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May 20, 2009

Bordentown City Commissioners
324 Farnsworth Avenue
Bordentown, NJ 08505

**Re: Comprehensive Re-Draft of the Bordentown City Development
Ordinances and Included Regulation**

Dear City Commissioners:

The Bordentown City Planning Board recently passed a Section 26 Referral Resolution pursuant to the Municipal Land Use Law provision included at N.J.S.A. 40:55D-26(a). The law provides for a report from the Planning Board on its recommendations concerning any development regulation referred for consideration to the Board by the governing body. The original development regulation as modernized and amended was originally referred to the Board some time ago after grant monies obtained by the Board lead to the comprehensive re-draft and modernization of the Code by Mueller & Associates Planning Consultants of Princeton, New Jersey which draft forms the basis of the current referral.

As you know, you passed a motion at a public hearing on May 6, 2008 urging the Planning Board to delete in its entirety certain sections of the then proposed Code. The Commissioners created a subcommittee referred to as the Citizens Advisory Committee to further review the Code as developed by Mr. Mueller and referred by the Planning Board in order to further ensure that the comprehensive re-draft and the provisions included therein were consistent with the Commissioners' and public's expectations and goals in supporting such a significant modification to the City's revised Ordinances. The Planning Board has requested that I memorialize the history and the significance of certain modifications and redactions made to the originally proposed document and that is the purpose of this correspondence.

The Planning Board eliminated those sections which were removed from consideration and which were the subject of Mr. Lynch's memo dated June 10, 2008. The following sections were eliminated:

A. Accessory apartments: Any reference to accessory apartments was removed from the Code. The effect of removing this language will eliminate accessory apartments as permitted uses in any zone of the City. Of course, the elimination of reference to accessory apartments does not affect existing accessory apartments which pre-date the City's zoning regulation concerning same.

B. 100 additional units listed in the permitted uses for the multi-family zone originally listed at Section 300:160: The elimination of any reference to the total number of expected new units simply eliminates any goal of the zone to the extent the goal is to include a limitation of the number of such units in the zone.

C. Residential flats: Elimination of any reference to residential flats has the effect of eliminating residential flats as a permitted use in any of the zones of the City. Of course, any existing residential flats which pre-date the zoning regulation of the City are unaffected.

D. Height Limit: The removal of any reference to a height limit included in the bulk criteria associated with the Town Center has the effect of eliminating a height limit in the Town Center. I urge the City Commissioners to re-visit this particular issue in that an appropriate height limitation should be included in the bulk criteria. I suspect that the Commissioners' intention was not to eliminate any height restriction in the Town Center zone but rather modify the originally proposed height limit.

E. Transit Village: All reference to a Transit Village has been eliminated in the proposed Code having the effect of not identifying a Transit Village concept as a goal of the zoning ordinance.

F. Bed and Breakfast: Elimination of any reference to bed and breakfast as a permitted use in any of the zones of the City will have the effect of making bed and breakfasts an unpermitted use in any zone of the City.

In addition to the above redactions pursuant to your direction, the Planning Board also considered the various comments included in the February 23, 2009 report of the Citizen's Advisory Committee. The report included many beneficial observations and suggestions and resulted in several modifications to the proposed Code which is attached to the Resolution of Referral. By way of example and not by way of limitation the Planning Board made the following modifications:

A. Modified the Code in order to designate the City Zoning Officer as the Noise Control Officer.

B. Revised substantially the permitted uses in the Waterfront Commercial Zone and re-classified many of the uses as accessory or conditional uses.

C. Removed for the time being any and all language regulating home based occupations and businesses reserving the topic for the subject of a future referral by the Board.

D. Made clarifications to the definitions applicable to certain performance standards for all uses in all zones.

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E. Modified the tree removal provisions limiting the necessity for a permit to the removal of trees on residential property with a diameter of greater than ten (10) inches.

F. Substituted the proposed Code's treatment of storm water regulation with the recently adopted storm water ordinance.

F. Substituted the stream corridor regulation with the recently adopted riparian buffer conservation zone ordinance.

G. The Board also eliminated any reference to re-development areas consistent with the Commission's recent rescission of the re-development area designation.

The Planning Board hopes that the above is helpful in the Commissioners' consideration of the final form of Ordinance and included regulation. On behalf of the planning Board I thank the Commissioners for their interest and direction in proposing what the Planning Board believes will be a significantly positive tool in guiding and shaping the future re-development of Bordentown City.

Should you have any questions or concerns, please do not hesitate to contact me directly. As always, I thank the Bordentown City Planning Board for the opportunity to be of service.

Sincerely,

PETER C. LANGE, JR.

PCL/tas

cc: Rick Hunt via email only
Sam Surtees, Chairman via email only
Jen Ficarotta, Secretary
Planning Board Members via email only