



Zoning Analysis CDZ & O5 Districts

May 2, 2022

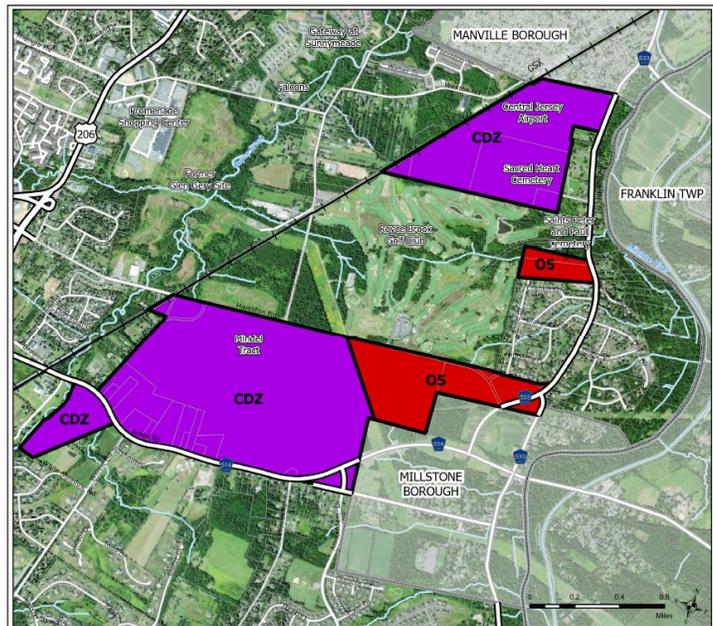


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I. INTRODUCTION

The 2018 Reexamination Report made note of the fact that the CDZ Corporate Development Zone and O-5 Office/Research District were outdated. The purpose of this report is twofold – to analyze the current status of the CDZ and the O-5 districts in light of recent amendments to the zoning map; and to propose possible scenarios for redrawing or replacing the CDZ and O-5 districts.

The area in question is located to the north and south of the Royce Brook golf course and the former Glen Gery brickworks (see Maps 1.A and 1.B). Neither the CDZ or O-5 zones exist anywhere else in the Township.

History of the Districts

Map 2 illustrates the evolution of the CDZ and O-5 districts from 1982 to 2021. In 1982, the area that was to become the CDZ district was zoned GI General Industrial and stretched from Montgomery Township in the south to Manville Borough in the north following the route of the (now) CSX Railroad and the proposed route for Interstate 95 (I-95). By 1986, the GI district was changed to the CDZ district to “provide and promote suitable corporate development opportunities.” By 2012, several amendments had taken place in the southern tier of the district that replaced the CDZ district with the following zones: AG Agricultural, TECD Transitional Economic Development, LI Light Industrial, HS Highway Service, and Gateway A and B. This reduced the size of the CDZ district by almost two-thirds from 2,632.11 acres in 1986 to 961.89 acres in 2012.

In 2020, two major rezonings resulted in the current CDZ and O-5 configurations. The Royce Brook Golf Course was rezoned from CDZ/O-5 to the RBPRD Royce Brook Planned Residential District. The adjoining Glen Gery quarry was rezoned from Mining/CDZ to R8A Residential. This further reduced the CDZ district by 30% to 693 acres. The O-5 District was reduced by more than one half, from 345 acres to 141 acres. In addition, the CDZ and O-5 districts are no longer coterminous and are now split in two by the golf course. The current zone configurations are illustrated on Map 3. The permitted uses in each zone are provided in the following table.

**CDZ – CORPORATE DEVELOPMENT ZONE AND O-5 – OFFICE/RESEARCH ZONE
PERMITTED USES**

CDZ (50-acre tract minimum)	
Permitted Principal Uses	Permitted Conditional Uses
(1) Corporate office developments.	(1) Research and development.
(2) Corporate conference centers.	(2) Heliports and airports.
(3) Offices and office buildings.	(3) Retail sales of goods and services (outlet stores only).
(4) Farms.	(4) Golf courses and related recreational uses.
(5) Fiduciary institutions.	(5) Light industrial or office development on tracts less than 50 acres.
(6) Libraries and museums.	
(7) Medical centers.	
(8) Hotels/motels.	
(9) Transportation centers.	
(10) Child-care and adult day-care centers.	
(11) Restaurants.	
O-5 (5-acre lot minimum)	
Permitted Principal Uses	Permitted Conditional Uses
(1) Offices and office buildings.	(1) Heliports.
(2) Research laboratories.	
(3) Fiduciary institutions.	
(4) Hospitals, medical centers and veterinary hospitals.	
(5) Farms and agricultural uses.	
(6) Light manufacturing which involves processing, assembly or packaging of material completely within an enclosed building but which does not involve refinement of bulk raw material.	
(7) Mortuaries.	
(8) Freestanding restaurants and restaurants located in multi-use buildings, not including drive-through facilities.	
(9) Child-care and adult day-care centers.	

II. DESCRIPTION OF THE STUDY AREA

The properties in question cover the tax parcels illustrated on Map 4. Map 5 illustrates the existing land use pattern in and around the study area – a mixture of residential, commercial, and agricultural uses as well as vacant land. It should be noted that in line with the zone changes mentioned in the Introduction, the Royce Brook Golf Course is proposed for partial residential development and the former Glen Gery quarry is proposed for full residential development.

Existing Land Use

● *CDZ District North*

The portion of the CDZ district located north of the golf course covers 193.74 acres and includes the following uses: Central Jersey Airport, Sacred Heart Cemetery, a landscape contractor (Nature's Choice), and the historic Frelinghuysen cemetery. All of the uses have frontage on or access to Millstone River Road. The district is bordered on the west by the railroad, on the north by Manville, on the east by residential uses along Millstone River Road, and on the south by the golf course.

Airports are permitted as a conditional use in the CDZ. Cemeteries and landscape contractors are not permitted uses.

● *CDZ District South*

The CDZ district located south of Hamilton Road (and south of the golf course and the quarry) covers 514.92 acres. The district is dominated by the "Mindel Tract," a 434-acre vacant tract of Township-owned land stretching from Hamilton Road to Amwell Road of which 366.52 acres are in the CDZ district and 71.48 acres are in the O-5 district (see O-5 discussion below). The remainder of the district consists of 11 lots fronting on Amwell Road in the southwest corner of the district in the vicinity of Willow and North Willow Roads. It contains a mix of commercial uses including Comcast, a landscape contractor, and The Landing Restaurant, plus farms and single-family homes. The southwestern tail of the district, on the south side of Amwell Road, splits a tax parcel in half with 39.63 acres in the CDZ district and the remaining 34.30 acres in the RA district.

Restaurants and farms are permitted uses. Light industrial uses (e.g. Comcast) are permitted as a conditional use. Residential uses and contractors are not permitted.

● *O-5 District North*

The northern portion of the O-5 district covers 24.49 acres and consists of two lots fronting on Millstone River Road. One lot is occupied by Saints Peter and Paul Cemetery (7.07 acres); the other is a 17.42-acre vacant lot. The district is bordered on the north and west by the golf course and on the south by the Claremont residential neighborhood. Cemeteries are not permitted uses in the O-5 district.

● **O-5 District South**

The O-5 district located south of Hamilton Road covers 109.03 acres. It includes four parcels consisting of the easternmost portion (71.48 acres) of the Mindel Tract, two farm properties, and a two-family house.

Farms are permitted uses in the district. The Board of Adjustment recently granted a variance for the existing two-family house.

Infrastructure & Environmental Features

▶ *Sewer Service Area*

Map 6 illustrates the boundaries of the existing sewer service areas. The vast majority of the study area is outside of the sewer service area. Only the extreme southwestern portion of the southern CDZ district – six lots covering 82.59 acres – are included in a sewer service area. On-site wastewater disposal facilities would be required outside of the sewer service area.

▶ *Road Classifications*

Map 7 illustrates the NJDOT functional road classifications in the study area. Hamilton Road is a municipal road classified as a major collector. Amwell Road (County Road 514) and Millstone River Road (County Road 533) are both classified as a minor arterial. Route 206 is the closest principal arterial.

▶ *Wetlands*

Map 8 illustrates the location of wetlands in the study area based on NJDEP statewide mapping augmented by a NJDEP Letter of Interpretation for the Mindel Tract. Wetlands are indicated throughout the study area and in particular in the CDZ and O-5 Districts south of Hamilton Road. The exact boundaries of a given wetland on a specific parcel would be determined by a formal Letter of Interpretation (LOI) issued by NJDEP. Any future development in proximity to a wetland would be subject to NJDEP and DRCC review and approval.

