-1940	55%	18%	18%
Median Year	Pre-1940	1970	1970

*Source: 2023 ACS 5-year estimates B25034 and B25035*

The 2023 Census documented household size in occupied housing units by tenure, and the number of bedrooms per unit by tenure; these data are reported in Tables A4 and A5,

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respectively. Table A4 indicates that renter-occupied units generally housed smaller households, with 62% of renter-occupied units having 2 persons or fewer compared to 47.5% of owner-occupied units. This suggests that rental units cater primarily to small families or single-person households. A higher share of small renter households may indicate a lack of larger rental units, limiting options for families.

**Table A4: Household Size in Occupied Housing Units by Tenure**

Household Size	Total Units	Owner-occupied Units	Renter-occupied Units
1 person	200	98	102
2 persons	250	217	33
3 persons	124	115	9
4 persons	133	128	5
5 persons	35	31	4
6 persons	5	5	0
7+ persons	0	0	0
Total	747	594	153

*Source: 2023 ACS 5-year estimates B25009*

Table A5 indicates that renter-occupied units generally had fewer bedrooms, with 66.6% having two bedrooms or fewer, compared to 13.1% of owner-occupied units. Rental housing is limited in size, which may hinder accessibility for larger households. Expanding rental housing with three or more bedrooms accommodates diverse family needs.

**Table A5: Number of Bedrooms per Unit by Tenure**

Number of Bedrooms	Total Units	(%)	Occupied Units		
			Total	Owner	Renter
No bedroom	0	0.0%	0	0	0
1 bedroom	98	12.0%	49	0	49
2 bedrooms	178	21.8%	158	77	81
3 bedrooms	297	36.4%	297	278	19
4 bedrooms	200	24.5%	200	196	4
5+ bedrooms	43	5.3%	43	43	0

*Source: 2023 ACS 5-year estimates DP-04 and B25042*

Table A6 compares the Borough's average household size for all occupied units, owner-occupied units, and renter-occupied units in 2023 to those of the County and State. The Borough's average household size for both owner- and renter-occupied units was lower than State and County. Hopewell Borough has smaller household sizes (2.45 overall) compared to Mercer County (2.49) and New Jersey (2.58). Smaller household sizes reflect demographic

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trends such as an aging population or a higher proportion of single-person households, potentially influencing future housing demand.

**Table A6: Average Household Size for Occupied Units for Borough, County, and State**

Jurisdiction	All Occupied Units	Owner-occupied units	Renter-occupied units
Hopewell Borough	2.45	2.69	1.50
Mercer County	2.49	2.70	2.18
New Jersey	2.58	2.72	2.32

*Source: 2023 ACS 5-year estimates B25010*

The distribution of number of bedrooms per unit is shown in Table A7. The Borough had considerably fewer units with no bedroom or one bedroom and a higher percentage of four or more-bedroom units than the County or State. This distribution aligns with the borough's predominantly owner-occupied nature but may present affordability challenges for small households or individuals seeking rental housing.

**Table A7: Percentage of All Units by Number of Bedrooms**

Jurisdiction	None or one	Two or Three	Four or More
Hopewell Borough	12%	58%	30%
Mercer County	17%	57%	26%
New Jersey	18%	57%	26%

*Source: 2023 ACS 5-year estimates DP-04*

In addition to data concerning occupancy characteristics, the 2023 Census includes a number of indicators, or surrogates, which relate to the condition of the housing stock. These indicators are used in calculating a municipality's deteriorated units and indigenous need. The surrogates used to identify housing quality, in addition to age (Pre-1940 units in A82), are the following:

Persons per Room	1.01 or more persons per room is an index of overcrowding.
Plumbing Facilities	Inadequate plumbing is indicated by either a lack of exclusive use of plumbing or incomplete plumbing facilities.
Kitchen Facilities	Inadequate kitchen facilities are indicated by shared use of a kitchen or the non-presence of a sink with piped water, a stove, or a refrigerator.

Table A8 compares the Borough, County, and State for some of the above indicators of housing quality. The Borough has few units that have inadequate plumbing or kitchen facilities and had less overcrowding and inadequate kitchen and plumbing facilities than the County and State. These indicators suggest relatively high housing quality in the Borough, though older structures may require continued maintenance efforts to sustain livability.

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**Table A8: Housing Quality for Borough, County, and State**

Condition	%		
	Hopewell Borough	Mercer County	New Jersey
Overcrowding <sup>1</sup>	0%	3.5%	4%
Lacking Complete plumbing Facilities <sup>2</sup>	0%	.2%	.3%
Lacking Complete Kitchen Facilities <sup>2</sup>	0%	.5%	.8%

Notes: <sup>1</sup>The universe for these factors is occupied housing units.

<sup>2</sup>The universe for these factors is all housing units.

Source: 2023 ACS 5-year estimates DP-04

The last factors used to describe the municipal housing stock are the assessed housing values and gross rents for residential units. Most homes fall within the \$300,000–\$499,999 range, with a median home value of \$561,900. High home values reflect a stable housing market but may present affordability barriers for lower-income residents. Future housing initiatives may consider affordable housing expansion.

**Table A9: Value of Residential Units**

Value	Number	%
Less than \$50,000	7	1.2%
\$50,000 to \$99,999	0	0.0%
\$100,000 to \$149,999	0	0.0%
\$150,000 to \$199,999	0	0.0%
\$200,000 to \$299,999	3	0.5%
\$300,000 to \$499,999	214	36.0%
\$500,000 to \$999,999	360	60.6%
\$1,000,000 or more	10	1.7%
Median (dollars)	\$561,900	

Source: 2023 ACS 5-year estimates DP-04

The majority of rental units exceed \$1,500 per month, with a median rent of \$1,712. Rental affordability is a concern, as high rents may exclude lower-income households. Increasing affordable rental units could address housing accessibility challenges.

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**Table A10: Gross Rents for Specified Renter-Occupied Housing Units**

Contract Monthly Rent	Number	%
Less than \$500	6	4.0%
\$500 to \$999	21	14.1%
\$1,000 to \$1,499	28	18.8%
\$1,500 to \$1,999	46	30.9%
\$2,000 to \$2,499	23	15.4%
\$2,500 to \$2,999	12	8.1%
\$3,000 or more	13	8.7%
Median (contract rent)	\$1,712	

*Source: 2023 ACS 5-year estimates DP-04*

The data in Table A11 indicate that in 2023 there were 481 households earning less than \$35,000 annually. Many households earning under \$75,000 experience housing cost burdens, spending more than 30% of their income on housing. A figure of 30% is considered the limit of affordability for housing costs.

**Table A11: Household Expense in 2023 by as a Percentage of Household Income in 2023**

Income	Number of Households	Less than 30%	More than 30%
< \$20,000	34	0	34
\$20,000 – 34,999	22	6	16
\$35,000 - \$49,999	24	0	24
\$50,000 - \$74,999	96	15	81
\$75,000 +	562	461	101

*Note: <sup>1</sup>The universe for this Table is specified occupied housing units.*

*Source: 2023 ACS 5-year estimates S2503*

Table A12 and A13 depict Hopewell Borough's housing production and demolitions from 2013 through 2024. As shown in Table A12, between 2010 and 2021, the Borough saw minimal net housing growth, with demolitions nearly matching new construction. In other words, the Borough see no net increase over the last 10 years of 1 and 2-family housing units. Should this trend continue, the Borough would see stagnant housing development and market expansion. However, the Borough's efforts to provide additional affordable housing through redevelopment and other smaller opportunities will likely increase the average annual rate.

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**Table A12: Housing Units Authorized by Building Permits for New Construction 2013-2024**

Year	Total	1&2 family	Multifamily	Mixed use
2013	0	0	0	0
2014	2	2	0	0
2015	1	1	0	0
2016	12	12	0	0
2017	0	1	0	0
2018	0	1	0	0
2019	0	0	0	0
2020	2	4	0	0
2021	0	1	0	0
2022	0	0	0	0
2023	3	3	0	0
2024	0	0	0	0

*Source: New Jersey Department of Community Affairs, Development Trend Viewer*

**Table A13: Housing Units Demolished 2013-2024**

Year	Total	1&2 family	Multifamily	Mixed use
2013	2	2	0	0
2014	0	0	0	0
2015	3	3	0	0
2016	1	0	0	1
2017	1	1	0	0
2018	1	1	0	0
2019	1	1	0	0
2020	2	2	0	0
2021	1	0	0	1
2022	0	0	0	0
2023	0	0	0	0
2024	0	0	0	0

*Source: New Jersey Department of Community Affairs, Development Trend Viewer*

Table A14 depicts the issuance of certificates of occupancy for non-residential space. Commercial development fluctuates, with minimal retail or office space added in recent years. Limited non-residential development may indicate a lack of business growth, influencing employment opportunities and local economic strength. Efforts to encourage reinvestment and economic growth in the Borough will help to stabilize and strengthen the local business community.

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**Table A14: Square Feet of Non-residential Space CO**

<b>Year</b>	<b>Total</b>	<b>Office</b>	<b>Retail</b>	<b>Restaurant</b>	<b>Assembly</b>
<b>2013</b>	628	0	0	0	628
<b>2014</b>	0	0	0	0	0
<b>2015</b>	2,400	0	2,400	0	0
<b>2016</b>	0	0	0	0	0
<b>2017</b>	1,002	1,002	0	0	0
<b>2018</b>	800	0	0	800	0
<b>2019</b>	0	0	0	0	0
<b>2020</b>	0	0	0	0	0
<b>2021</b>	0	0	0	0	0
<b>2022</b>	175	175	0	0	0
<b>2023</b>	0	0	0	0	0
<b>2024</b>	0	0	0	0	0

*New Jersey Department of Community Affairs, CO Yearly Summary*  
<https://www.nj.gov/dca/codes/reporter/co.shtml>

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### **Analysis of Demographic Characteristics**

As with the inventory of the municipal housing stock, the primary source of information for the analysis of the demographic characteristics of the Borough's residents is the 2023 U.S. Census. The Census data provide a wealth of information concerning the characteristics of the Borough's population in 2023.

The 2020 Decennial Census indicates that the Borough had 1,918 residents, or 353 fewer residents than in 2000, representing a population decrease of approximately -6%. The Borough's -6% decrease from the 2000's compares to a 10% increase in Mercer County and in New Jersey.

The age distribution of the Borough's residents is shown in Table A15. The Borough, similar to most areas in the State and Country, has an aging population, with a higher percentage of residents over 55 compared to county and state averages.

**Table A15: Population by Age**

<b>Age</b>	<b>% Persons</b>
Under 5 years	6.3%
5 to 9 years	6.7%
10 to 14 years	10.8%
15 to 19 years	4.2%
20 to 24 years	2.1%
25 to 34 years	6.3%
35 to 44 years	13.8%
45 to 54 years	17.3%
55 to 59 years	6.6%
60 to 64 years	8.3%
65 to 74 years	10.1%
75 to 84 years	6.5%
85 years and over	0.9%
Median Age	44.7

*Source: 2023 DP-05 ACS 5-year Estimates*

Table A16 compares the Borough to the County and State by age categories. The principal differences among the Borough, County, and State occur in the 20-34 age category, where the Borough had a smaller proportion than the County and State. The Borough generally had more persons in the 55 and over age categories than the County and State.

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**Table A16: Comparison of Age Distribution for Borough, County, and State (% of persons)**

Age	Hopewell Borough	Mercer County	New Jersey
Under 5 years	6.3%	5.5%	5.6%
5 to 9 years	6.7%	5.4%	5.8%
10 to 14 years	10.8%	7.1%	6.3%
15 to 19 years	4.2%	6.9%	6.3%
20 to 24 years	2.1%	6.9%	5.9%
25 to 34 years	6.3%	12.2%	12.7%
35 to 44 years	13.8%	13.0%	13.3%
45 to 54 years	17.3%	13.4%	12.8%
55 to 59 years	6.6%	6.0%	6.6%
60 to 64 years	8.3%	7.0%	6.8%
65 to 74 years	10.1%	9.7%	10.3%
75 to 84 years	6.5%	4.8%	5.5%
85 years and over	0.9%	2.0%	1.9%
Median	44.7	40.2	40.4

*Source: 2023 DP-05 5-year estimates*

Table A17 provides the Census data on household size for the Borough, while Table A18 compares household sizes in the Borough to those in Mercer County and the State. The Borough has more households with either 2 or 4 persons than the County or State and fewer 3-person households than either the County or State.

**Table A17: Persons in Household**

Household Size	
1 person	26.8%
2 persons	33.5%
3 persons	16.6%
4 or more persons	23.2%
Average Household Size	2.45

*Source: 2023 ACS 5-year Estimates U.S. Census, S2501.*

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**Table A18: Comparison of Persons in Household for Borough, County, and State (% of households)**

Household Size	Borough	County	State
1 person	26.8%	28.1%	26.2%
2 persons	33.5%	31.6%	31.7%
3 persons	16.6%	18.5%	17.0%
4+ persons	23.2%	21.8%	25.0%
Average household Size	2.45	2.49	2.58

*Source: 2023 ACS5-year estimate S2501 and S1101*

Table A19 presents a detailed breakdown of the Borough's population by household type and relationship. Family households dominate, but non-family households account for a substantial portion (37%). Planning should include housing that accommodates both family and non-family households, ensuring a diverse and inclusive housing market as demand for senior housing options increases.

**Table A19: Persons 65+ by Household Type and Relationship**

	Persons
In households:	100
In family households:	63
Householder:	36
Male	22
Female	14
Spouse	26
Parent	0
Parent-in-law	0
Other relatives	1
Nonrelatives	0
In nonfamily households:	37
Householder:	32
Male:	16
Living alone	12
Not living alone	4
Female:	16
Living alone	14
Not living alone	3
Nonrelatives	4
In Group Quarters	0

*Source: 2023 ACS B09020 5-year estimate.*

Table A20 provides 2023 income data for the Borough, County, and State. The Borough's per capita and family incomes were higher than the County and State. Higher incomes suggest

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economic stability.

**Table A20: 2023 Income for Borough, County, and State**

Jurisdiction	Per Capita Income	Median Income	
		Households	Families
Hopewell Borough	\$78,642	142,396	187,679
Mercer County	\$52,101	96,152	117,499
New Jersey	\$53,118	99,781	121,944

*Source: 2023 U.S. Census ACS 5 Year Estimates B19301 and S1901,*

Table A21 addresses the lower end of the income spectrum, providing data on poverty levels for persons and families in 2023. According to the data in Table A21, the Borough had proportionately fewer persons qualifying for poverty status than the County or State.

**Table A21: Poverty Status for Persons and Families for Borough, County, and State  
(% with 2023 income below poverty)**

Jurisdiction	Persons (%)	Families (%)
Hopewell Borough	2.1%	2%
Mercer County	11.1%	7.5%
New Jersey	9.8%	7%

*Source: 2023 ACS 5-year estimates 1701 and S1702*

The U.S. Census includes a vast array of additional demographic data that provide insights into an area's population. For example, Table A22 provides a comparison of the median year households moved into their current residents. This is a surrogate measure of the mobility/stability of a population. A higher percentage of homeowners and renters have resided in the same home since 2010 compared to county and state averages.

**Table A22: Comparison of Median Year Householder Moved Into Unit for Borough, County, and State**

Jurisdiction	Owner Occupied	Renter Occupied
Hopewell Borough	2010	2019
Mercer County	2008	2019
New Jersey	2010	2019

*Source: 2023 ACS 5-year estimates B25039*

Table A23 compares the educational attainment for Borough, County, and State residents over age 25. The data indicate that more Borough residents achieved a high school diploma or higher than the County and State.

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**Table A23: Educational Attainment for Borough, County, and State Residents  
(Persons 25 years and over)**

Jurisdiction	Percent (%) high school graduates or higher	Percent (%) with bachelor's degree or higher
Hopewell Borough	98.8%	72.7%
Mercer County	89.9%	44.9%
New Jersey	90.7%	42.9%

*Source: 2023 ACS 5-year estimates DP02*

The 2023 Census also provides data on the means of transportation that people use to reach their place of work. Table A24 compares the Census data for the Borough, County, and State relative to driving alone, carpooling, using public transit, and using other means of transportation. The Borough had a relatively high percentage of those who drive alone and a relatively low percentage of workers who carpool or use public transit. However, the Borough has a higher percentage of those who walk to work in comparison to the County and State. This may be an indication of residents taking advantage of remote work opportunities since the pandemic.

**Table A24: Means of Transportation to Work for Borough, County and State Residents (Workers 16 years old and over)**

	Hopewell Borough	Mercer County	New Jersey
Car, truck, or van -- drove alone	62.4%	61.5%	63.7%
Car, truck, or van -- carpoled	2.2%	9.2%	7.7%
Public transportation (excluding taxicab)	2.9%	5.2%	8.5%
Walked	5.7%	3.5%	2.6%
Other means	0.8%	2.8%	2.4%
Worked from home	26.0%	17.8%	15.0%

*Source: 2023 ACS 5-year estimates DP-03*

HOUSING ELEMENT AND FAIR SHARE PLAN  
BOROUGH OF HOPEWELL

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The 2023 Census also provided information on resident employment by industry. Education and healthcare dominate the employment sectors, followed by professional services. A strong presence in education and healthcare indicates job stability.

**Table A25: Employment by Industry**

Industry	Persons	%
Civilian employed population 16 years and over	965	
Agriculture, forestry, fishing and hunting, and mining	11	1.1%
Construction	61	6.3%
Manufacturing	99	10.3%
Wholesale trade	5	0.5%
Retail trade	38	3.9%
Transportation and warehousing, and utilities	14	1.5%
Information	26	2.7%
Finance and insurance, and real estate and rental and leasing	61	6.3%
Professional, scientific, and management, and administrative and waste management services	167	17.3%
Educational services, and health care and social assistance	324	33.6%
Arts, entertainment, and recreation, and accommodation and food services	60	6.2%
Other services, except public administration	44	4.6%
Public administration	55	5.7%

*Source: 2019 ACS 5-year estimates DP-03*

HOUSING ELEMENT AND FAIR SHARE PLAN  
BOROUGH OF HOPEWELL

The employment rate, according to the 2023 census shows that the Borough had a higher percentage of people in the labor force than the County or State, as well as higher employment of those in the labor force than the State and County.

**Table A26: Labor Force and Employment (%)**

<b>Jurisdiction</b>	<b>Percent in Labor Force</b>	<b>Employed</b>	<b>Unemployed</b>
Hopewell Borough	70.6%	70.6%	1.0%
Mercer County	64.1%	60.2%	3.9%
New Jersey	66.2%	62.1%	4.1%

*Source: 2029 ACS 5-year estimates DP-03*

According to NJTPA, Hopewell will see an increase of 1,012 jobs and 1,450 persons over the next 30 years, as shown on Table A27.

**Table A27: Forecast for Employment and Population**

	<b>2015</b>	<b>2050</b>	<b>% Change 2015-2045</b>
<b>Population</b>	1,920	1,923	.16%
<b>Employment</b>	1,011	1,133	12.07%

*Source: DVRPC Municipal and County-Level Population and Employment Forecasts, 2015-2050 <https://www.dvrpc.org/webmaps/popempforecasts/>*

The forecast for population and employment between 2015 and 2050 indicates minimal population growth (0.16%) but a notable increase in employment (12.07%) over the 35-year period. The population is projected to rise only slightly, from 1,920 in 2015 to 1,923 in 2050, suggesting a stable or stagnant residential base with little anticipated demographic change.

In contrast, employment is expected to grow more significantly, increasing from 1,011 jobs in 2015 to 1,133 by 2050. The 12.07% employment growth suggests an expanding job market despite the stagnant population, which could indicate efforts to attract businesses, economic diversification, or an increased reliance on workers commuting from outside the area.

The disparity between population and employment growth rates may suggest that while economic activity is increasing, local housing demand and infrastructure needs may remain relatively unchanged. Overall, the forecast suggests a stable residential community with

HOUSING ELEMENT AND FAIR SHARE PLAN  
BOROUGH OF HOPEWELL

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modest economic expansion. Ensuring that housing, transportation, and workforce development align with job growth will be essential to sustaining economic viability and supporting local businesses in the long term.

**Figure 1: Affordable Housing Sites**

*Hopewell Borough,  
Mercer County, NJ  
June 2025*



Data Sources:  
Mercer County Parcels 2023

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NDEP verified and is not State-authorized.

**B A N I S C H**  
A S S O C I A T E S , I N C .  
*Planning and Design*

Appendix A: Vacant Land Analysis











Block	Lot	Tax Class	Location	Acres	Constrained	Developable	Total Units	20% set aside	RDP	Comment
1	1	1	72 HART AVE	0.57	0.00	0.57	3.44	0.69	0.00	Does not achieve RDP
1	2	1	70 HART AVE	0.59	0.00	0.59	3.55	0.71	0.00	Does not achieve RDP
1	7 & 6	1	64 HART AVE	0.64	0.64	0.00	0.02	0.00	0.00	Steep Slope. Does not achieve RDP
1	20	1	HART AVENUE	0.08	0.08	0.00	0.00	0.00	0.00	HOA Open Space
2	2	3B	73 WASHINGTON AVE.	36.70	0.00	36.70	220.20	44.04	0.00	Preserved Farmland
2	4	15C	N. GREENWOOD AVENUE	1.98	0.47	1.51	9.06	1.81	0.00	DPW Storage, Flood Hazard Areas, long narrow lot
2	9 & 10	15C	FRONT ST	1.60	0.19	1.41	8.46	1.69	0.00	Water Dept, flood hazard areas
3	4 & 5	1	35 LOUELLEN STREET	1.34	0.00	1.34	8.04	1.61	1.00	Common ownership lots
4	3	1	LOUELLEN AVENUE	0.31	0.00	0.31	1.85	0.37	0.00	Does not achieve RDP
4	5	1	LOUELLEN AVENUE	0.35	0.00	0.35	2.08	0.42	0.00	Does not achieve RDP
6	5	1	N. GREENWOOD AVENUE	0.08	0.00	0.08	0.50	0.10	0.00	Norfolk Souther Rail Corp
9	84	1	EATON PL	4.60	0.00	4.60	27.60	5.52	0.00	HOA Open Space
11	5	1	76 MODEL AVE.	0.61	0.00	0.61	3.66	0.73	0.00	Does not achieve RDP
11	15.01	1	MODEL AVE	0.50	0.00	0.50	3.00	0.60	0.00	Does not achieve RDP
11	35	1	GREENWOOD AVE	0.06	0.00	0.06	0.36	0.00	0.00	CSX Railroad
12	1	15C	RAILROAD PL	0.61	0.00	0.61	3.66	0.00	0.00	Train Station Preserved
12	2	15C	RAILROAD PL	0.40	0.00	0.40	2.40	0.48	0.00	Train Station Park Preserved
12	8.01	1	SOMERSET STREET	3.20	0.24	2.96	17.73	3.55	4.00	Redev Area, assume 6 units per acre given site dimensions
12	9	1	LANDLOCKED	0.00	0.00	0.00	0.00	0.00	0.00	Gore
13	1	15C	LOUELLEN STREET	0.20	0.00	0.20	1.20	0.24	0.00	Pump House, does not achieve RDP
14	25	1	18 W BROAD ST	0.19	0.00	0.19	1.14	0.23	0.00	Does not achieve RDP
17	3	1	LAFAYETTE	0.16	0.00	0.16	0.96	0.19	0.00	HOA Open Space
18	5-14	1	29-49 SOMERSET ST	1.25	0.00	1.25	7.50	1.50	0.00	Redev Area. Previously developed with SF homes, demolished as part of Rockwell groundwater mitigation, non-residential uses
18	17	1	18 ELM ST.	0.00	0.00	0.00	0.01	0.00	0.00	Part of Hopewell Township residential lot
18	26	1	ELM STREET	1.77	0.00	1.77	10.62	2.12	0.00	Stormwater management facility
21	6	1	LAFAYETTE ST	0.20	0.00	0.20	1.20	0.24	0.00	Home owners association
23	7	15C	E BROAD ST	0.34	0.00	0.34	2.04	0.41	0.00	Borough Hall
24	1	1	6 ELM ST	0.06	0.00	0.06	0.36	0.07	0.00	Part of Hopewell Township residential lot
24	2	1	2 ELM STREET	0.28	0.00	0.28	1.68	0.34	0.00	Part of Hopewell Township residential lot
25	1	3B	153 West Broad Street	13.73	4.49	9.24	55.44	11.09	6.00	Property in common ownership with Block 18, Lot 2.011 in the Twp which is under D&R preservation. Borough lot will include 7 acres in preservation to D&R, retain 6 acres to continue farm. The remaining 6 acres includes 5 acres of developable land. Adjusted to 5 acres at 6 units per acre. (30 total units, 6 affordable)
25	18	1	119 W. PROSPECT ST	0.01	0.00	0.01	0.06	0.01	0.00	Gore does not achieve RDP
25	39	1	5 LAWYERS LANE	0.08	0.00	0.08	0.48	0.10	0.00	Gore does not achieve RDP
25	40	1	15 LAWYERS LANE	0.24	0.00	0.24	1.43	0.29	0.00	Gore does not achieve RDP
25	41	15C	W PROSPECT STREET	12.69	1.40	11.29	67.74	13.55	0.00	Preserved Open Space
25	83	15C	S GREENWOOD AVE	7.51	4.55	2.96	17.76	3.55	0.00	Boro Park Preserved
25	104	1	61 PRINCETON AVE	0.22	0.19	0.03	0.19	0.04	0.00	Site Plan Approval for Townhouse development
28	4	15C	E BROAD ST	0.06	0.00	0.06	0.36	0.07	0.00	Library