III. PROPOSED REZONING

As noted in the Introduction, the CDZ and O-5 districts have been systematically reduced in size and scope over the years. In 2020 alone, a combined 472 acres of the CDZ and O-5 districts were rezoned for single-family residential, which substantially altered the context and continuity of the two districts. An area that was once earmarked for large-scale office development on five to 50-acre tracts, is now bifurcated by single-family zoning. With few exceptions, large-scale corporate development is now less viable in either district.

The proposed rezoning plan is outlined below and illustrated on Map 10.

The Northern Districts

- *CDZ District North*

As noted in Section II, this area is occupied by four uses – airport (118.74 acres), cemetery (73.48 acres), landscape contractor (6.37 acres), and historic cemetery (.2 acres). Of the four, only the airport is permitted and then only as a conditional use (see §188-53.D). If the airport is considered a long-term use, it would be advantageous to create a zone that would more directly address its unique features while allowing for some reasonable redevelopment opportunities.

The Sacred Heart Cemetery is presently split between the CDZ district, which covers the rear of the property, and the RA zone, which covers the cemetery's entire Millstone River Road frontage, consistent with the single-family homes fronting Millstone River Road. Although cemeteries are not permitted in the CDZ district, they are permitted in the RA zone. The historic cemetery is located in the CDZ district at the corner of Millstone River Road and Schmidt Street.

The landscape contractor sits behind the single-family homes on Millstone River Road and can only be accessed via a 25-foot-wide access drive cutting through the RA zone. This preexisting non-conforming use was the subject of a Superior Court case that involved the previous owner.

Recommendation #1: Create a new "Aviation/Commercial" zone for the airport that could include airports, heliports, offices, retail goods and services, restaurants, and self-storage facilities among the permitted uses. This zone would include the Frelinghuysen cemetery, which would retain its preexisting nonconforming status. The Airport Hazard Area overlay would remain in place.

Recommendation #2: Rezone the Sacred Heart Cemetery RA Residential/Agricultural, thereby removing the split-zone situation and making the entire cemetery a permitted use. Although permitted, there are currently no standards in place for cemeteries. They would need to be developed.

Recommendation #3: Rezone the landscape contractor property RA Residential/Agricultural. This will not impact its present status as a nonconforming use, but will guide any future redevelopment of the property towards a conforming use. This will also cure the split-lot zoning condition.

● **O-5 District North**

This area is relatively small for a stand-alone district. It consists of only two lots, a seven-acre cemetery and a 17.4-acre vacant lot. The vacant lot sits between the cemetery and the residential neighborhood to the south with access from Millstone River Road. Any future development of the vacant parcel should be compatible with the residential neighborhood to the south, which is zoned R-Residential, as well as the abutting golf course, which is also zoned for residential use.

One alternative is to rezone these two lots to match the adjoining R-Residential zone to the south, which has a one-acre minimum lot size requirement. However, these lots are outside of the sewer service area and would require a minimum lot size of two acres. Therefore, it would be more appropriate to rezone these two lots to match the adjoining RA Residential/Agricultural zone to the east, which has a minimum lot size of two acres. This is the lowest density residential district outside of the Agricultural and Mountain Conversation zones.

Recommendation: Rezone as RA Residential/Agricultural.

The Southern Districts

● **CDZ District South**

Subarea 1. This district is dominated by the 434-acre Mindel Tract, which is owned by Hillsborough Township. Although large in size, and with extensive frontage on both Hamilton Road and Amwell Road, the tract has notable constraints – it is outside of the sewer service area, contains extensive wetlands, and is traversed by the Texas Eastern pipeline and a PSEG transmission easement. A conceptual subdivision of the tract identified only three viable development parcels ranging in size from 50 to 66 acres, which together account for only 40% of the total tract.

The 11 remaining lots in the southwest corner of the district range in size from 1.35 acres to 24 acres and contain a mix of uses including single-family residential, agricultural, and commercial (e.g. Comcast and The Landing). The first five lots (from west to east) are in the sewer service area. The remaining six are not.

Recommendation: Replace the CDZ and O-5 districts with a new “LC Light Commercial” zone. Permitted uses might include some or all of the following:

(1) Offices and office buildings	(7) Restaurants - not including drive-through
(2) Research & development facilities	(8) Child-care and adult day-care centers
(3) Fiduciary institutions	(9) Extended care facilities
(4) Medical offices & veterinary clinics	(10) Commercial instructional facilities
(5) Farms and agricultural uses	(11) Commercial recreational facilities
(6) Light manufacturing	(12) Public uses and facilities

The only permitted conditional use would be multi-family housing that consists of 100% affordable housing units. This option would be limited to land currently owned by the Township.

This recommendation does not in any way prohibit the Township from preserving any or all of the Township-owned Mindel Tract as open space. As noted above, 60% of the tract is severely constrained for development.

Subarea 2. The tail parcel in the southwest corner is currently farmed and is one-half of a lot that is otherwise zoned RA. The most appropriate approach for this lot is to remove the split-lot zoning and incorporate it into the RA Residential/Agricultural zone.

Recommendation: Rezone as RA Residential/Agricultural.

● **O-5 District South**

Subarea 1. There are three lots located east of Hamilton Road. Lot 1 in Block 183.06 (see Map 4) contains a two-family house. Lot 35 in Block 183.05 (11.7 acres) is agricultural/vacant. Lot 1.01 in Block 183.01 is a one-acre vacant triangular lot owned by Somerset County. All three of the lots abut residential uses and zones to the north and east. Similar to the O-5 district properties to the north, these lots are outside of the sewer service area and would require a minimum lot size of two acres; therefore, it would be appropriate to rezone these lots to match the adjoining RA Residential/Agricultural zone to the east, which has a minimum lot size of two acres.

Recommendation (east of Hamilton): Rezone as RA Residential/Agricultural.

Subarea 2. The remainder of the southern O-5 district is made up of Lot 2.01 in Block 198, a 19.7-acre agricultural/vacant lot, and the easternmost portion (71.48 acres) of the Mindel Tract. This portion of the O-5 district should be rezoned to match the remainder of the Mindel Tract as outlined above.

Recommendation (west of Hamilton): Rezone to LC Light Commercial.

IV. MASTER PLAN CONSISTENCY

Pursuant to the Municipal Land Use Law (40:55D-62.a.) any amendment to the zoning ordinance shall be “substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements.” The MLUL further states that the governing body may adopt a zoning ordinance or amendment which in whole or part is inconsistent with the land use plan and housing plan elements, but only by affirmative vote of a majority of the full authorized membership of the governing body.

The most recent update of the Master Plan map as it applies to the study area was prepared in 2005 as part of the Master Plan Amendment – Phase 2. The map is generalized in nature in that it does not conform to property boundaries or strict street alignments. The study area is shown as a combination of the following use groups: residential – east and north of the golf course; airport – north of the golf course; corporate center – Mindel tract; and greenbelt – golf course. The master plan describes the CDZ as an “appropriate location for planning transitions from the Town Center to its eastern environs.”

As noted in the Introduction, two recent rezonings resulted in the current CDZ and O-5 configurations. The Royce Brook Golf Course was rezoned from CDZ/O-5 to the RBPRD Royce Brook Planned Residential District, and the Glen Gery quarry was rezoned from Mining/CDZ to R8A Residential. Both rezonings are addressed in and consistent with the 2021 Housing Plan and accommodate court-approved affordable housing settlements.

The proposed rezonings are designed to effectuate the master plan by maintaining residential uses along the eastern perimeter of the study area; accommodating the airport; and maintaining a commercial transition east of the Town Center.

V. IMPLEMENTATION STEPS

The recommendations contained in this report can be implemented in steps. Step number one can be adopted without any changes to the affected zones. Steps two and three require additional research and detailed ordinance drafting. The proposed rezonings are illustrated on Map 9.

1. Amend the zoning map as follows.

- A. Rezone Lot 29.01 in Block 183 (Sacred Heart Cemetery) from CDZ to RA.
- B. Rezone Lot 27 in Block 183 (landscape contractor) from CDZ to RA.
- C. Rezone Lot 39 (Saints Peter & Paul Cemetery) and Lot 40 (vacant lot) in Block 183.01 from O-5 to RA.
- D. Rezone Lot 1.01 (vacant County parcel) in Block 183.01; Lot 35 (agriculture/vacant) in Block 183.05; and Lot 1 (two-family house) in Block 183.06 from O-5 to RA.
- E. Rezone Lot 17 (agriculture) in Block 200.10 from CDZ to RA.

2. Create a new Aviation/Commercial District.

- A. Develop appropriate use, bulk, and design standards for the new zone.
- B. Rezone Lots 17 and 30 (airport), and Lot 18 (Frelinghuysen cemetery) in Block 183 from CDZ to Aviation/Commercial and amend the zoning map accordingly.