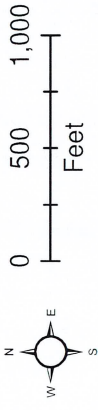
## Appendix A: Vacant Land Analysis

Block	Lot	Tax Class	Location	Acres	Constrained	Developable	Total Units	20% set aside	RDP	Comment
28	12 & 14	15C	4 COLUMBIA AVENUE	0.90	0.00	0.90	5.42	1.08	0.00	Fire house
29	19	1	358 E BROAD STREET	0.04	0.00	0.04	0.25	0.05	0.00	Access Easement
31	2	1	E BROAD ST	0.45	0.00	0.45	2.69	0.54	1.00	71 East Broad Redevelopment Area
31	19	1	COLUMBIA AVE	0.38	0.00	0.38	4.54	0.91	1.00	71 East Broad Redevelopment Area
32	3	1	COLUMBIA AVE	0.11	0.00	0.11	1.38	0.28	0.00	Preserved - NJCF
33	15	1	PRINCETON AVE	0.22	0.00	0.22	1.32	0.26	0.00	Does not achieve RDP
34	2	1	COLUMBIA AVE	0.13	0.00	0.13	0.78	0.16	0.00	Home owners association
36	13.01	1	EAST PROSPECT ST	0.46	0.00	0.46	2.78	0.56	0.00	Does not achieve RDP
36	60, 61 & 62	1	FIRST ST	0.57	0.00	0.57	3.43	0.69	0.00	Common ownership lots does not achieve RDP

**Vacant Land Analysis**  
Hopewell Borough,  
Mercer County, NJ  
March 2025

**Legend**

-  Farm Assessed
-  Vacant
-  Borough-owned
-  Sites contributing to RDP
-  Designated Areas in Need of Redevelopment
-  100 Year Flood Zone
-  Slopes greater than 15%
-  Water
-  Wetlands
-  Open Space



Data Sources:  
Mercer County Parcels 2023  
FEMA 2022  
NJDEP 2020 Land Use/Land Cover

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.

**B A N I S C H**  
ASSOCIATES, INC.  
Planning and Design

## Appendix B

### Affordable Housing Deed Restriction

With Covenants Restricting Rentals, Conveyance and Improvements  
And Requiring Notice of Foreclosure and Bankruptcy

THIS DEED RESTRICTION, entered into as of this the 25 day of NOVEMBER 2024, by and between the Borough of Hopewell, a municipal corporation of the State of New Jersey, with offices located at 88 East Broad Street, Hopewell Borough, NJ 08525 (the "Municipality") and HS25 WB, LLC a New Jersey limited liability company having a mailing address at P.O. Box 5, Hopewell Borough, NJ 08525 (the "Owner"). The Owner is the owner of a residential low-income rental property (the "Project"):

#### WITNESSETH

#### Article 1. Consideration

The Planning Board of Hopewell Borough granted preliminary and final site plan approval with variances to Hopewell Special, LLC to develop property located at 19 West Broad Street in the Municipality (Block 25, Lot 76) with eight (8) residential units pursuant to Resolution #2021-09 adopted on September 1, 2021 (the "Resolution"). Condition #9 of the Resolution obligated Hopewell Special, LLC to develop one unit of deed-restricted affordable housing. Hopewell Special, LLC has opted to provide such unit on the Property (as defined in Article 2 hereof). In consideration of benefits and/or right to develop received by the Owner from the Municipality regarding this rental Project, the Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed restriction, with respect to the land and improvements more specifically described in Article 2, hereof (the "Property").

#### Article 2. Description of Property

The Property consists of all of the land, and a portion of the improvements thereon, that is located in the Borough of Hopewell, County of Mercer, State of New Jersey, and described more specifically as a portion of Block No. 25, Lot No. 75, known commonly as 25 West Broad Street.

The unit which is to be restricted by virtue of this Deed Restriction is specifically designated as "Unit B," located on the second floor of the building located on the Property.

#### Article 3. Affordable Housing Covenants

The following covenants (the "Covenants") shall run with the land for the period of time (the "Control Period"), determined separately with respect for each dwelling unit, commencing upon

the date on which the first certified household occupies the unit, and shall and expire as determined under the Uniform Controls, as defined below.

In accordance with N.J.A.C. 5:80-26.11, each restricted unit shall remain subject to the requirements of this subchapter, the "Control Period," until the municipality in which the unit is located elects to release the unit from such requirements. Prior to such a municipal election, a restricted unit must remain subject to the requirements of this subchapter for a period of at least 30 years; provided, however, that:

1. Units located in high-poverty census tracts shall remain subject to these affordability requirements for a period of at least 10 years; and
  2. Any unit that, prior to December 20, 2004, received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, shall have its control period governed by said grant of substantive certification, judgment or grant or contract.
- A. Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq.*, the "Uniform Controls").
  - B. The portion of the Property subject to this Deed Restriction shall be used solely for the purpose of providing a rental dwelling unit for low-income households, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for that unit in writing by the qualified administrative agent retained by the Owner or its successor. So long as any dwelling unit remains within its Control Period, sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no sale of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent of the Municipality.
  - C. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the Administrative Agent of the Municipality.
  - D. The Owner shall notify the Administrative Agent of the Municipality and the Municipality of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.
  - E. The Owner shall notify the Administrative Agent of the Municipality and the Municipality within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

- F. The Owner shall notify the Administrative Agent of the Municipality and the Municipality within ten (10) business days of a tenant vacating the affordable housing unit or notifying the Owner of their intent to vacate the Affordable Housing Unit.

#### Article 4. Remedies for Breach of Affordable Housing Covenants

A breach of the Covenants will cause irreparable harm to the Municipality and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing.

- A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.
- B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent of the Municipality and the Municipality shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.
- C. A breach of any of the Covenants by the Grantee, or any successor in interest or other owner of the Property, shall be considered a breach of the conditions of the Resolution.

IN WITNESS WHEREOF, the Municipality and the Owner have executed this Deed Restriction in triplicate as of the date first above written.

**[SIGNATURE PAGES FOLLOW]**

HS25 WB, LLC

BY: \_\_\_\_\_

XXXXXXXXXXXXXXXX

*Richard Mosley*

**ACKNOWLEDGEMENT**

On this the 25 day of November, 2024 before me came Richard Mosley, to me known and known to me to be Richard Mosley the Owner of the Property, who states that (s)he has signed said Agreement for the purposes stated therein.

Casey Larcome  
Notary Public  
State of New Jersey  
Commission Expires 02/04/25

*Casey Larcome*  
\_\_\_\_\_  
NOTARY PUBLIC

**THE BOROUGH OF HOPEWELL**

By: \_\_\_\_\_

Ryan Kennedy, Mayor

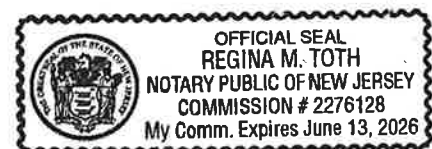
Date of Execution: 11/25/24

**ACKNOWLEDGEMENT**

**NOTARY PUBLIC**

On this the 25 day of November, 2024 before me came Ryan Kennedy known and known to me to be the Mayor of Hopewell Borough, the Municipality identified as such in the foregoing Agreement, who states that he is duly authorized to execute said Agreement on behalf of said Municipality, and that he has so executed the foregoing Agreement for the purposes stated therein

*Regina M. Toth*  
\_\_\_\_\_  
NOTARY PUBLIC



## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is entered into between the **BOROUGH OF HOPEWELL**, a municipal corporation in the County of Mercer and the State of New Jersey, with offices at 88 East Broad Street, Hopewell Borough, NJ 08525 (the “Borough”) and **HS25 WB, LLC** and **HOPEWELL SPECIAL, LLC**, New Jersey limited liability companies having a mailing address at P.O. Box 5, Hopewell Borough, NJ 08525.

1. **Purpose.** This Memorandum of Understanding (“MOU”) sets forth the obligations of **HS25 WB, LLC** and **HOPEWELL SPECIAL, LLC** (collectively, the “Developer”) to develop one unit of affordable housing within the Borough. The Planning Board of Hopewell Borough granted preliminary and final site plan approval with variances to Hopewell Special, LLC to develop property located at 19 West Broad Street in the Borough (Block 25, Lot 76) with eight (8) residential units pursuant to Resolution #2021-09 adopted on September 1, 2021 (the “Resolution”). A copy of the Resolution is attached hereto as Exhibit A. Condition #9 of the Resolution obligated Hopewell Special, LLC to develop one unit of deed-restricted affordable housing. Hopewell Special, LLC has opted to provide such unit on a portion of the portion of property identified as Block No. 25, Lot No. 75, known commonly as 25 West Broad Street. The unit to be deed-restricted is specifically designated as “Unit B” and located on the second floor of the building located on the Property. (the “Affordable Unit”).

The Parties hereto acknowledge that the Affordable Unit is to be applied against the Borough's affordable housing obligations.

2. **Affordable Housing Set-Aside.** In compliance with the Resolution, Developer shall have an obligation to deed-restrict one unit as a low income affordable family rental unit. The specific

location of such unit is set forth in Section 1 hereof. Any such affordable rental unit shall comply with Uniform Housing Affordability Controls (UHAC), applicable New Jersey Council on Affordable Housing (COAH) or Department of Community Affairs (DCA) affordable housing regulations, any applicable order of the Court

The Affordable Unit shall remain an affordable rental unit for a period of at least thirty (30) years from the date of its initial occupancy by a qualified household (“Deed- Restriction Period”) consistent with UHAC (N.J.A.C. 5:80-26.1 1) or the then applicable regulation, so that the Borough may count the Affordable Unit against its obligations to provide family rental affordable housing. This obligation includes, but is not limited to, the Developer’s obligation to comply with: pricing requirements pursuant to the income limits in effect at the time of issuance of the certificate of occupancy for the affordable unit, affirmative marketing requirements, candidate qualification, and screening requirements, and deed restriction and monitoring requirements.

### 3. **Administration.**

a. The Borough shall be responsible for administering the Affordable Unit. However, all associated expenses shall be solely borne by the Developer, its successors, or assigns, which expenses include, but are not limited to, conducting an outreach process, conducting interviews with interested households, creating and maintaining a list of eligible households, determining income eligibility and all other activities to ensure that restricted units are rented to low-income households. The Borough shall utilize the services of a certified Administrative Agent to conduct such tasks as set forth in N.J.A.C. 5:80-26.

b. Upon execution of this MOU, Developer shall also execute a deed restriction in a form substantially similar to that attached hereto as Exhibit B. The Borough shall record such deed restriction in the Mercer County Clerk's Office.

c. The Parties acknowledge that the Affordable Unit is currently occupied, but was not affirmatively marketed in compliance with applicable regulations and the tenant was not income-qualified. Within ten (10) business days of the current tenant vacating the Affordable Unit or notifying Developer of their intent to vacate the Affordable Unit, Developer shall notify the Borough in writing and request that the Borough begin to affirmatively market the Affordable Unit. Failure of Developer to timely notify the Borough under this section shall be considered a breach of this Agreement, the Deed Restriction, and the Resolution. The Borough shall be entitled to take all actions permitted by law to enforce this Agreement, the Deed Restriction, and the Resolution, including but not limited to, revoking Certificates of Occupancy issued for the residential units located at 19 West Broad Street in the Borough (Block 25, Lot 76), and issuing notices of violations and municipal court summonses. The Borough Zoning Officer shall be empowered to enforce this MOU, the Deed Restriction, and the Resolution.

4. **Cooperation with Reporting.** The Parties acknowledge that the Borough may have the obligation from time to time to generate information necessary to demonstrate the creditworthiness of the Affordable Unit. Developer will cooperate with the Borough and provide all monitoring and reporting requirements within fifteen (15) Business Days of the request.

5. **Term.** This MOU shall become effective on the date of signing by the Borough and shall remain in place for the period that the Deed Restriction is in effect. The term of the Deed Restriction shall be thirty (30) years, which shall begin to run as of the date the Affordable Unit is occupied by an income-qualified household pursuant to applicable regulations.

6. **Entire Agreement.** This Agreement represents the entire Agreement between the Parties relating to the subject matter hereof and no representations or agreements made by either party or any representations of either party in the negotiations leading to this Agreement or otherwise which are not expressed in this Agreement shall be binding on either party. No change in addition to or modification of any provision of this Agreement shall be effective unless made by written agreement signed by the party to be charged with such change, addition or modification.