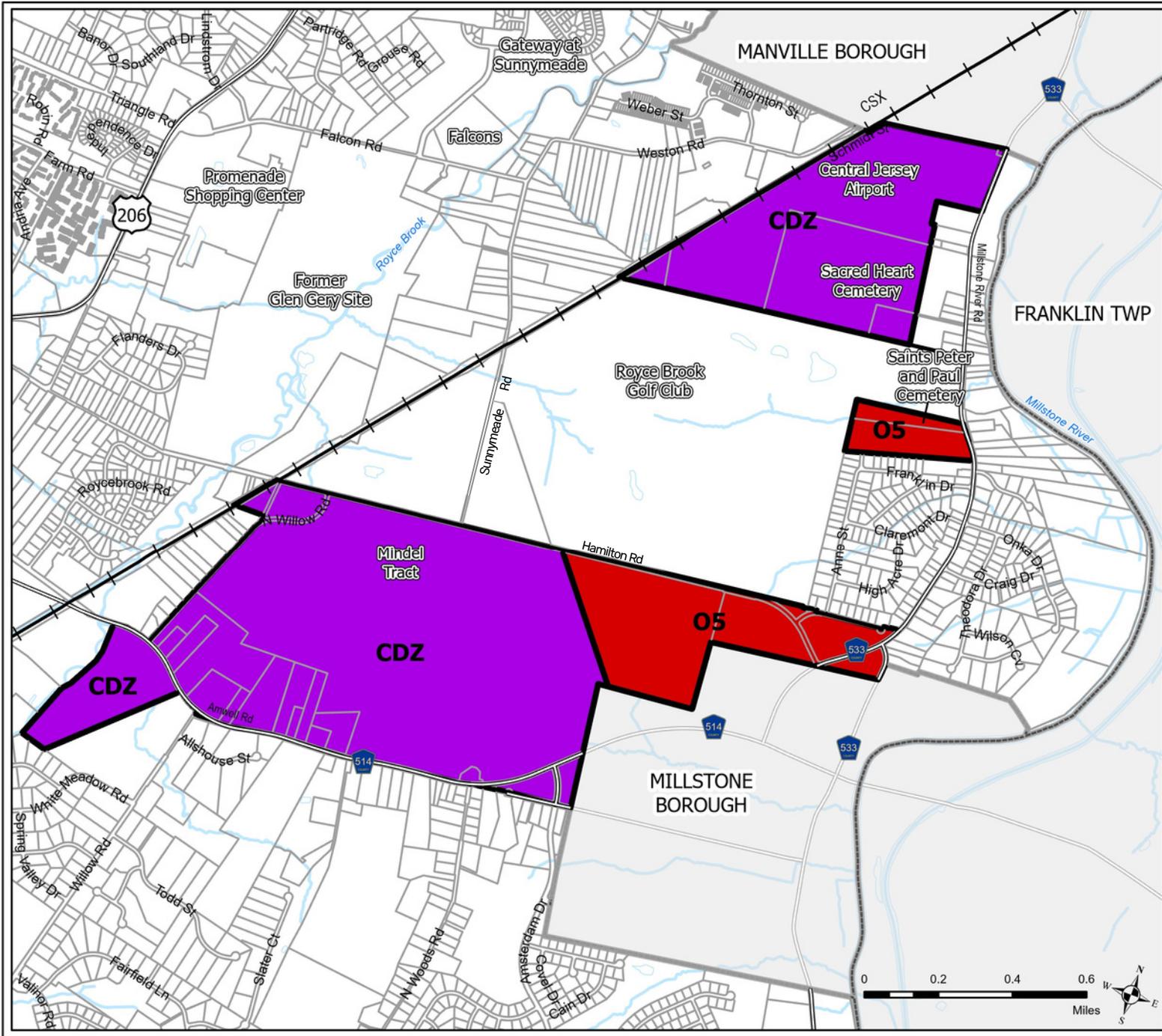
3. Create a new LC Light Commercial District.

- A. Develop appropriate use, bulk, and design standards for the new zone.
- B. Rezone the block and lot designations listed below from CDZ and O-5 to LC Light Commercial and amend the zoning map accordingly.

Block 198
Lots: 2*, 2.02, 2.03, 2.04, 3, 4, 4.01, 4.02, 5, 5.01, 5.02, 6, and 7.
Block 198.01
Lot: 1*
Block 198.02
Lot: 1.01*
Block 199.02
Lots: 1* and 22.01
* Mindel Tract

MAPS →

- 1.A. Study Area
- 1.B. Study Area - Aerial
2. Historic Zoning Pattern
3. Existing Zoning
4. Tax Parcels
5. Existing Land Use
6. Sewer Service Areas
7. Road Classifications
8. Wetlands
9. Proposed Rezoning



1.A. STUDY AREA

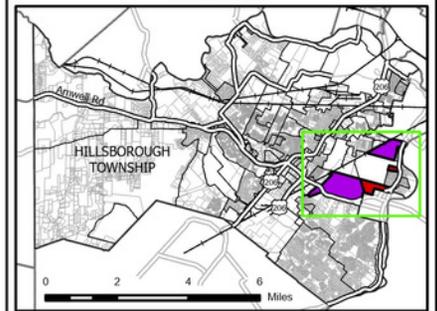
CDZ + O5 DISTRICT ANALYSIS

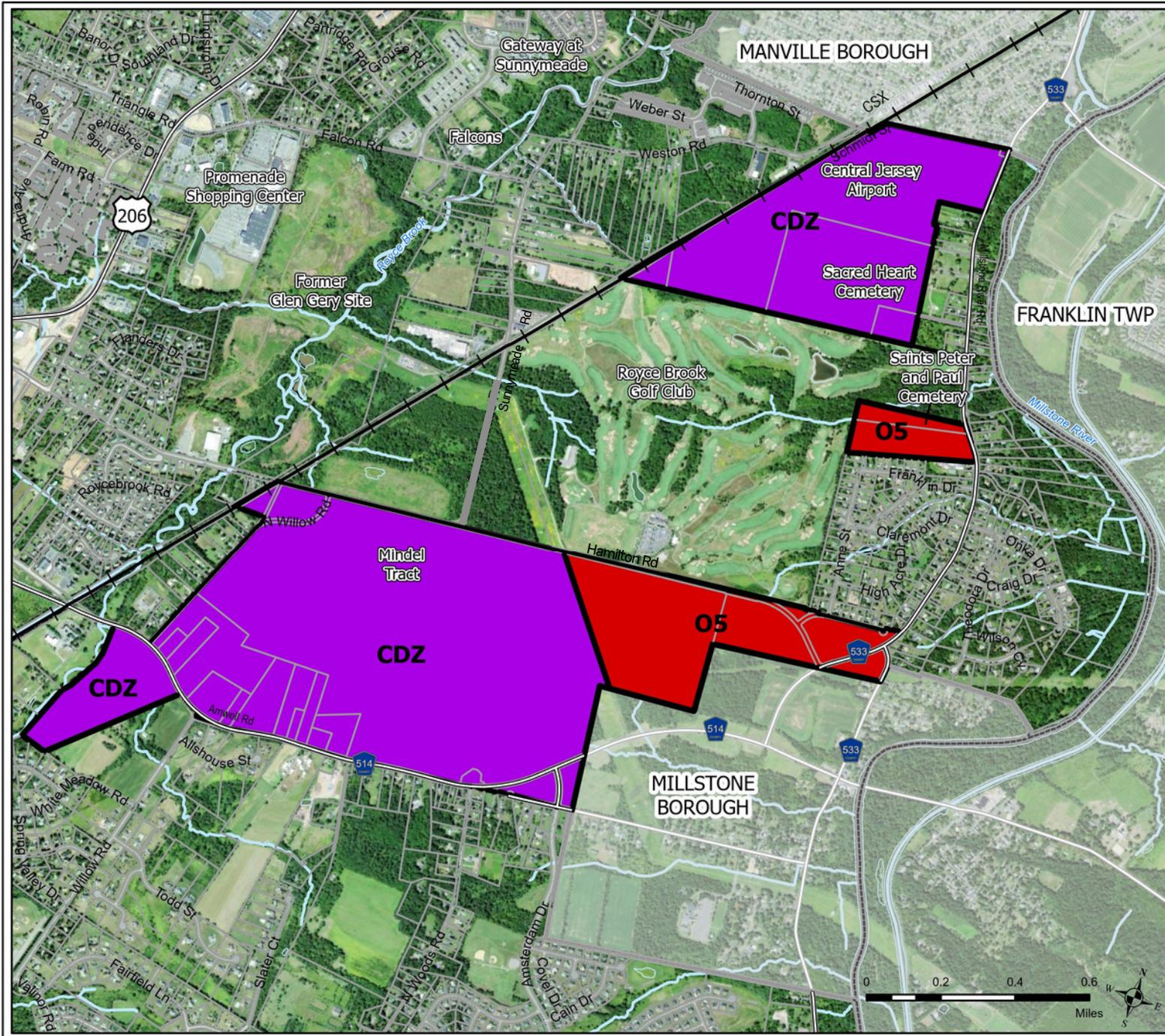
Zoning Districts

- O5 / Office/Research
- CDZ / Corporate Development

- Parcel Boundary
- Municipal Boundary
- County Road
- US Highway
- Railroad
- Stream
- Zoning District Boundary

STUDY AREA





1.B. STUDY AREA

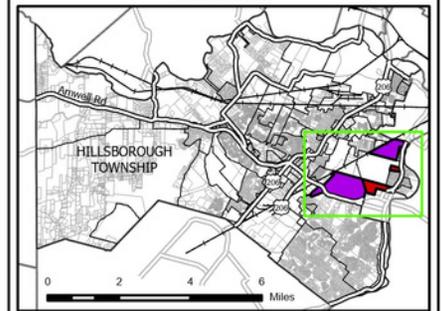
CDZ + O5 DISTRICT ANALYSIS

Zoning Districts

- O5 / Office/Research
- CDZ / Corporate Development

- Parcel Boundary
- Municipal Boundary
- County Road
- US Highway
- Railroad
- Stream
- Zoning District Boundary

STUDY AREA



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APRIL 2022

2. HISTORIC ZONING PATTERN

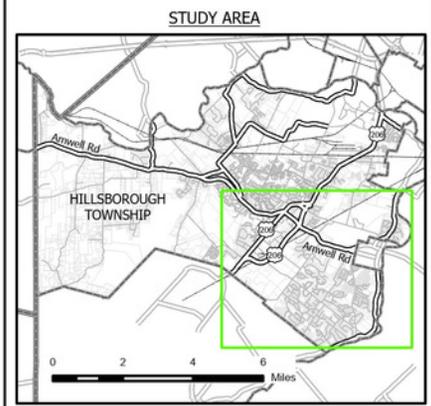
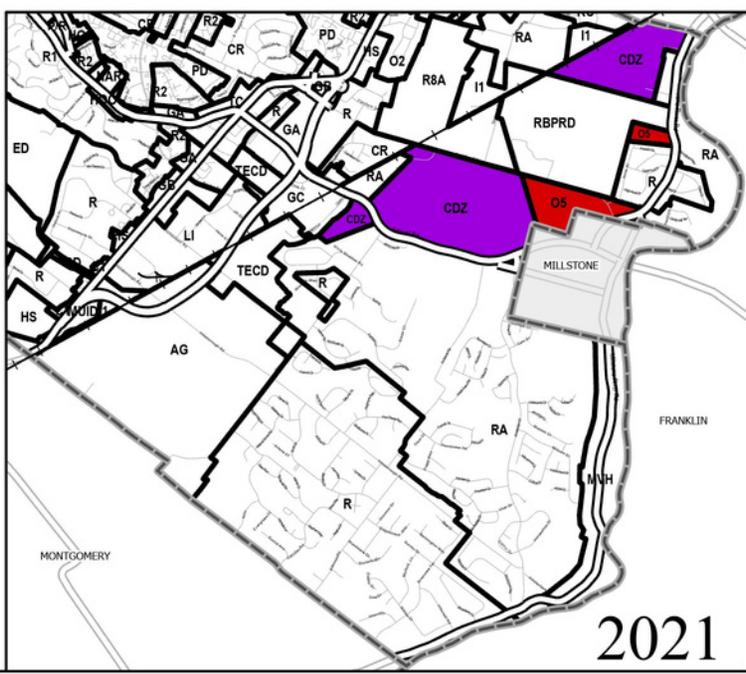
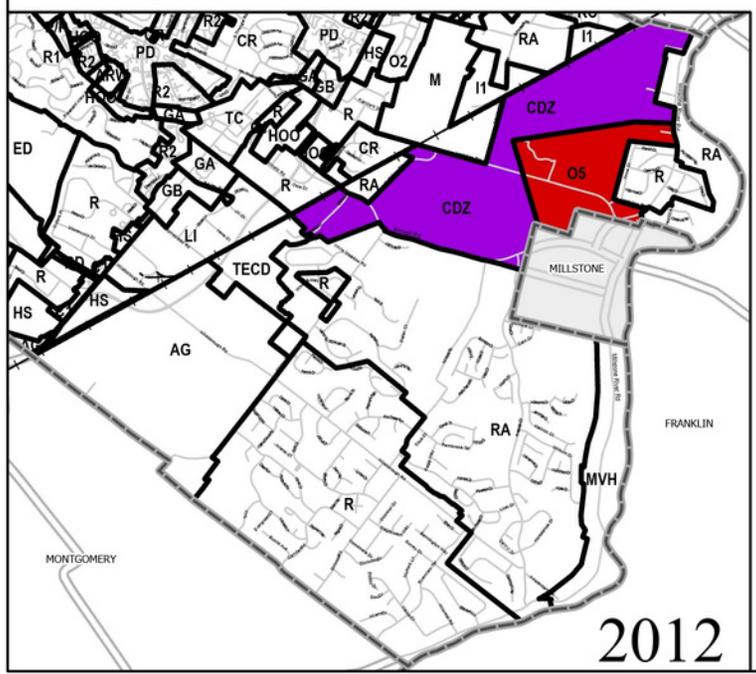
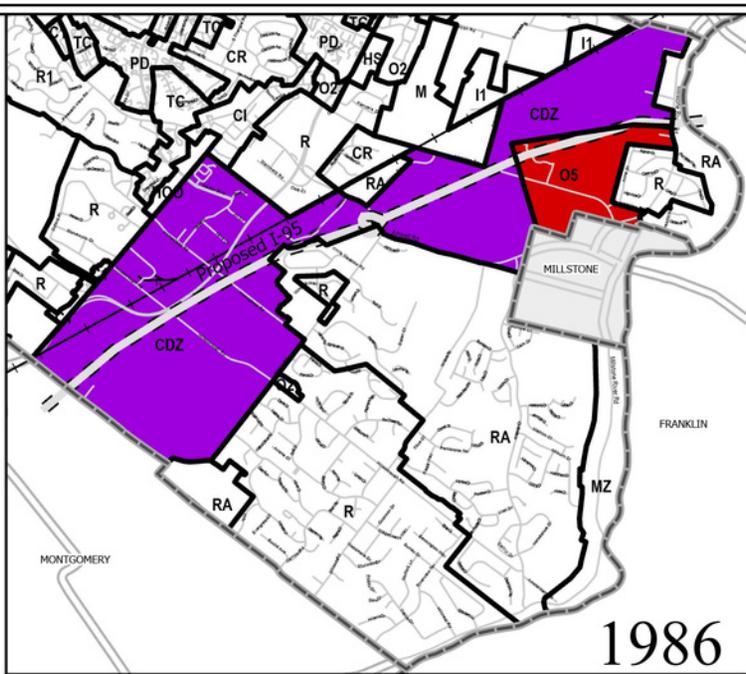
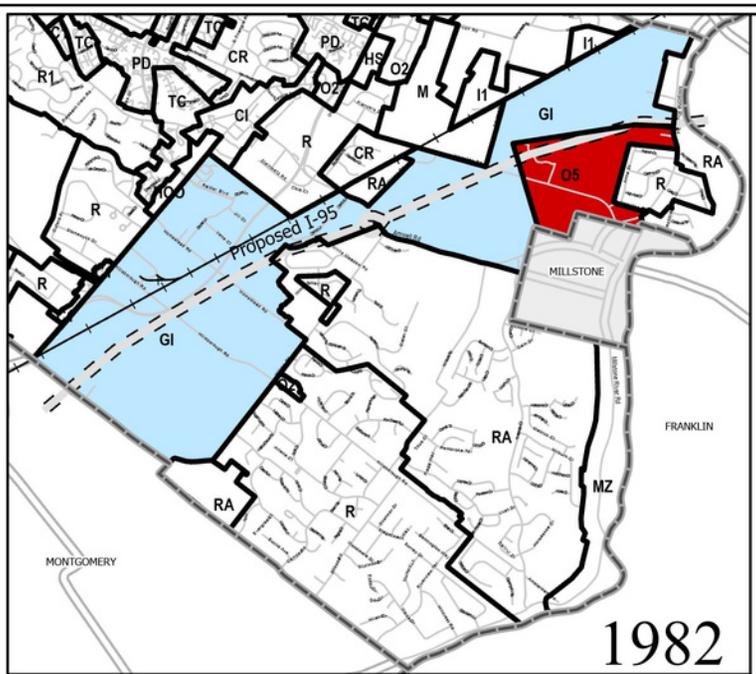
CDZ + O5 DISTRICT ANALYSIS