7. **Controlling Law.** Controlling law of the State of New Jersey shall govern this MOU.

8. **Successors and Assigns.** Each party to this MOU is hereby bound to the terms and conditions contained in this MOU and the legal representatives, successors and assigns of this MOU, if any, shall be bound to the terms and conditions contained herein.

9. **Severability.** Any provision of this MOU held to be void or unenforceable under any law or regulation shall be stricken and all remaining provisions shall continue to be valid and binding upon the parties to this MOU.

**[Signature Pages Follow]**

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals the day  
and date first above written.

BOROUGH OF HOPEWELL,  
IN THE COUNTY OF MERCER

ATTEST:

\_\_\_\_\_  
Regina Toth, Clerk

By: \_\_\_\_\_  
Ryan Kennedy, Mayor

HOPEWELL SPECIAL, LLC

ATTEST:

  
\_\_\_\_\_

By:  \_\_\_\_\_  
Ryan Kennedy, Mayor

HS25 WB, LLC

ATTEST:

  
\_\_\_\_\_

By:  \_\_\_\_\_  
Ryan Kennedy, Mayor

## Appendix C

Prepared by:

### DEED RESTRICTION

#### **Deed-Restricted Rental Dwelling Unit with Covenants Restricting Sale, Rental, Use, Conveyance and Improvements, and Requiring Notice of Violations, Foreclosure and Bankruptcy**

**THIS DEED RESTRICTION**, made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between:

**THE BOROUGH OF HOPEWELL**, a municipal corporation of the State of New Jersey (“Hopewell” or the “Borough”), having an address of 88 East Broad Street, Hopewell (Borough), New Jersey 08525; and

**HVIB Holdings, LLC**, a limited liability company of the State of \_\_\_\_\_ (“Owner” or the “Company”), having an address of \_\_\_\_\_.

**WHEREAS**, the Company is the owner of certain real property identified as Block 28, Lot 5, on the Borough’s tax map, more commonly known as 15 East Broad Street (the “Property”); and

**WHEREAS**, the Company has recently obtained preliminary and final major site plan approval, together with use and bulk variances, from the Borough Planning Board (the “Board”) to allow for the construction of a restaurant and six (6) one (1)-bedroom residential apartment units on the Property (the “Approved Mixed-Use Building”); and

**WHEREAS**, the Board’s decision is memorialized in Resolution PB #2022-07, adopted during the Board’s regular public meeting on February 2, 2022; and

**WHEREAS**, municipalities within the State of New Jersey have a constitutional obligation to provide affordable housing, and are required by the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (the “Act”) to provide for their respective fair share of housing that is affordable to households with low- and moderate-incomes in accordance with the provisions of the Act; and

**WHEREAS**, the Borough administers an affordable housing program for the purpose of meeting its fair share affordable housing obligation in accordance with the provisions of the Act; and

**WHEREAS**, the Company is a respected provider of residential housing opportunities; and

**WHEREAS**, as a condition of approval set forth in Resolution PB #2022-07, and in order to facilitate the provision of affordable housing for low- and moderate-income individuals, the Company has agreed to set aside and deed restrict one (1) of the six (6) residential dwellings within the Approved Mixed-Use Building as a housing opportunity reserved for income qualifying individuals and families (the “Affordable Unit”); and

**WHEREAS**, the Borough has determined that the Affordable Unit is a suitable, available and appropriate affordable housing opportunity, and will assist Hopewell in fulfilling its Mount Laurel obligations; and

**WHEREAS**, to receive credit for properties reserved for affordable housing opportunities, Hopewell must ensure that same remain affordable and available to low- and moderate-income individuals and families for a designated period of time; and

**WHEREAS**, the Company and the Borough wish to restrict the Affordable Unit for use solely as **low**-income affordable housing, as defined by the Act and applicable affordable housing rules and regulations; and

**NOW, THEREFORE**, it is the intent of this Declaration to ensure that the affordability controls are recorded and imposed upon the Affordable Unit so as to bind all who lease, own, and occupy the Affordable Unit to the covenants, conditions and restrictions contained herein; to notify all future purchasers that the Affordable Unit is encumbered with affordability controls, and to enable the Borough to take such actions as may be necessary to maintain the affordability controls for a period of thirty (30) years from the date these Restrictions are recorded in the Office of the Mercer County Clerk.

## **ARTICLE I. DESCRIPTION OF AFFORDABLE UNIT**

The Affordable Unit consists of all of the land and a portion of the improvements thereon, located in the Borough of Hopewell, County of Mercer, State of New Jersey, and described more specifically for the purposes outlined herein as Block 28, Lot 5, and known by the street address of 15 East Broad Street, Apartment No. [REDACTED].

The Affordable Unit is hereby designated as a **low**-income, one (1)-bedroom, non-age restricted affordable **rental** unit.

## **ARTICLE II. AFFORDABLE HOUSING COVENANTS**

Any sale, rental, use, occupancy, or other conveyance of interest of the Affordable Unit is governed by the administrative regulations known as the Uniform Housing Affordability Controls, which are found in the New Jersey Administrative Code at Title 5, Chapter 80, Subchapter 26, N.J.A.C. 5:80-26.1, et seq. (the “UHAC”), the Borough’s affordable housing ordinances, and the Act (collectively, the “Affordability Controls”). Very-low income shall be as defined in the Act.

Consistent with the Affordability Controls, the following covenants (the “Covenants”) shall run with the land for the period of time commencing upon the recordation of this Declaration in the

Office of the Mercer County Clerk (the “Commencement Date”), and terminating upon the anniversary of the thirty year (30)-period (the “Control Period”).

- A. Sale, rental, use, or occupancy of the Affordable Unit and any within dwelling unit(s)/beds shall be governed by these Affordability Controls and Covenants during the Control Period.
- B. The Affordable Unit shall be used solely for the purpose of providing rental dwelling units for low- or moderate-income households as a primary residence, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for the Affordable Unit in writing by the Administrative Agent. So long as any dwelling unit within the Affordable Unit remains within its Control Period, a subsequent sale of the Affordable Unit by the Company, or its successors or assigns, must be expressly subject to this Deed Restriction, deeds of conveyance must have these Covenants appended thereto, and no sale or tenancy of the Affordable Unit shall be lawful, unless approved in advance and in writing by the Administrative Agent. Any subsequent purchaser must agree to maintain the Affordable Unit and ensure compliance with the Affordability Controls and Covenants until released.
- C. No improvements may be made to the Affordable Unit, especially those that would affect the bedroom configuration, unless approved in advance and in writing by the Administrative Agent.
- D. The Company, or its successors or assigns, shall notify the Borough and its Administrative Agent of any foreclosure action(s) filed with respect to the Affordable Unit within five (5) business days of service upon Owner.
- E. The Company, or its successors or assigns, shall notify the Borough and its Administrative Agent within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Company, or said successors or assigns.
- F. No refinancing, equity loan(s), secured letter of credit, or any other mortgage obligation or other debt (collectively, “Debt”) secured by the Affordable Unit, may be incurred except as approved in advance and in writing by the Administrative Agent. At no time shall the Administrative Agent approve any such Debt, if incurring the Debt would make the total of all such Debt exceed Ninety-Five Percent (95%) of the applicable maximum resale price.
- G. The Affordability Controls and Covenants shall remain in effect and encumber the Affordable Unit despite the entry and enforcement of any judgment of foreclosure with respect to the Property, so long as the Affordable Unit remains subject to the Covenants being implemented by this Declaration.

- H. Any lease, agreement, or like form of contract pertaining to occupancy of the Affordable Unit shall adhere to the Affordability Controls and Covenants, and must be approved by the Administrative Agent prior to the start of any lease, rental, or tenancy period.

### **ARTICLE III. REMEDIES FOR BREACH OF AFFORDABLE HOUSING COVENANTS**

A breach of the Affordability Controls and Covenants will cause irreparable harm to the Borough, the Administrative Agent and to the public, in light of the public policies set forth in the Act and the obligation for the provision of low- and moderate-income housing as provided by law. Accordingly, and as set forth in N.J.A.C. 5:80-26.8:

- A. In the event of a threatened breach of any of the Affordability Controls or Covenants by the Company or a subsequent owner, or any other successor in interest of the Affordable Unit, the Administrative Agent and the Borough shall have the right to reasonable entry upon the Affordable Unit, and all remedies provided at law and equity, including the right to seek injunctive relief or specific performance.
- B. Upon the occurrence of a breach of any of the Affordability Controls or Covenants by the Company or a subsequent owner, or any other successor in interest of the Affordable Unit, the Administrative Agent and the Borough shall have all remedies provided at law and equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recoupment of any funds from a sale or lease, diversion of rent proceeds from illegal rentals, immediate termination of any lease or sub-lease, injunctive relief to prevent further violation(s) of said Covenants, entry upon the Affordable Unit, enforcement action provided under the Regulations, as may be amended or provided by law, and specific performance.

### **ARTICLE IV. OTHER PROVISIONS**

The Company, or its successors or assigns, shall cooperate in following and complying with the Affordability Controls, Covenants and the obligation for the provision of low- and moderate-income housing, and shall cooperate in any and all necessary actions, to the extent such cooperation is necessary, to assist the Borough in securing maximum credits for the Affordable Unit thereby assisting Hopewell in fulfilling its affordable housing obligation.

IN WITNESS WHEREOF, the Borough and Owner have executed this Deed Restriction in triplicate as of the date first written above.

**SIGNED AND AGREED TO BY:**

Witness/Attest:

THE BOROUGH OF HOPEWELL, a  
municipal corporation of the State of New  
Jersey

\_\_\_\_\_

By: \_\_\_\_\_  
\_\_\_\_\_, (Title)\_\_\_\_\_

Dated: \_\_\_\_\_

Witness/Attest:

HVIB Holdings, LLC, a limited liability  
company of the State of                     

\_\_\_\_\_  
\_\_\_\_\_, Secretary

By: \_\_\_\_\_  
\_\_\_\_\_, (Title)

Dated: \_\_\_\_\_

**RESOLUTION PB #2022-07  
BOROUGH OF HOPEWELL  
PLANNING BOARD**

**HVIB HOLDINGS, LLC  
15 EAST BROAD STREET  
BLOCK 28, LOT 5**

**PRELIMINARY AND FINAL MAJOR SITE PLAN WITH USE AND BULK  
VARIANCES**

**Decided on January 5, 2022  
Memorialized on February 2, 2022**

WHEREAS, HVIB Holdings, LLC (“Applicant”) has made application to the Borough of Hopewell Planning Board (the “Planning Board” or “Board”) to construct a new 3-story building utilizing the same general footprint of the existing building on the Property (as hereinafter defined), which will include restaurant space and six (6) one-bedroom apartments.

WHEREAS, the property falls within the B-R District, having an address of 15 East Broad Street and is designated as Block 28, Lot 5 on the Hopewell Borough Tax Map (the “Property”).

WHEREAS, the Planning Board accepted jurisdiction based on proof of publication and notices provided in accordance with the Municipal Land Use Law.

WHEREAS, public hearings were conducted on December 1, 2021 and January 6, 2022 at which time the Planning Board (acting as the Zoning Board of Adjustment) heard testimony of the Applicant and gave due consideration to all individuals desiring to be heard, considered the exhibits and expert reports submitted, and deliberated on the merits of the application.

WHEREAS, in addition to the application form and checklist, the following plans and materials were submitted by Applicant and considered by the Board:

- Plan “The Hopewell Inn, Mercer County, Hopewell, New Jersey” 8 sheets, dated October 28, 2021, prepared by Steven S. Cohen Architects.
- Plan “ALTA/NSPS Land Title Survey, 15 East Broad Street, Hopewell, NJ” 1 sheet, dated October 5, 2021, prepared by FA Commercial Due Diligence Services.
- Architectural Renderings, 2 sheets, prepared by Steven S. Cohen Architects.
- Plan “Preliminary and Final Minor Site Plans for Hopewell Inn, Hopewell Borough, Mercer County, NJ, Block 28 Lot 8”, 9 sheets, dated October 28, 2021 and last revised 11/9/21, prepared by T&M Associates.
- Stormwater Management Report, dated October 28, 2021, prepared T&M Associates.
- Parking Assessment, dated October 28, 2021, prepared by Langan Engineering and Environmental Services, Inc.

WHEREAS, the following exhibit was marked into evidence:

- A-1 8 slides, slides 1 to 6 contained photos of hotel over time, Slides 7 and 8 were proposed renderings.
- A-2 Floor Area and Elevation Plan
- A-3 Colorized version of Sheet 3 and of 9, with updates

WHEREAS, the following witness were sworn in and provided testimony on behalf of the Applicant:

- Douglas White, Civil Engineer
- Steve Cohen, Architect;
- Jim Kyle, Professional Planner
- Karl Pehnke, Traffic Engineer
- Michael Gale, Vice President of Real Estate Operations
- Peter Golden, Vice President and Director of Operations
- John Harrison, Structural Engineer
- Joe Mutinsky, Senior Project Manager

NOW THEREFORE, the Planning Board makes the following findings of fact and conclusions of law based upon evidence presented at its public hearing and which a record was made.