Districts

- GI / General Industrial
- O5 / Office/Research
- CDZ / Corporate Development

Acreage

1986: CDZ - 2632.11	O5 - 345.35
2012: CDZ - 961.89	O5 - 345.35
2021: CDZ - 693.54	O5 - 141.49

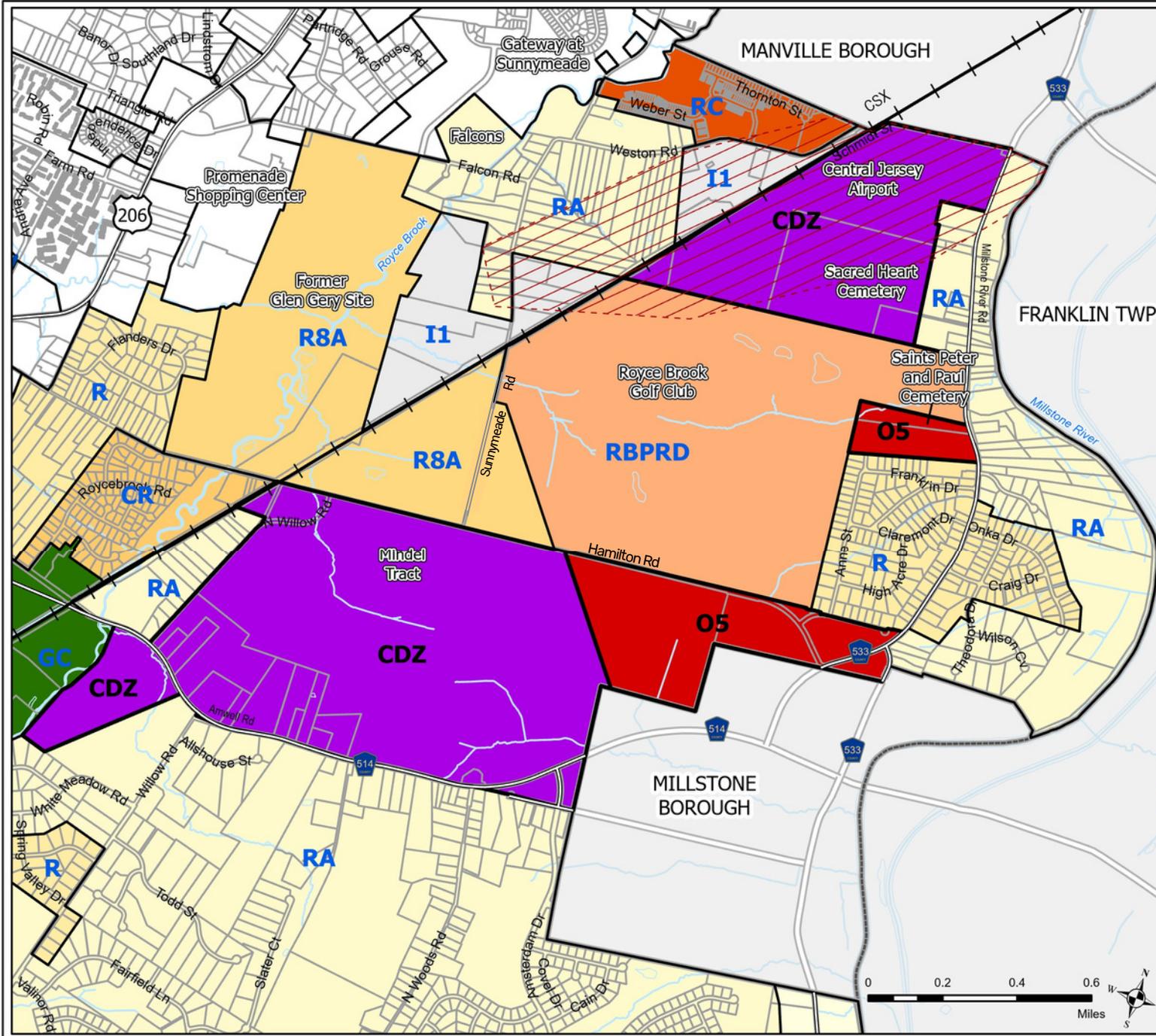
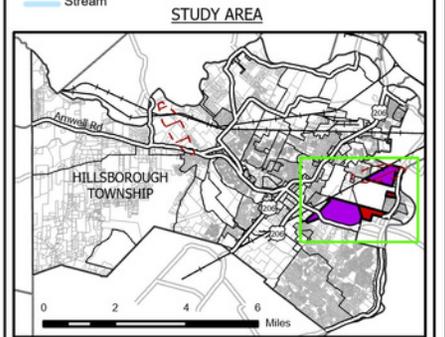


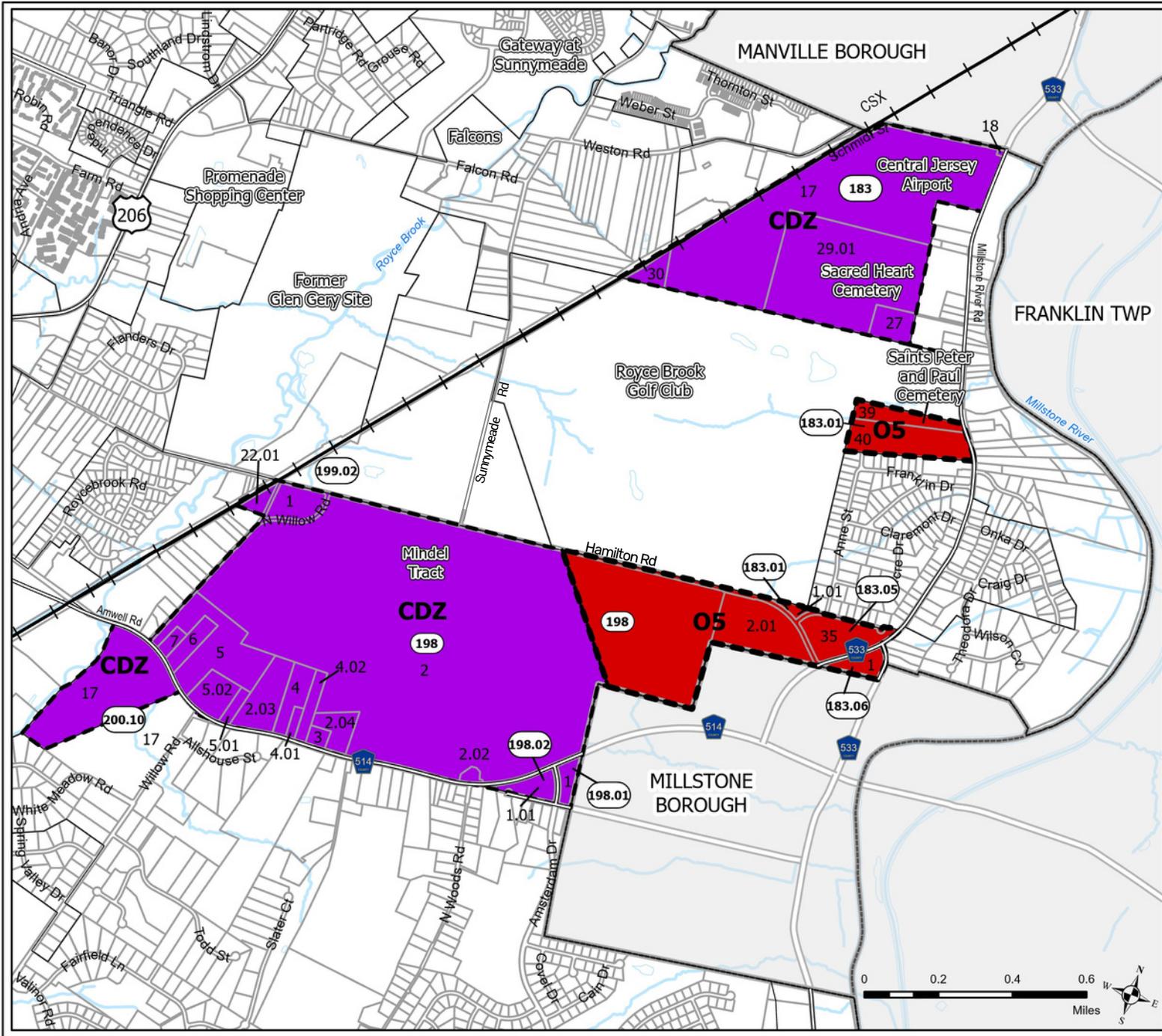
3. EXISTING ZONING

CDZ + O5 DISTRICT ANALYSIS

Zoning Districts

- Residential
 - RA / Residential/Agricultural
 - R / Residential
 - R8A / Residential 8 A
 - CR / Central Residential
 - RC / Retirement Community
 - RBPRD / Royce Brook Planned Residential District
- Town Center/Gateway
 - GC / Gateway C
- Commercial/Office
 - O5 / Office/Research
- Corporate
 - CDZ / Corporate Development
- Industrial
 - I1 / Light Industrial





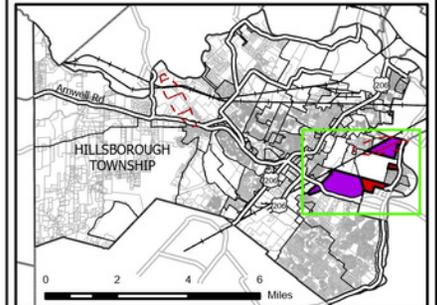
4. TAX PARCELS

CDZ + O5 DISTRICT ANALYSIS

Zoning Districts

- O5 / Office/Research
- CDZ / Corporate Development
- 198 Block
- 29.01 Lot
- Parcel Boundary
- Municipal Boundary
- County Road
- US Highway
- Railroad
- Stream
- Zoning District Boundary

STUDY AREA



Data Source: NJDEP, Stream and Lake Data, Hillsborough Township, Parcel data.



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APRIL 2022

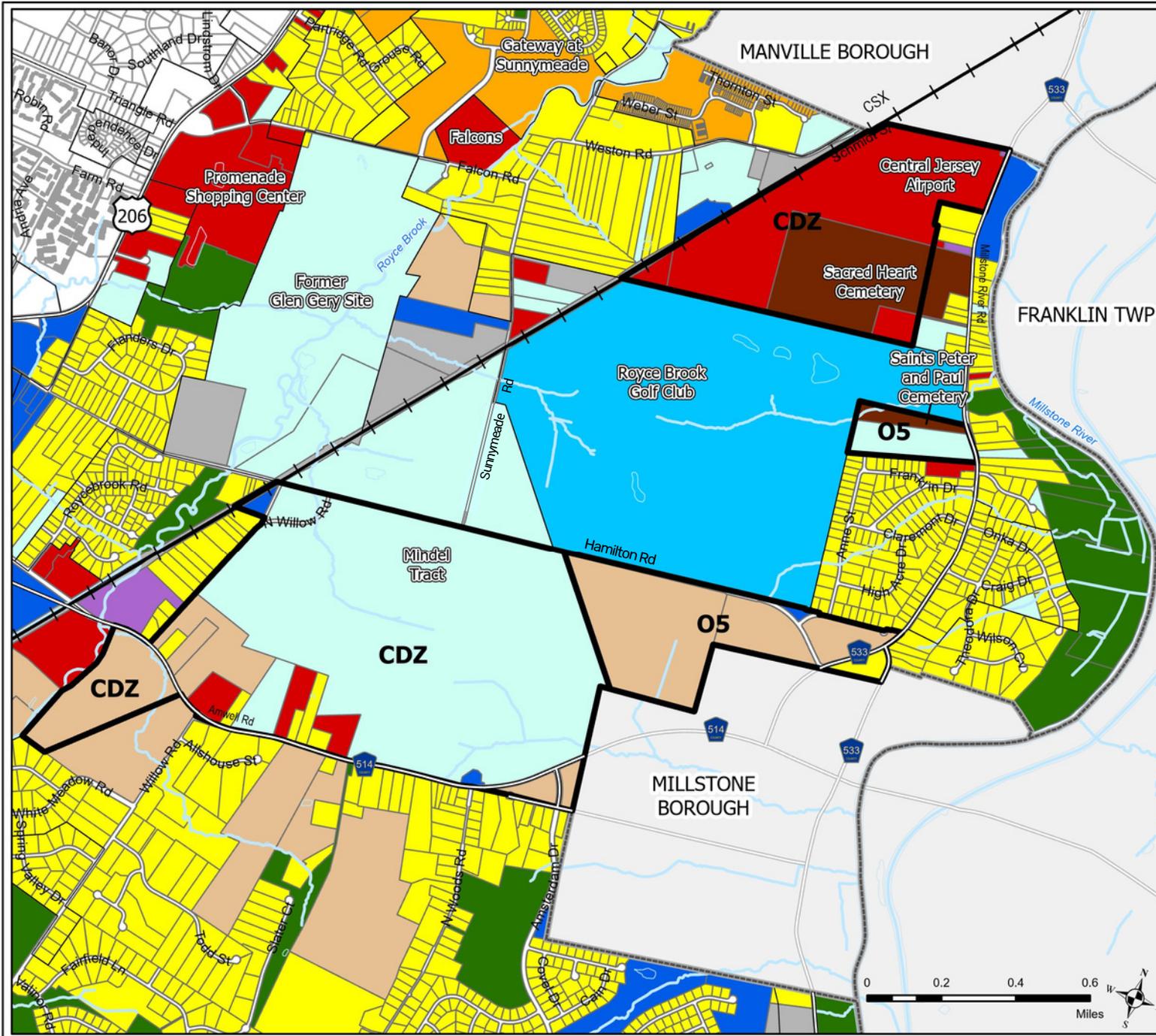


5. EXISTING LAND USE

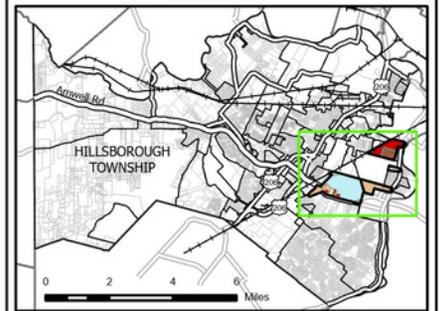
CDZ + O5 DISTRICT ANALYSIS

Land Use

- Residential
 - Multifamily Residential (4+ units) and Townhouses
 - Commercial
 - Agriculture
 - Industrial, Utilities & Railroad
 - Public Buildings/Facilities/Land
 - Institutional, Church & Charitable Property
 - Parks & Open Space
 - Vacant Land
 - Golf Course
 - Cemetery
-
- Parcel Boundary
 - Municipal Boundary
 - County Road
 - US Highway
 - Railroad
 - Stream
 - Zoning District Boundary