1. The Property is located at 15 East Broad Street in the B-R District and is designated as Block 28, Lot 5 on the Hopewell Borough Tax Map. The Property is located on the southwest corner of East Broad Street and Seminary Avenue, which is currently developed with the Hopewell Valley Bistro and Inn.

2. Applicant submitted a major site plan application with use and bulk variances to raze and reconstruct the existing structure located on the Property, which will include a restaurant, with liquor license, and six (6) one-bedroom apartments.

3. The existing improvements on the Property consist of a restaurant, containing 3,713+/- square feet and a 339+/- square-foot outdoor seating area, and twelve (12) inn hospitality rooms. The existing structure occupies the majority of the Property. A paved area is located at the rear of the property that is accessed from Seminary Avenue and provides eight (8) designated parking spaces.

4. Applicant proposes to remove the existing building and shed, rear concrete walkways and curbing, wood fence and landscape wall. Other site improvements include eight (8) parking spaces to the rear of the building, including one (1) ADA van space, brick sidewalks along the front and side of the building, dumpster enclosure in the rear, southeast corner, and landscape areas along the front and rear of the building. The new building removes the previous one-story

addition along the west side of the building and replaces it with a wraparound deck on the first and second floors.

5. The proposed structure will essentially occupy the same foot print as the prior structure. The proposed restaurant space is approximately 4,642+/- square feet and includes 1,432+/- square feet of seasonal outdoor dining space that is distributed on the first and second floor porches. Six (6) one-bedroom apartments are being proposed on the second and third floor. Two (2) of the one-bedroom apartments will be located on the second floor and four (4) one-bedroom apartments will be located on the third floor.

6. The rear parking area is essentially unchanged in footprint also, but is proposed to be improved with a paved lot containing seven 9' by 20' parking spaces, and one van-accessible ADA-compliant parking space. The proposed parking spaces will be served by a dead-end aisle measuring 24 feet in width. The terminal end of the drive aisle has also been furnished with a masonry refuse/recycling enclosure, measuring 10' x 20', to service the proposed uses. The existing shed in the rear of the structure will be removed as part of the improvements. Additional improvements in the rear lot include ramps and walks to provide ADA-compliant access to the building, planter areas and signage for the ADA-compliant parking space.

7. **Bulk Variances.** The Applicant is seeking variance relief in connection with the following bulk (c) variances:

BR District	Required	Existing	Proposed
Minimum Lot Size (sq. ft.)	4,000 sf	14,742 sf	No change
Minimum Lot Width (ft)	40'	92.07'	No Change
Minimum Front Yard (ft)	15'	10.25'	10.6'
Minimum Rear Yard (ft)	25'	N/A (Corner Lot)	N/A (Corner Lot)
Minimum Side Yard (ft)	0'	4.9'	4.89'
Maximum Building height	3 stories/45'	29.1'	3 stories
Maximum FAR	.60	.70	.804
Maximum Lot Coverage	40%	93%*	92%**

\*Pre-existing condition

\*\*Variance Required

In addition, the Applicant requires a variance for parking where 34 spaces is required, and 8 spaces are proposed.

8. **Analysis of Bulk Variances.**

There are three bulk variances requested:

- a. Front Yard Setback. 15 feet required; 10.25 feet existing; 10.6 feet proposed
- b. Maximum Lot Coverage. 40% required; 93% existing; 92 % proposed.
- c. Parking Spaces. 34 required; 8 existing; 8 proposed.

In each case the proposed condition is reflective of the existing condition, with slight improvements to Front Yard Setback and Maximum Lot Coverage. Although the parking requirements changed, utilizing the existing area, allows for a desirable visual environment with the new structure. There is also the ability to park on the street and to walk – which is how the existing restaurant functions.

The Board has evaluated the Municipal Land Use Law standards for bulk variances and finds that the bulk variances are justified under (c)(2) criteria based on the existing conditions, topography, physical constraints and unique characteristics of the Property. The benefits of the project and the improvements to the site will be a positive impact on the community.

9. *Use Variances.*

- a. §12-4.24 – Applicant requests a D(1) variance to permit six (6) 1-bedroom apartments whereas a maximum of three (3) is permitted under §12-4.24.
- b. §12-15.5 – Applicant requests a D use variance to permit a retail store in excess of 2,000 square feet under §12-15.5.
- c. Applicant requests a D(4) variance to exceed the allowable F.A.R. where 0.60 is permitted, 0.70 is existing and 0.804 is proposed.

10. *Analysis of Use Variances.*

The Municipal Land Use Law authorizes local boards to grant a use variance where: (1) “special reasons” exist for the variance (the positive criteria); and (2) the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purposes of the zone plan and zoning ordinance (the negative criteria). *N.J.S.A. 40:55D-70d.*

A. *D(1) Variance*

The Applicant requires a d(1) use variance to permit Six, 1-bedroom apartments where a maximum of 3 is permitted under § 12-4.24 “Dwelling, Apartment” which states:

A dwelling unit of the family unit type designed and constructed as an integral part of a building which is not a secondary use. Where a dwelling apartment is permitted as a primary use, the building shall contain not more than three apartments.

In relation to the d(1) variance requests, the Board has the power to grant “d(1)” variances to permit non-permitted uses or principal structures pursuant to N.J.S.A. 40:55D-70d(1) “in particular cases and for *special reasons*.” This is the so-called *positive criteria* of a “d(1)” variance. The Board may not exercise its power to grant a “d(1)” variance otherwise warranted, however, unless the so-called “*negative criteria*” has been satisfied. Pursuant to the last unlettered paragraph of N.J.S.A. 40:55D-70: “No variance or other relief may be granted ... without a showing that

such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.”

### *Positive Criteria*

For special reasons, the Applicant focused on the provision of rental housing options that are less expensive, one deed restricted “moderate income” affordable housing unit and the ability to add to the variety of the Boroughs housing opportunities. The proposed rental housing replaces 12 underutilized inn rooms and provides a housing option underserved in the Borough. The Board finds that the proposed project carries out a purpose of zoning as defined in N.J.S. 40:55D-2, and satisfies the positive criteria. In support of the use variances, other “d” variances and bulk variances the Board adopts the testimony of the Applicant’s professional planner.

### *Negative Criteria*

In satisfaction of the negative criteria, Applicant demonstrated to the satisfaction of the Board that the requested relief for the d(1) variances would not result in significant negative impacts to the intent and purpose of the zone plan or zoning ordinance or to the public good. The Board reviewed the application under the enhanced burden of proof required by the *Medici* case. The Applicant’s planner testified that the proposed apartments can be reconciled with the zoning ordinance and the Master Plan and that the mixed use will fit well in the neighborhood promoting a walkable environment. Proofs also focused on improvements from the existing structure and use, such as increased setbacks and the promotion of the historic nature of the village center, as advanced by the Master Plan. He further indicated that the project particularly suited to the BR district and the property since the proposed use is very similar to the existing use. Accordingly the proposed use will fit into the current character of the site and adjoining uses and will not impact the zone plan.

### *B. D((3) Variance*

The BR Zoning Districts allow retail/restaurant use, but on a small neighborhood scale, not more than 2,000 s.f. Although a definitional element of the use, the Borough has traditionally applied the (d)(3) standard when the proposal, although over the allowable amount, is in fact of a village scale. Notwithstanding the foregoing, the Board has concluded that based upon the testimony the application would satisfy the positive and negative (d)(1) criteria necessary for a use variance.

The Board has the power to grant “d(3)” variances pursuant to N.J.S.A. 40:55D-70d(3) “in particular cases and for special reasons.”. In granting a (d)3 variance the Board’s focus must be on whether the site remains appropriate for the use despite the failure to conform to all of the ordinance’s conditions. The standard does not require a finding of particular suitability. This determination addresses the so-called “positive criteria”. Applicant must also satisfy the two prongs of the negative criteria. The first focuses on the ability to grant the variance without substantial detriment to the public good while the second prong must establish that the variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance.

The Planning Board finds that the proposed restaurant use when compared to the existing restaurant use still maintains the character of a village setting. The Board determined that the increase over the permitted amount does not in any way undermine the intent of the zoning ordinance designed to promote retail/restaurants at a neighborhood scale. Moreover, the use will occupy space that was previously used by a restaurant that was also over the permitted limit and reduce the number of seats as compared to the existing restaurant. The utilization of the property and the added vitality to the block furthers the public good. The Board has determined that the variance could be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zoning plan and zoning ordinance.

C. D(4) F.A.R. Variance

The Applicant seeks a d(4) for exceeding the permitted F.A.R. This “non-use” variance contemplates that a proposed use is permitted however not at the intensity prescribed in the ordinance. The Applicant must still satisfy the positive and negative criteria, but each has a different standard of proof. In particular, focus should be on how the proposed development will impact adjacent properties.

Although the ordinance allows an FAR of .60, the existing FAR is .70. Applicant’s proposal with a FAR of .804 does not rise to a significant level, considering all of the positive impacts from the redevelopment of the property. The applicant has agreed to dedicate land currently owned to the centerline of the Seminary Avenue, exacerbating the need for an FAR variance. It is generally of the same size and scale, but has increases setback, better circulation, affordable housing unit, and an overall seat reduction of the restaurant from 287 seats to 208 seats. In addition, the new structure will honor the history of the original building on the property through its design.

The Planning Board has found that, provided that the conditions set forth below are imposed and complied with, the bulk and use variances identified above can be granted while satisfying the negative criteria and will not substantially impair the intent and purpose of the zoning plan and zoning ordinance or impose a detriment to the public good.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Hopewell on this 2nd day of February, that the action of the Planning Board taken on January 5, 2022, granting Preliminary and Final Site Plan with use and bulk variances is hereby memorialized with the following conditions.

1. Applicant shall comply with the conditions and requirements articulated in the professional reports issued in connection with this matter including the reports of Joanna Slagle, PP/AICP, dated November 23, 2021 and the report from Paul W. Ferriero, PE, CME, PP, Municipal Engineer dated, November 19, 2021, subject to any changes on the record or in this Resolution.

2. Applicant shall comply with the conditions and requirements articulated in the Fire Officials December 31, 2021 report to the satisfaction of the Fire Official and Borough Engineer, subject to any changes on the record or in this Resolution.
3. Applicant must comply with all representations made, either personally or through any representative, during the course of Applicant's presentation to the Board and in all documents filed with the application.
4. Applicant shall deed restrict one of the six residential units so that it qualifies as an affordable housing unit under State regulations. Applicant is permitted to provide either a low income or moderate income unit based on Applicant's discretion. The deed restriction shall be reviewed and approved to satisfaction of Borough Attorney and Borough Engineer prior to recording.
5. Applicant will reinstall any pavers that may be removed in the front yard along Broad Street and Seminary Avenue.
6. Applicant shall dedicate 25 feet along Seminary Avenue and update the bulk chart to reflect the conveyance, including the FAR calculation, lot size and setbacks.
7. Building lights on porch and facade will be turned off one hour after the restaurant closes. Applicant will be allowed to continue to use security lighting after hours, most notably for residents of the building.
8. Two electric vehicle charging stations will be provided. One will be installed prior to the issuance of the Certificate of Occupancy and the other one may, at the Applicant's discretion in accordance with applicable law be installed later with the conduit being constructed prior to the Certificate of Occupancy.
9. Applicant is limited to a total of two hundred and eight (208) seats related to the restaurant use, including interior seats and exterior seats. This number was specifically testified to at the hearing. The limitation on the number of seats is critical to control potential negative impacts to the surrounding neighborhood and to address parking deficiencies.
10. In order to mitigate impacts from the lack of sufficient parking spaces on site, the Applicant will work with municipal professionals to devise a plan for employee parking. The purpose is to have employees park away from the property recognizing that there is a shortage of public parking in the immediate area such as on Seminary Avenue.
11. Applicant shall comply with the outdoor dining ordinance.