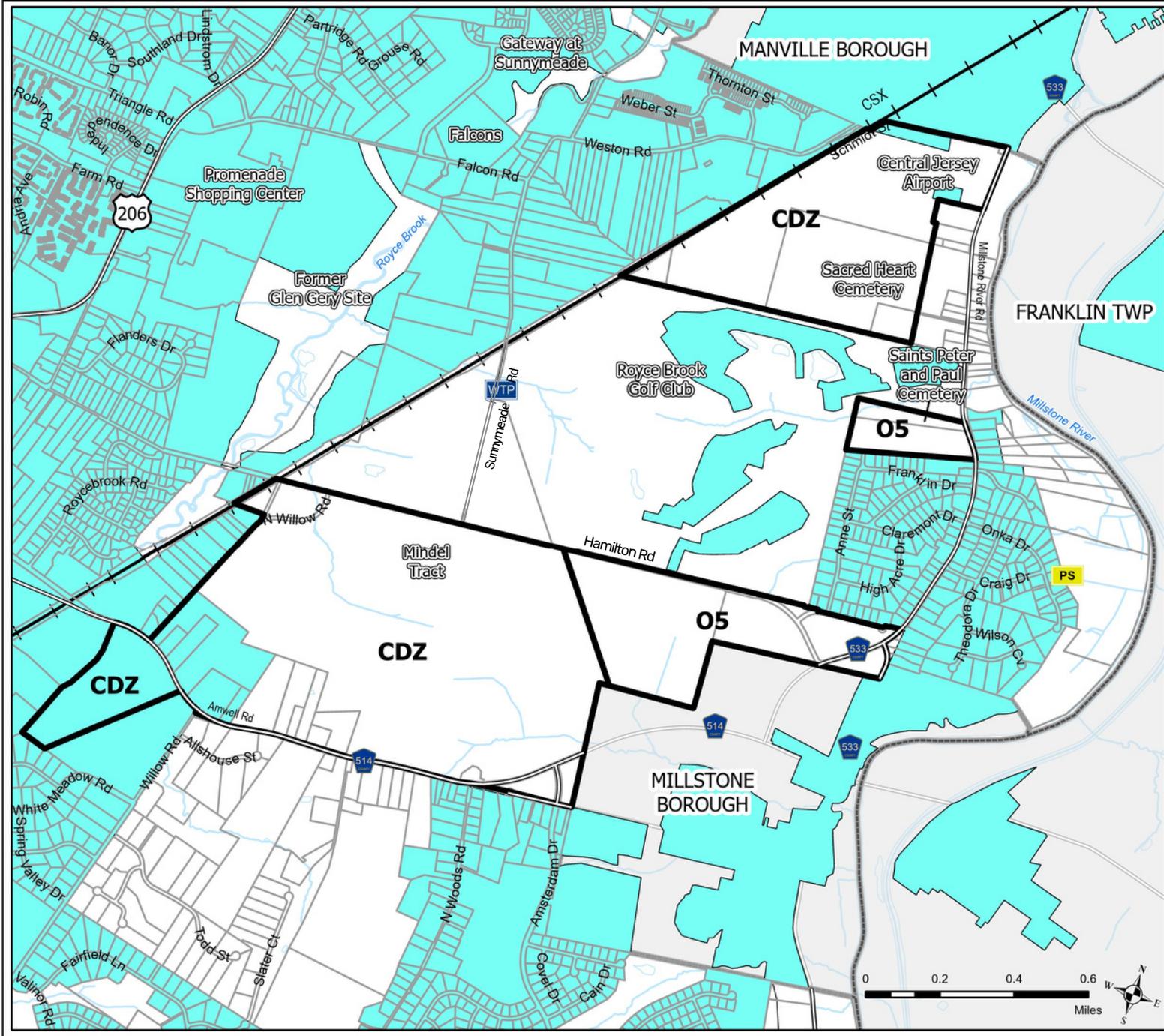


STUDY AREA



HILLSBOROUGH TOWNSHIP
PLANNING & ZONING DEPARTMENT
APRIL 2022



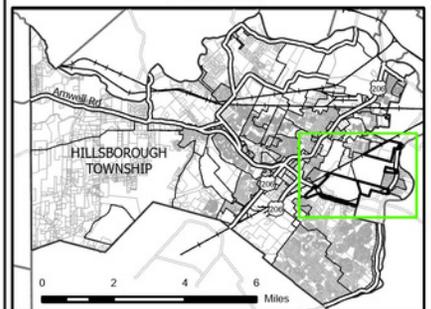


6. SEWER SERVICE AREAS

CDZ + O5 DISTRICT ANALYSIS

- O5 Office/Research
- CDZ Corporate Development
- Sewer Service Area
- PS Pump Station
- WTP Water Treatment Plant
- Parcel Boundary
- Municipal Boundary
- County Road
- US Highway
- Railroad
- Stream
- Zoning District Boundary

STUDY AREA



Data Source: NJDEP: Streams and surface water; State Sewer Service Area for New Jersey (Nov 22, 2021); MS4 Inventory and Mapping (January 1, 2017); Somerset County GIS Enterprise: Municipal Boundaries, Parcels, Major Roads, Railroads.
This map was developed using New Jersey Department of Environmental Protection Geographic Information Systems digital data, but this secondary product has not been verified by NJDEP and is not state-subscribed or endorsed.

7. ROAD CLASSIFICATIONS

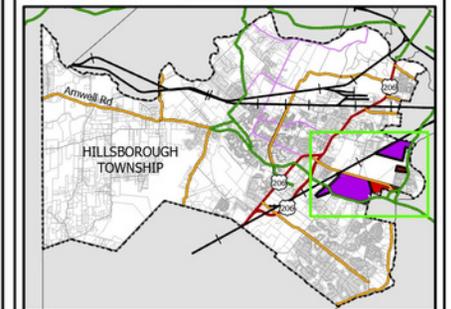
CDZ + O5 DISTRICT ANALYSIS

Zoning Districts

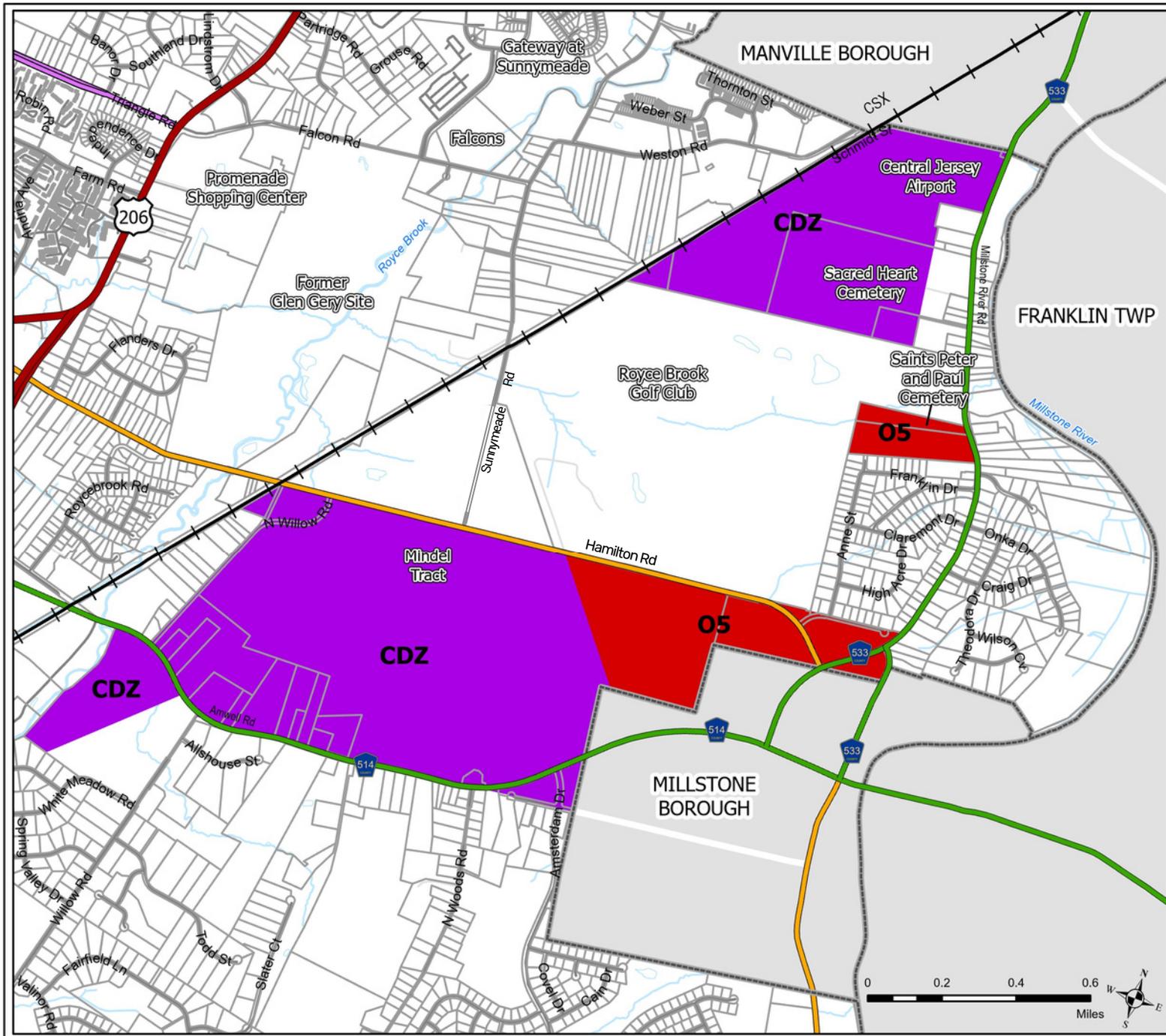
- O5 / Office/Research
- CDZ / Corporate Development
- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Local Road