12. Applicant shall add landscaping to the satisfaction of the Borough Engineer in the front yard. Options include at grade or a raised planting bed or planters to help beautify the frontage.
13. No dining will be provided within the sidewalk or front yard area. All outdoor dining will be confined to the areas identified by the Applicant, on the porch. Applicant shall not put the construction dumpster in the public right-of-way or street.
14. The Board has relied heavily on engineering and architectural plans, the exhibits and testimony. Applicant's application has been approved based upon the exhibits and testimony presented. Thus, Applicant shall maintain the improvements and use the property in accordance with the testimony, exhibits, maps and approved plans.
15. Applicant shall enter a Developer's Agreement in a form approved by the Borough Engineer and Borough Attorney. Such Agreement shall, in addition to other usual provisions, include the submission of a performance guarantee in the amount of 120% of the reasonable cost of properly completing such site improvements, in the judgment of the Borough Engineer, are required to be included in the Borough Engineer's performance guarantee cost estimate, not inconsistent with the Municipal Land Use Law. Applicant shall prepare and submit to the Borough Engineer an estimate of probable construction costs in order for the Borough Engineer to approve a performance guarantee cost estimate. Applicant agrees to furnish such guarantee which shall be subject to approval by the Borough Engineer and acceptance by the Borough governing body. Such Developer's Agreement shall also provide for the submission by Applicant of the usual maintenance guarantee and inspection fees as permitted by the Municipal Land Use Law.
16. Applicant will revise the plans to show lighting and will be required to use shielded lights on the building to the satisfaction of the Borough Engineer. Lighting shall comply with all ordinance and shall not spill across property lines.
17. No outside storage is permitted on the property.
18. Applicant will make a good faith effort to reduce the size of the dumpster and has agreed to add a sliding gate to the garbage area, which shall be shown on the revised site plans.
19. Submission of proof of payment of all real estate taxes applicable to the property and payment in a timely fashion by the Applicant of all outstanding escrow charges in connection with the review of this application. Applicant shall pay

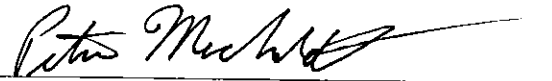
additional professional review escrow fees as determined by the Borough, together with any required engineering inspection fees.

20. In accordance with law, the site plan and resolution shall be enforceable in the Hopewell Borough Municipal Court in the event of any deviation or violation of this approval.
21. Applicant shall comply with all Borough ordinances, rules and regulations that are applicable to this development application and is required to obtain all necessary permits including, but not limited to, certificates of occupancy and construction permits. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.
22. Subject to the review and approval of or letter of no interest from the Mercer County Planning Board, Mercer County Soil Conservation District, New Jersey Department of Transportation, New Jersey Department of Environmental Protection and D&R Canal Commission, where applicable.
23. The proposed building and all site improvements shall be constructed identically with that shown on the signed site plan, architectural plan and landscape and lighting plan as to location, design, quantities and quality, all of which shall be subject to field changes, if any, approved by the appropriate Borough professional.
24. The Board Chairman and Secretary shall not sign the site plan and/or any and all other plans until and unless all plans have been revised in accordance with these conditions. Any dispute(s) concerning the satisfaction of any conditions related to the revisions of the plans may be brought to the Board by written letter application by the applicant for Board resolution of the dispute(s) without the necessity for public notice but on written notice to the Board Engineer and Board Planner. This condition is based on satisfaction of the negative criteria.
25. The within approval and the use of the property are conditioned upon and made subject to any and all laws, ordinances, requirements and/or regulations of and/or by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. In the event of any inconsistency(ies) between the terms and conditions of the within approval and any approval(s) required above, the terms and/or conditions of the within approval shall prevail unless and until changed by the Planning Board upon proper application.
26. Pursuant to Section 13-7 of the Borough Code, the Zoning Officer shall issue a temporary certificate of site plan conformance that will remain valid for 12 months from the date of this resolution. This period of time may be extended for

good cause. Applicant may request that the Zoning Officer issue a permanent site plan conformance certificate upon demonstrating that the requirements under Section 13-7.3 are fully satisfied.

27. Applicant shall comply with any conditions agreed to during the hearing on this application, even if omitted from this resolution.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Applicant, and a notice of this decision of the Planning Board shall be published within ten (10) days of the date hereof according to law.



Peter Macholdt, Chair  
Hopewell Borough Planning Board

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Hopewell Borough Planning Board at a public meeting held on February 2, 2022.



Maggie Schmitt, Secretary  
Hopewell Borough Planning Board

**THOSE IN FAVOR:** DONALDSON, LYON, PERRI, TEWELL, FERRARA, MACHOLDT

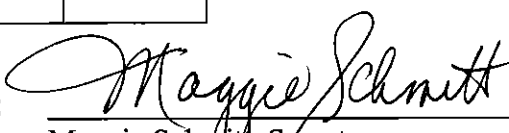
**THOSE OPPOSED:** XXX

The above memorializing resolution was adopted on February 2, 2022 by the following vote of members eligible to vote:

Member	Yes	No	Abstain	Absent
Peter Macholdt	X			
Ryan P. Kennedy				
Louis Young				X
Bob Donaldson	X			
Shelby Tewell	X			

Michele Hovan				
David Mackie				
Jacqueline Perri	X			
Brad Lyon	X			
Marylou Ferrara (Alt. #1)	X			
William Rodgers (Alt. #2)				

ATTEST:

  
Maggie Schmitt, Secretary  
Hopewell Borough Planning Board

## Appendix D

NO. 2016-105

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH  
OF HOPEWELL DESIGNATING CERTAIN AREAS WITHIN THE BOROUGH OF  
HOPEWELL AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT  
PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A.  
40A:12A-1 *ET SEQ.***

**WHEREAS**, the Local Redevelopment and Housing Law (“LRHL”) at N.J.S.A. 40A:12A-4 empowers municipal governing bodies to “(1). Cause a preliminary investigation to be made pursuant to [N.J.S.A. 40A:12A-6a] as to whether an area is in need of redevelopment; (2) Determine pursuant to [N.J.S.A. 40A:12A-6b] that an area is in need of redevelopment; [and] (3) Adopt a redevelopment plan pursuant to [N.J.S.A. 40A:12A-7]”; and

**WHEREAS**, on August 6, 2015, the Hopewell Borough Council adopted Resolution No. 2015-104 authorizing and directing the Planning Board to undertake a preliminary investigation to determine whether the properties identified on the Hopewell Borough tax maps as Block 12, Lots 3,4,5,6,7,8.01 & 8, Block 17, Lots 3.01, 3.02, 3.03 & 4, Block 18, Lots 1, 4,5,6,7,8,9,10,11,12,13,14,15 & 26 and Block 31, Lots 1,2 & 19 (the “Study Area”) constitute an area in need of redevelopment pursuant to the criteria set forth in the LRHL at N.J.S.A. 40A:12A-5; and

**WHEREAS**, on October 5, 2015 the Borough Council adopted Resolution No. 2015-111, which amended Resolution 2015-104 to specify that the Study Area was to be investigated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, following the passage of Resolution 2015-111, the Council determined that it would be in the best interests of the public for the Borough to retain the full powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (“Condemnation Redevelopment Area”); and

**WHEREAS**, accordingly, the Council on May 5, 2016 unanimously passed a motion authorizing and directing the Planning Board to change its preliminary investigation to an investigation to determine whether the Study Area constitutes a condemnation area in need of redevelopment instead of a non-condemnation area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, said motion was reduced to writing and memorialized in Resolution No. 2016-59; and

**WHEREAS**, on June 1, 2016, the Planning Board began its public hearing on whether the Study Area as identified above should be designated as a condemnation area in need of redevelopment; and

**WHEREAS**, during the public hearing as well as in other contexts, the public made clear their concerns and objections to the Borough’s ability to use eminent domain to acquire properties in the redevelopment area; and

**WHEREAS**, in addition, following the start of the Planning Board public hearing, the owner of Van Doren Lumber, Sawdust Construction, LLC, asked to have Van Doren Lumber added to the Study Area; and

**WHEREAS**, in response to the concerns of the public and Van Doren's request, the Council on July 12, 2016 adopted Resolution 2016-73, which directed the Planning Board to (a) expand the Study Area to include Van Doren Lumber, located at 24 Model Avenue and designated on the Hopewell Borough tax maps as Block 11, Lot 26 (the "Revised Study Area"); (b) revise its map of the boundaries of the proposed redevelopment area and locations of the various parcels of property included therein to add Van Doren Lumber; (c) investigate the entirety of the Revised Study Area as a non-condemnation area in need of redevelopment; (d) continue the public hearing that began on June 1, 2016 for the purpose of hearing persons who are interested in, or would be affected by, the determination that the Revised Study Area is a non-condemnation area in need of redevelopment, and (d) at the conclusion of the hearing, recommend to the Council whether the Revised Study Area, or any part thereof, should be determined to be a non-condemnation area in need of redevelopment; and

**WHEREAS**, following the continuation of the public hearing on the Revised Study Area as directed the Council, the Planning Board on September 7, 2016 adopted the findings and conclusions set forth in the report entitled "Preliminary Investigation for Determination of an Area in Need of Redevelopment," dated September 7, 2016, prepared by Banisch Associates, Inc. (Francis J. Banisch, III, AICP/PP, License No. 1686) (the "PIR report"); and

**WHEREAS**, the PIR report divides the Revised Study Area into Area A, comprising twenty-five tax lots located on Hamilton Street, Railroad Place/Somerset Street, and Lafayette Street (Block 12, Lots 3 through 8 and 8.01; Block 17, Lots 3.01, 3.02, 3.03, and 4; and Block 18, Lots 1, 4 through 15, and 26); Area B, comprising three contiguous tax lots in common ownership on East Broad Street and Maple Avenue (Block 31, Lots 1, 2 and 19); and Area C, comprising Van Doren Lumber (Block 11, Lot 26); and

**WHEREAS**, the Planning Board concluded that designating the entirety of the Revised Study Area as an area in need of redevelopment was supported by substantial credible evidence in the record, and recommended to the Council that the Council designate all of the properties within the Revised Study Area as being in need of redevelopment; and

**WHEREAS**, the Planning Board memorialized its decision by Resolution P.B. #2016-10 adopted October 5, 2016; and


**WHEREAS**, the Council has reviewed the Planning Board's findings and recommendations, as well as the findings and conclusions set forth in the September 7, 2016 PIR report prepared by Banisch Associates, Inc., and after due consideration and deliberation, finds that consistent with the Planning Board's recommendation, the entire Revised Study Area, comprising all of the properties included in Areas A, B and C, should be designated as a non-condemnation area in need of redevelopment; and

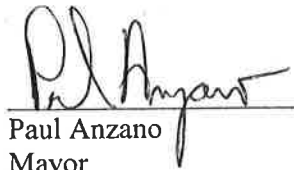
**WHEREAS**, the Council further finds and determines that pursuant to N.J.S.A. 40A:12A-7f, the Planning Board should initially prepare a redevelopment plan, meeting the requirements of N.J.S.A. 40A:12A-7a through -7d, for the "Hopewell 57" property in Area A, fronting on Somerset Street, Hamilton Street, and Lafayette Street, and designated on the Hopewell Borough tax maps as Block 12, Lot 7 and Block 18, Lot 1, and for Van Doren Lumber (Area C), located at 24 Model Avenue and designated on the Hopewell Borough tax maps as Block 11, Lot 26;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hopewell, they being the Governing Body thereof, as follows:

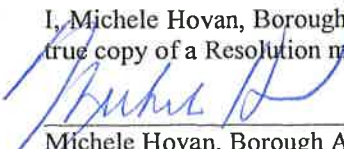
1. The entire Revised Study Area, consisting of Area A, comprising twenty-five tax lots located on Hamilton Street, Railroad Place/Somerset Street, and Lafayette Street (Block 12, Lots 3 through 8 and 8.01; Block 17, Lots 3.01, 3.02, 3.03, and 4; and Block 18, Lots 1, 4 through 15, and 26); Area B, comprising three contiguous tax lots in common ownership on East Broad Street and Maple Avenue (Block 31, Lots 1, 2 and 19); and Area C, comprising Van Doren Lumber (Block 11, Lot 26), is hereby designated as a Non-Condemnation Area in Need of Redevelopment pursuant to the provisions of N.J.S.A. 40A:12A-6b(5)(b).
2. The Hopewell Borough Planning Board is hereby authorized and directed to prepare a redevelopment plan or plans for the "Hopewell 57" property within Area A (fronting on Somerset Street, Hamilton Street, and Lafayette Street, and designated on the Hopewell Borough tax maps as Block 12, Lot 7 and Block 18, Lot 1), and for Van Doren Lumber (Area C), located at 24 Model Avenue and designated on the Hopewell Borough tax maps as Block 11, Lot 26, which plan or plans shall conform to the requirements set forth at N.J.S.A. 40A:12A-7a through -7d, and upon completion shall transmit its proposed plan or plans to the Mayor and Council for adoption by ordinance, with or without revisions, as provided for by N.J.S.A. 40A:12A-7f.
3. The Hopewell Borough Administrator/Clerk shall forthwith transmit a copy of this Resolution to the Hopewell Borough Planning Board.
4. The Hopewell Borough Administrator/Clerk shall also forthwith transmit a copy of this Resolution to the Commissioner of the Department of Community Affairs for review in accordance with the requirements of N.J.S.A. 40A:12A-6b(5)(c).
5. The Hopewell Borough Administrator/Clerk shall also cause a notice of the within determination to be served within ten days of the date hereof upon all record owners of property located within the area delineated herein, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of this determination could be sent, in accordance with the requirements of N.J.S.A. 40A:12A-6b(5)(d).
6. This Resolution shall take effect immediately.

**ATTEST:**

  
Michele Hovan  
Borough Administrator/Clerk

  
Paul Anzano  
Mayor

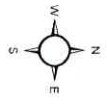
I, Michele Hovan, Borough Administrator/Clerk of the Borough of Hopewell, do hereby certify this to be a true copy of a Resolution memorializing formal action taken by Borough Council on November 3, 2016.

  
Michele Hovan, Borough Administrator/Clerk

**Figure 1:**  
**Non-Condensation  
Redevelopment  
Investigation Area**  
*Portion of  
Hopewell Borough,  
Mercer County, NJ  
July 2016*

**Legend**

 Investigation Parcels



Data Sources:  
NIGIN Parcel and Tax Data 2007-2011  
NJDOT Roadway Network 2011

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State authorized.

**B A N I S C H**  
A S S O C I A T E S I N C.  
*Planning and Design*



## **Appendix E**

**RESOLUTION PB #2022-08  
BOROUGH OF HOPEWELL  
PLANNING BOARD**

**SAWDUST CONSTRUCTION, LLC  
24 MODEL AVENUE  
BLOCK 11, LOT 26**

**PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

**Decided on July 6, 2022  
Memorialized on September 7, 2022**

**WHEREAS**, Sawdust Construction, LLC (the “Applicant”) has made application to the Borough of Hopewell Planning Board (the “Board”) seeking preliminary and final major site plan approval to allow for the construction of a thirteen (13)-unit residential development, as more specifically described below, on certain real property designed as Lot 26 in Block 11 on the Borough of Hopewell (the “Borough”) tax map, located at 24 Model Avenue (the “subject property”), in the Townhouse Residential zoning district (the “TR zone”); and

**WHEREAS**, the notice and publication requirements of the Municipal Land Use Law (the “MLUL”) and the Borough Municipal Code (the “BMC”) having been met, the Board took jurisdiction and held a public hearing on this application during its April 6, 2022 regular meeting; and

**WHEREAS**, due to certain questions and concerns raised by members of the Board during the hearing on April 6, 2022, the application was continued to the Board’s May 4, 2022 meeting without imposing any further notice or publication requirements upon the Applicant; and

**WHEREAS**, the Board made an unambiguous and explicit announcement during the April 6, 2022 meeting that the application was being continued to the Board's May 4, 2022 meeting; and

**WHEREAS**, the Applicant provided its verbal consent on the record and subsequent written consent to extend the time in which the Board could act on the application; and

**WHEREAS**, during the Board's May 4, 2022 meeting, the application was carried by the Board's June 1, 2022 meeting without imposing any further notice or publication requirements upon the Applicant; and

**WHEREAS**, the Board made an unambiguous and explicit announcement during the May 4, 2022 meeting that the application was being carried to the Board's June 1, 2022 meeting; and

**WHEREAS**, the Applicant also provided its written consent to extend the time in which the Board could act on the application; and

**WHEREAS**, the Board held a public hearing on this application during its June 1, 2022 regular meeting, at which time the Applicant presented further proofs in support of the sought site plan approval; and

**WHEREAS**, the Applicant requested that the Board continue the application to the July 6, 2022 regular meeting so that the Applicant could meet with the Borough Historic Preservation Commission (the "HPC") on June 21, 2022, to address certain questions posed by the HPC in relation to the application; and

**WHEREAS**, the Board granted such request, and made an unambiguous and explicit announcement during the June 1, 2022 meeting that the application was being carried to the Board's July 6, 2022 meeting, without any further notice or publication requirements imposed upon the Applicant; and

**WHEREAS**, the Board held a hearing on this application during its July 6, 2022 regular meeting; and

**WHEREAS**, the Applicant was represented by Matthew R. Flynn, Esq. of Savo Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher during all proceedings of the Board; and

**WHEREAS**, the Board provided an opportunity for testimony, comments, and questions from interested parties and the public; and

**WHEREAS**, the Board reviewed the evidence presented, and based on said evidence, the information contained in the application, representations made by the Applicant, and the testimony provided during the hearings, made the following factual findings and conclusions of law:

#### **APPLICATION SUMMARY & FINDINGS OF FACT**

1. **Property Information.** The subject property is a ±1.12-acre (±48,787.2-square foot) parcel currently utilized as a commercial lumber yard. It is presently operated as JMAT Supply, and formerly known as Van Doren's Lumber Yard. The site is improved with a two (2)-story framed building that contains an office and retail area, two (2)-story framed building that is used for lumber and supply storage, and a one (1)-story framed building for lumber and supply storage. A significant portion of the subject property's surface is gravel or other

impervious cover, and such area is primarily dedicated to lumber and supply staging and storage.

- a. In 2016, the subject property was designated by the Council for the Borough (“Council”) as a non-condemnation area in need of redevelopment.
  - b. In 2018, Council approved a redevelopment plan that incorporated the subject property entitled “Redevelopment Plan for Lot 26 in Tax Block 11,” and establishes the TR zone (the “Redevelopment Plan”).
  - c. Prior to the Redevelopment Plan, the subject property was within the Residential Office zoning district that permitted single family homes, as well as professional and business offices.
  - d. In 2022, the Applicant and Borough entered into a redeveloper’s agreement that designated the Applicant as the redeveloper of the subject property.
2. Project & Applicant’s Proposal. Consistent with the Redevelopment Plan, the Applicant intends to revitalize the subject property by razing the existing structures and constructing a multi-family inclusionary neighborhood consisting of two (2)-bedroom and eleven (11) three (3)-bedroom townhomes. The two (2)-bedroom units will be non-age restricted family affordable housing units.
3. Plans. In addition to the application form and checklist(s), details of the Applicant’s proposal are more particularly shown on the following plans and materials:

- a. Site Plan, entitled "Preliminary & Final Site Plan, The Yard, 24 Model Avenue, Block 11, Lot 26, Borough of Hopewell, Mercer County, New Jersey," consisting of nine (9) sheets, dated October 7, 2020 (last revised June 2, 2021), prepared by David A. Stires Associates, LLC.
- b. Plan, entitled "Grading, Utilities & Soil Erosion Control Plan, The Yard, 24 Model Avenue, Block 11, Lot 26, Borough of Hopewell, Mercer County, New Jersey," consisting of nine (9) sheets, dated October 7, 2020 (last revised August 3, 2021), prepared by David A. Stires Associates, LLC.
- c. Plan, entitled "Location & Topographic Survey, Tax Block 11, Lot 26, Borough of Hopewell, Mercer County, New Jersey," consisting of one (1) sheet, dated April 2, 2018, prepared by David A. Stires Associates, LLC.
- d. Plan, entitled "Townhouse Plan, The Yard, Tax Block 11, Lot 26, Borough of Hopewell, Mercer County, New Jersey," consisting of one (1) sheet, dated April 2, 2018, prepared by David A. Stires Associates, LLC.
- e. Plan, entitled "Hopewell Townhomes, Borough of Hopewell, Mercer County, New Jersey," consisting of six (6) sheets (floor plans and elevations), dated June 8, 2020 (last revised April 22, 2021), prepared by Minno Wasko Architects and Planners.

- f. Plan, entitled “Hopewell Townhomes, Borough of Hopewell, Mercer County, New Jersey,” consisting of one (1) sheet (Model Ave. Color Elevation), dated December 12, 2020, prepared by Minno Wasko Architects and Planners.
- g. Plan, entitled “Model Ave. Redevelopment, 20 Model Ave., Borough of Hopewell,” consisting of one (1) sheet, dated March 8, 2019 (last revised January 17, 2020), prepared by the Watershed Institute and Rutgers Landscape Design.

4. Applicant Reports.

- a. Correspondence regarding stormwater considerations, under cover of letter dated September 16, 2021, prepared by David A. Stires Associates, LLC.

5. Requested Relief. The Applicant seeks preliminary and final major site plan approval pursuant to N.J.S.A. 40:55D-51.

- a. The Applicant does not seek any variance relief pursuant to N.J.S.A. 40:55D-70(c) or N.J.S.A. 40:55D-70(d) in connection with this application.

6. Staff/Professional/Consultant Reports. In addition to the materials submitted by the Applicant, the Board received and considered the following staff and consultant reports:

- a. Engineering report dated January 27, 2022, prepared by Paul W. Ferriero, P.E., C.M.E., P.P., Municipal Engineer.
- b. Planning report dated March 10, 2022, prepared by Joanna Slagle, P.P./A.I.C.P., Board Planner.

7. Witnesses. During the hearings, the Board considered the testimony of the following witnesses:

- a. Henry Wittman, III, the Applicant's representative as its principal owner and managing member. Mr. Wittman provided an overview of the project in relation to the Redevelopment Plan, and operations presently conducted on subject property.
- b. George Folk, P.E., the Applicant's engineering professional. Mr. Folk addressed the Applicant's site plan and construction proposal, including a colloquy with the Board and its professionals regarding the review reports. Moreover, Mr. Folk highlighted that thirty-one (31) parking spaces are required, and the Applicant will provide a total of thirty-nine (39) available parking spaces by unit parking and garage parking. Additionally, the Applicant will install twelve (12) electric vehicle-ready charging parking spaces.
- c. Gary Dean, the Applicant's traffic engineer. Mr. Dean reviewed the parking requirements, site access and circulation, and sidewalk connections with the Board. He went on to opine that the proposed development would have a positive traffic impact on the surrounding area by reducing traffic in comparison to the current use and operations conducted at the subject property.

- i. Based on the discussions with the Board's engineer, the Applicant agreed, as a condition of approval, to modify the entrance driveway to appear more like a street entrance and add a pedestrian crosswalk.
- d. Steve Tuorto, Director of Science and Stewardship at the Watershed Institute. Mr. Tuorto stated that he has worked with the Applicant to provide a concept design to minimize adverse stormwater and drainage impacts. He continued by explaining that the subject property is presently "almost entirely" impervious, and the Applicant's intended project would allow for a reduction of impervious cover.
  - i. The Applicant agreed, as a condition of approval, to use native plant species in connection with its impervious coverage improvements and landscaping.
- e. Sang-Yee Rummler, the Applicant's architect. Ms. Rummler proffered testimony regarding the interior layouts and exterior features of the multi-family development, including the facades, landscaping, and elevations. Ms. Rummler also noted that the air conditioning units would be located in the rear of the townhomes, and adequately screened to shield the equipment from public view.
- f. Alison Baxter, Chair of the HPC. Ms. Baxter appeared at the April 6<sup>th</sup> meeting to provide testimony as to the extent of the HPC's involvement with this project. Ms. Baxter explained that, although the plans are "beautifully detailed," the HPC has several outstanding concerns that the Applicant should resolve prior to the Board's

deliberations. Specifically, there were features, such as the elevations and grading, that did not appear to be in keeping with the character of the neighborhood. The Applicant agreed to address such issues with the HPC before the Board rendered a decision on this application.

- i. During the Board's July 6, 2022 meeting, Ms. Baxter appeared on behalf of the HPC and reported the progress made by the Applicant and HPC. Indeed, Ms. Baxter testified that the HPC is pleased with the modifications made by the Applicant to address the HPC's concerns that were raised during the April 6<sup>th</sup> and June 1<sup>st</sup> hearings.

8. Access, Parking & Circulation.

- a. Access to the subject property will remain in the same general existing location along Model Avenue, and interior site access will be provided via a 290 linear foot multi-family 20-foot to 24-foot-wide paved drive aisle that will allow residents to access their respective townhomes.
- b. Pursuant to the Redevelopment Plan, parking shall comply with the New Jersey Residential Site Improvement Standards ("RSIS"). Further, the Applicant must comply with the statutory requirement to provide Make-Ready parking spaces for Electric Vehicle Supply/Service Equipment.

- c. The Applicant has agreed, as a condition of approval, to modify the interior walkway to provide a connection between the sidewalk on Model Avenue and the units to be constructed at the rear of the development along the westerly side of the subject property.
- 9. Grading. The Applicant has agreed, as a condition of approval, to submit a revised grading plan that reflects the representations made by the Applicant and conditions stated by the Board and its professionals, including the items contained within the reports of the Board's professionals.
  - a. The Applicant represented that it would address all grading-related concerns to the satisfaction of the Board's professionals.
- 10. Landscape & Buffering. The Applicant has agreed, as a condition of approval, to prepare a revised landscape and buffering plan that reflects the representations made by the Applicant and conditions stated by the Board and its professionals, including the items contained within the reports of the Board's professionals.
  - a. The Applicant represented that it would address all landscape- and buffer-related concerns to the satisfaction of the Board's professionals.
- 11. Stormwater Management. The Applicant has agreed, as a condition of approval, to submit a revised stormwater management and drainage plan that reflects the representations made

by the Applicant and conditions stated by the Board and its professionals, including the items contained within the reports of the Board's professionals.