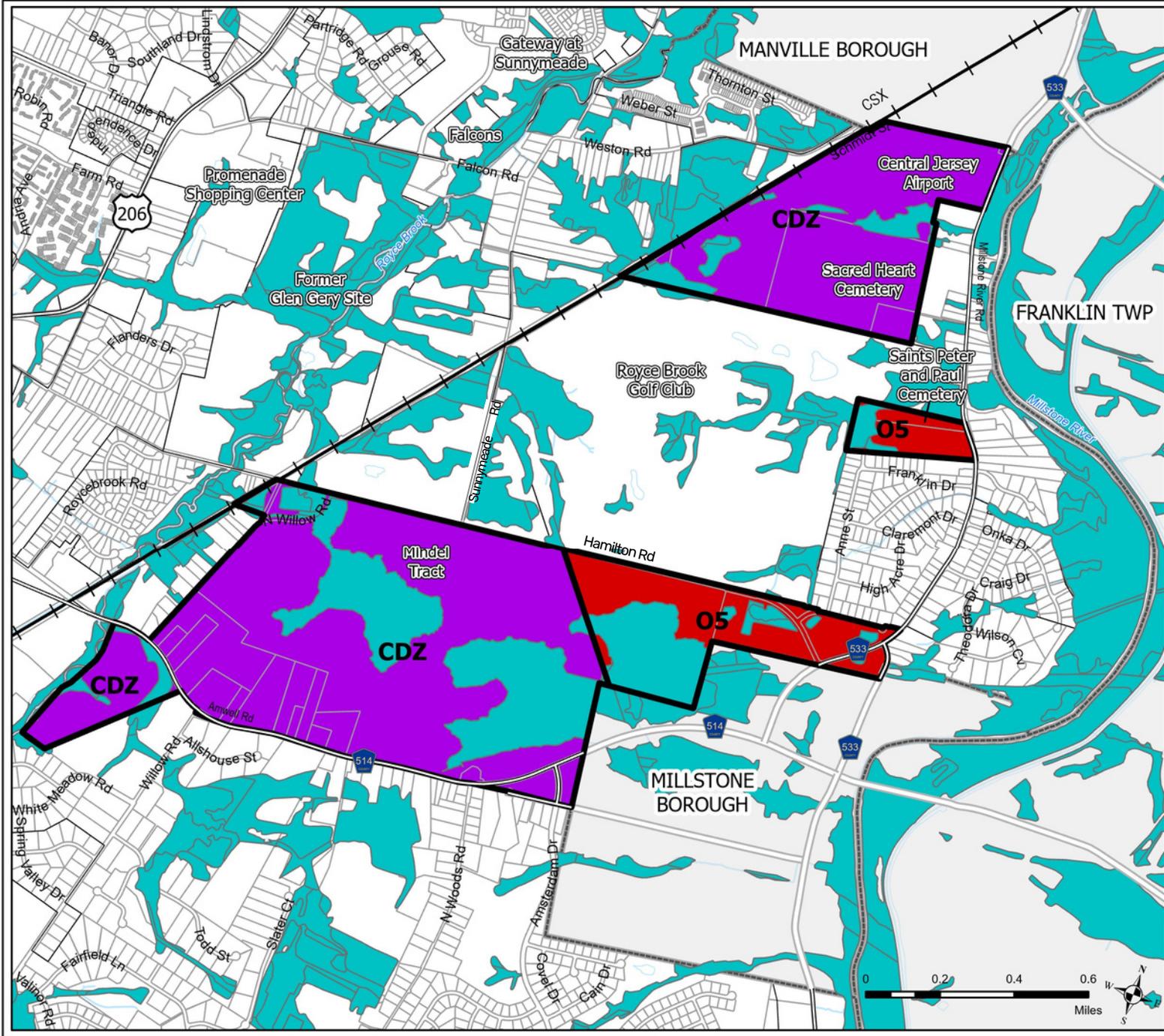
- Parcel Boundary
- Municipal Boundary
- County Road
- US Highway
- Railroad
- Stream

STUDY AREA



Trucks over four tons gross weight are hereby excluded from the streets or parts of streets described in Schedule VI (§ 143-35), except for the pickup and delivery of materials on such streets, said Schedule VI being attached to and made a part of this chapter.





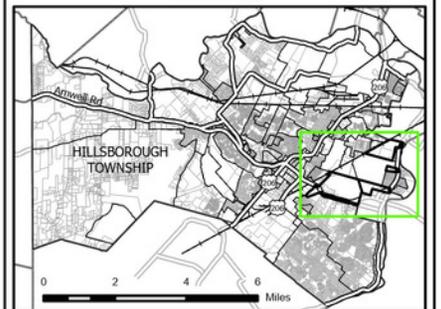
8. WETLANDS

CDZ + O5 DISTRICT ANALYSIS

Zoning Districts

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- Zoning District Boundary

STUDY AREA



Data Source: NDEP, Wetlands (2012), Stream and surface water; NDEP, Somerset County GIS Enterprise; Municipal Boundaries, Parcels, Major Roads, Railroads; FEMA National Flood Hazard Layer; NDEP Bureau of GIS (Date: 8/2023). This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NDEP and is not state-authorized or endorsed.



9. PROPOSED REZONING

CDZ + O5 DISTRICT ANALYSIS

Proposed Rezoning

- Residential/Agricultural
- Aviation/Commercial
- Light Commercial

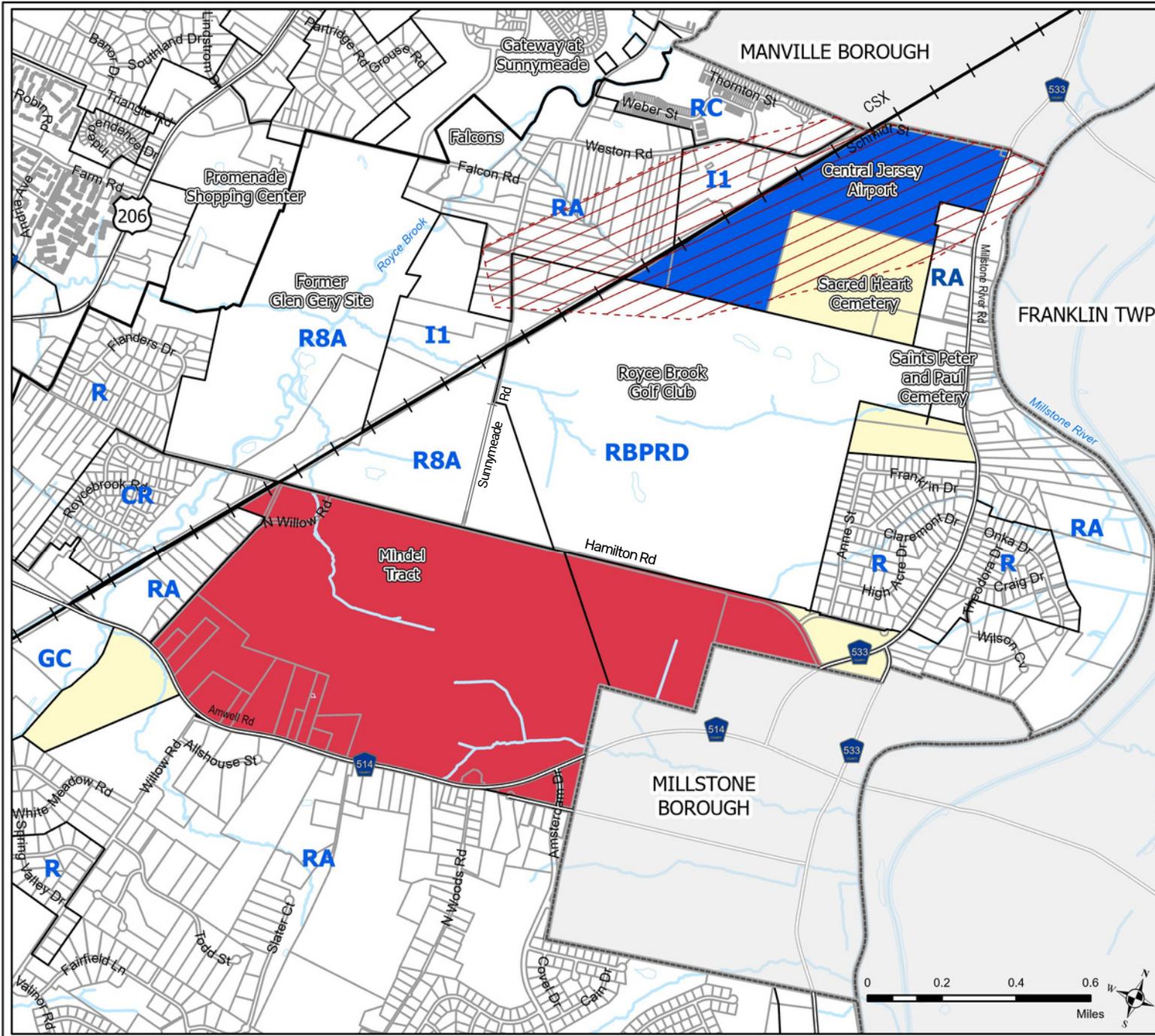
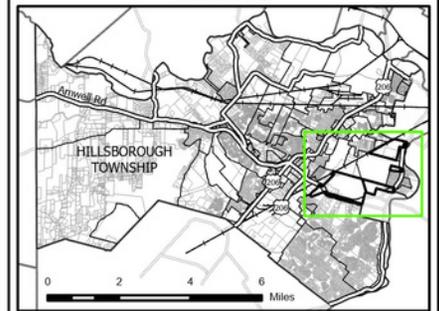
Existing Zoning

- I1 Light Industrial
- RC Retirement Community
- R8A Residential 8 A
- CR Central Residential
- GC Gateway C
- R Residential

AHA / Airport Hazard Area

- Parcel Boundary
- Municipal Boundary
- County Road
- US Highway
- Railroad
- Stream

STUDY AREA



HILLSBOROUGH TOWNSHIP
PLANNING & ZONING DEPARTMENT
APRIL 2022