- a. The Applicant represented that it would address all stormwater management and drainage concerns to the satisfaction of the Board's professionals, including the construction of a sufficient headwall adjacent to the Conrail rail line.

12. Environmental. The Applicant will comply with all Federal, State, and local environmental requirements.

13. Fire & Emergency Services. The Hopewell Valley Bureau of Fire Safety must review and approve all revised plans submitted by the Applicant.

14. Lighting. Lighting shall comply with all Borough requirements, and shall not spill across property lines.

- a. The Applicant has agreed, as a condition of approval, to submit a revised lighting plan that reflects the representations made by the Applicant and conditions stated by the Board and its professionals, including the items contained within the reports of the Board's professionals.
- b. Further, a certificate of occupancy shall neither be requested nor issued until a nighttime test is completed and approved by the Borough Engineer.
- c. The Applicant represented that it would address all lighting-related concerns to the satisfaction of the Board's professionals.

15. Signage. The Redevelopment Plan allows for a monument sign at the entrance to the proposed multi-family development, providing that such sign is integral to the landscape wall and constructed of stone or brick and does not exceed the height of the landscape wall.

- a. The Applicant has testified that all signage will comply with the requirements of the BMC and Redevelopment Plan.

16. Utilities. The Applicant has agreed, as a condition of approval, to submit a revised utility plan that reflects the representations made by the Applicant and conditions stated by the Board and its professionals, including the items contained within the reports of the Board's professionals.

- a. The Applicant represented that it would address all utility-related concerns to the satisfaction of the Board's professionals.

17. Exhibits.

- a. Exhibit A-1 (April 6, 2022 meeting): Enlarged copy of the proposed signage plan sheet.
- b. Exhibit A-2 (April 6, 2022 meeting): Enlarged copy of the Applicant's site plan sheet.
- c. Exhibit A-3 (April 6, 2022 meeting): Enlarged copies of the interior layouts, consisting of three (3) sheets.

- d. Exhibit A-4 (April 6, 2022 meeting): Enlarged copy of the building elevations plan sheet.
- e. Exhibit A-5 (April 6, 2022 meeting): Enlarged copy of the building elevations plan sheet showing the first alternative proposed elevations.
- f. Exhibit A-6 (April 6, 2022 meeting): Enlarged copy of the building elevations plan sheet showing the second alternative proposed elevations.
- g. Exhibit A-7 (April 6, 2022 meeting): Set of twenty-two (22) photographs taken by Mr. Wittman showing the exterior features of other buildings within the Borough to illustrate similarities with the design of the townhomes proposed by the Applicant.
- h. Exhibit A-8 (June 1, 2022 meeting): Written request of the Applicant for a work session with the HPC at its May 17, 2022 meeting.
- i. Exhibit A-9 (June 1, 2022 meeting): Written communication prepared by Ms. Baxter on behalf of the HPC outlining certain possible modifications to the site plan.
- j. Exhibit A-10 (July 6, 2022 meeting): Enlarged copy of the revised building elevations that also includes changes to the front stairs of certain proposed townhomes.

- k. Exhibit A-11 (July 6, 2022 meeting): Color photographs taken by Mr. Wittman in April of 2022, illustrating the staircase of certain proposed townhomes installed closer to the sidewalk.

18. Public Comment.

- a. Although the hearing was adjourned to allow the Applicant and HPC to address certain outstanding items, the Applicant and Board found it prudent and worthwhile to open the April 6<sup>th</sup> hearing to the public in attendance to ask questions regarding the application. The following interested parties were present and appeared to ask questions about the project:
  - i. Beth Miko of 27 Model Avenue inquired about the height of the homes and if accommodations were made for fire access.
  - ii. Peter Mehlretter of 17 Center Street asked if the Applicant could bring additional renderings of the southeast corner unit(s) because it was unclear to him where the front entrance of such unit(s) would be situated. Mr. Mehlretter also wanted more information about stormwater management and drainage measures the Applicant would employ to prevent adverse impacts on adjacent parcels.
  - iii. Tom Sanford of 34 Model Avenue raised questions regarding water runoff and grading.

- iv. Joe Miko of 27 Model Avenue wanted to know how the Fire Department and emergency personnel would access the units within the subject property once the development was completed.
- v. Matthew Senler of 48 Shaftsbury Avenue requested confirmation that the Applicant had submitted a plan to address stormwater and drainage.
- vi. Boris Kaplan of 15 Model Avenue inquired about the width of the roadway entering the development and whether the size would be sufficient throughout the development for truck access.

b. The following interested parties were present and testified during the July 6, 2022 hearing:

- i. Peter Mehlretter of 17 Center Street commented on potential stormwater issues and recommended measures to divert the stormwater runoff to flow across the Applicant's property. Mr. Mehlretter went on to suggest the installation of curb cuts to the driveway. Further, he raised a concern about the impact demolition may have on adjacent properties. It was noted that the revised grading plan the Applicant will submit for approval by the Board's professionals will mitigate adverse stormwater impacts, and the

Applicant could not access adjacent parcels for demolition absent the respective owner's consent.

19. Findings & Conclusion. After considering the materials presented by the Applicant and the testimony provided above, the Board determines that the major site plan is proper in all respects and complies with the BMC requirements for such that preliminary and final major site plan approval should be granted.

- a. The Board finds that the site plan proffered by the Applicant and proposed project that was discussed in detail by the professionals of the Board and Applicant during multiple hearings will revitalize the subject property in accordance with the Redevelopment Plan, and in a manner that advances the Borough's Master Plan and purposes of the TR zone.
- b. Further, the production of affordable housing units constitutes a benefit to the Borough and community, as well as assists the Borough in satisfying its constitutional obligation.

#### **DECISION OF THE BOARD**

**NOW, THEREFORE BE IT RESOLVED** that, based upon all the aforesaid findings, determinations and conclusion as which are all specifically made a part hereof, by a vote of seven (7) in favor and none opposed, the Planning Board of the Borough of Hopewell hereby grants the requested preliminary and final major site plan approval, together with the Certificate of

Appropriateness, to permit the razing of the existing lumber yard and construction of a multi-family development, as requested by the Applicant at the hearings, and as stated in the underlying application for development. This approval is subject to the Applicant's adherence and satisfaction of the following conditions:

1. The Applicant shall comply with the conditions and requirements articulated in the professional reports issued in connection with this matter including the reports of Joanna Slagle, P.P./A.I.C.P., dated March 10, 2022 and the report from Paul W. Ferriero, PE, CME, PP, Municipal Engineer dated, January 27, 2022, subject to any changes on the record or in this Resolution.
2. The Applicant shall comply with the conditions and requirements articulated by the Fire Official, if any, to the satisfaction of the Fire Official and Borough Engineer, subject to any changes on the record or in this Resolution.
3. The Applicant must comply with all representations made, either personally or through any representative, during the course of its presentation to the Board and in all documents filed with the application.
4. The Applicant shall deed restrict two (2) of the thirteen (13) residential units so that same qualify as affordable housing units pursuant to State regulations. The deed restrictions shall be reviewed and approved to the satisfaction of Borough's professionals, including its Attorney and Engineer, prior to recording.
5. The Board has relied heavily on engineering and architectural plans, the exhibits and testimony. The Applicant's application has been approved based upon the exhibits and testimony presented. Thus, the Applicant shall maintain the improvements and use the subject property in accordance with the testimony, exhibits, maps and approved plans.
6. The Applicant shall enter a Redeveloper's Agreement in a form approved by the Borough Engineer and Borough Attorney. Such Agreement shall, in addition to other usual provisions, include the submission of a performance guarantee in the amount of 120% of the reasonable cost of properly completing such site

improvements, in the judgment of the Borough Engineer, are required to be included in the Borough Engineer's performance guarantee cost estimate, not inconsistent with the Municipal Land Use Law. Applicant shall prepare and submit to the Borough Engineer an estimate of probable construction costs in order for the Borough Engineer to approve a performance guarantee cost estimate. The Applicant agrees to furnish such guarantee which shall be subject to approval by the Borough Engineer and acceptance by the Borough governing body. Such Agreement shall also provide for the submission by the Applicant of the usual maintenance guarantee and inspection fees as permitted by the Municipal Land Use Law.

7. No outside storage is permitted on the subject property.
8. The Applicant will contract with a private hauler for the pickup, removal, and disposal of all garbage, waste, refuse and recycling generated by the use on the subject property and its residents, no less than on a weekly basis. All such contracts and agreements, including amendments thereto, shall be subject to the Borough's review and approval.
  - a. Notwithstanding the above Condition, it is noted that the Applicant is presently eligible for municipal solid waste collection and may coordinate for such service(s) towards satisfying this obligation.
9. All garbage, waste, refuse, and recycling cans and containers shall be placed at curbside along Model Avenue. The Applicant will include this requirement in its master deed and declaration for the development.
10. The Applicant will submit an Operations and Maintenance Manual to address all stormwater measures constructed on the subject property, including porous and pervious improvements. Such Manual shall be approved by the Board's professionals prior to issuance of any certificate of occupancy.
11. Submission of proof of payment of all real estate taxes applicable to the subject property and payment in a timely fashion by the Applicant of all outstanding escrow charges in connection with the review of this application. The Applicant shall pay additional professional review escrow fees as determined by the Borough, together with any required engineering inspection fees.

12. In accordance with law, the site plan and resolution shall be enforceable in the Hopewell Borough Municipal Court in the event of any deviation or violation of this approval.
13. The Applicant shall comply with all Borough ordinances, rules and regulations that are applicable to this development application and is required to obtain all necessary permits including, but not limited to, certificates of occupancy and construction permits. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.
14. Subject to the review and approval of or letter of no interest from the Mercer County Planning Board, Mercer County Soil Conservation District, New Jersey Department of Transportation, New Jersey Department of Environmental Protection, HPC, and D&R Canal Commission, where applicable.
15. The proposed development and all site improvements shall be constructed identically with that shown on the approved and signed plans as to location, design, quantities and quality, all of which shall be subject to field changes, if any, approved by the appropriate Borough or Board professionals, or both.
16. The Board Chairman and Secretary shall not sign the site plan or any other plans until and unless all plans have been revised in accordance with this Resolution. Any dispute(s) concerning the satisfaction of any conditions related to the revisions of the plans may be brought to the Board by written letter application by the Applicant for Board resolution of the dispute(s) without the necessity for public notice but on written notice to the Board Engineer and Board Planner. This condition is based on satisfaction of the requisite criteria and standard for approval.
17. The within approval and the use of the subject property are conditioned upon and made subject to any and all laws, ordinances, requirements and/or regulations of and/or by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the subject property and/or use of the property. In the event of any inconsistency(ies) between the terms and conditions of the within approval and any approval(s) required above, the terms and/or conditions of the within approval shall prevail unless and until changed by the Board upon proper application.

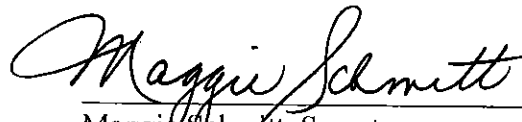
18. Applicant shall comply with any conditions agreed to during the hearings on this application, even if omitted from this Resolution.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Applicant, and a notice of this decision of the Planning Board shall be published within ten (10) days of the date hereof according to law.



Peter Macholdt, Chair  
Hopewell Borough Planning Board

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Hopewell Borough Planning Board at a public meeting held on September 7, 2022.



Maggie Schmitt, Secretary  
Hopewell Borough Planning Board

**THOSE IN FAVOR:** KENNEDY, HOVAN, MACKIE, DONALDSON, LYON, PERRI,  
FERRARA, MACHOLDT

**THOSE OPPOSED:** XXX

[REMAINDER INTENTIONALLY LEFT BLANK]

The above memorializing resolution was adopted on September 7, 2022 by the following vote of members eligible to vote:

Member	Yes	No	Abstain	Absent
Peter Macholdt	X			
Ryan P. Kennedy	X			
Louis Young				X
Bob Donaldson	X			
Marylou Ferrara	X			
Michele Hovan	X			
David Mackie	X			
Jacqueline Perri	X			
Brad Lyon	X			
William Rodgers (Alt. #1)				X
Carolyn Colella (Alt. #2)			X	

ATTEST:



Maggie Schmitt, Secretary  
Hopewell Borough Planning Board