

## CHAPTER 2: LAND USE PLANNING IN HUNTERDON COUNTY

### *State Development and Redevelopment Plan Planning Areas*

The New Jersey State Plan has designated planning areas for all of Hunterdon County, pursuant to the New Jersey State Planning Act. The purpose of the Plan is to establish statewide planning objectives regarding land use and related planning issues. The Hunterdon CADB has worked closely with the Hunterdon County Planning Board and the NJ State Planning Commission to ensure that State planning efforts and the CADB's farmland preservation plan are compatible. The State Plan recommends a pattern of development in Planning Area 4 that promotes a strong rural economy and supports the agricultural land base. In Hunterdon County, the Agricultural Developments Areas (ADA's) map was the principal tool used to designate Planning Areas 4 and 4B.

The New Jersey State Development and Redevelopment Plan (or State Plan), was first adopted in 1992 by the New Jersey State Planning Commission. The State Plan creates a framework for directing the location and intensity of future growth. According to the plan, growth should occur primarily in the state's urban and suburban areas and designated centers, where infrastructure exists or is planned to accommodate more intensive growth. The plan acknowledges that rural and environmentally sensitive areas will invariably grow; however, in these areas, it recommends that development occur principally in the form of centers.

Centers are existing or planned communities with distinct characteristics that differentiate them from conventional subdivisions. Centers define compact, mixed-use communities that incorporate a variety of transportation modes (most notably pedestrian and bicycle travel) and house a variety of land uses and architectural styles. The benefits of focusing growth in centers include the protection of rural and environmentally sensitive areas and the reduction of sprawling large lot development. Although new developments can qualify as centers, they must contain the infrastructure, densities, diversity of uses, pedestrian orientation and physical features that reflect the characteristics of our historic towns and villages. Centers range in size and composition from large urban centers to towns, villages and hamlets. Hunterdon County contains numerous places that qualify as centers; however, only those centers that have received official state recognition by the Office of Smart Growth through a formal application process (now known as Plan Endorsement) receive benefits. Benefits may take the form of prioritization for certain grant programs, technical assistance for projects involving state agencies, or expedited permits for select infrastructure needs.

There are currently no designated centers in Hunterdon County.

Plan Endorsement is the official determination that a municipal, county or regional plan is consistent with the State Plan. Once a plan is endorsed, the petitioner receives a variety of technical, planning and financial benefits from the State. Also, it gives the plan greater legal standing. Municipal land use decisions have been upheld in the past, in part based on consistency with the State Plan. Plan Endorsement requires submission of local planning documentation. In October, 2007, the State Planning Commission adopted new Plan Endorsement Guidelines. The new Plan Endorsement includes greater benefits and establishes a phased approach for undertaking Plan Endorsement and relaxes the tight review deadlines that currently make the process difficult for state and local agencies. The new Plan Endorsement process allows for all types of municipalities to have their master plans endorsed by the State Planning Commission,

provided that local governments identify areas for center-based development in their municipalities.

Within Hunterdon County, West Amwell and Holland Township have submitted petitions for Plan Endorsement. Lebanon Borough is currently in the Pre-Petition phase of the Plan Endorsement process.

The Hunterdon County Planning Board is available to provide technical assistance to interested municipalities including data support and build out analyses required as part of Plan Endorsement submissions and assistance with filing of Plan Endorsement application.

Planning areas are large geographic areas (at least one square mile) distinguished by different development patterns and physical features. According to the 2001 State Plan, Hunterdon County falls into five planning areas in New Jersey. The current State Plan policies call for the bulk of new growth to occur in the Metropolitan and Suburban Planning Areas. While most growth in Hunterdon County has occurred in the Suburban and Fringe Planning Areas, a significant amount of development has occurred in the Rural and Environmentally Sensitive Planning Areas in recent years (Map 3). Nonetheless, the absence of infrastructure in remote areas precludes the intensity and densities that are typical of Suburban Planning Areas and sewer portions of Fringe Planning Areas.

### ***Planning Areas in Hunterdon County: Definitions and Associated Planning Policies***

Listed below are the definitions of each planning areas that are present in Hunterdon County as defined in the 2001 State Plan:

Urban Planning Area (PA 1) – densely populated urban areas associated with a high degree of development. There are no areas of PA 1 within Hunterdon County.

Suburban Planning Area (PA 2) - located adjacent to densely developed urban areas of the state, however characterized by a more dispersed and fragmented pattern of predominantly low-density, automobile-oriented development. Infrastructure, including water, sewer, transportation systems, etc. are in place or planned for in PA 2. Municipalities should guide the bulk of future growth into PA 2 and minimize development in Planning Areas 3, 4, 4B and 5. Development should occur in more compact forms as centers and/or as infill, rather than continuing to spread out as low-density, land consuming sprawl.

Fringe Planning Area (PA 3) - adjacent to PA 2, but a predominantly rural landscape, though scattered development is also evident. Generally, lacks the major infrastructure systems characterizing PA 2. Water and sewer may be available; however, it is primarily in centers. Municipalities should accommodate future growth in centers and protect rural and environmentally sensitive areas around them. Fringe Planning Area serves as a buffer between PA 2 and the Rural or Environmentally Sensitive Planning Areas.

Rural Planning Area (PA 4) - Large areas of undeveloped land including farmland, woodlands and other vacant property, along with scattered development served by rural roads, wells and septic systems. Future growth patterns should protect the rural features of the Rural Planning Area and locate predominantly in centers.

Rural/Environmentally Sensitive Planning Area (PA 4B) - shares traits and planning policies appropriate to the Rural Planning Area and the Environmentally Sensitive Planning Area. New growth that is accommodated in PA 4B should ensure that natural resources are protected. This planning area is listed as 42 in the chart below.

Environmentally Sensitive Planning Area (PA 5) - contains large contiguous areas of valuable ecosystems, geological features and wildlife habitats. Future growth that is accommodated in PA 5 should be confined primarily to centers and natural resources should be protected.

Parks (PA 6, 8) – Planning Area 6 denotes municipal and county owned parks while Planning Area 8 denotes state owned parks.

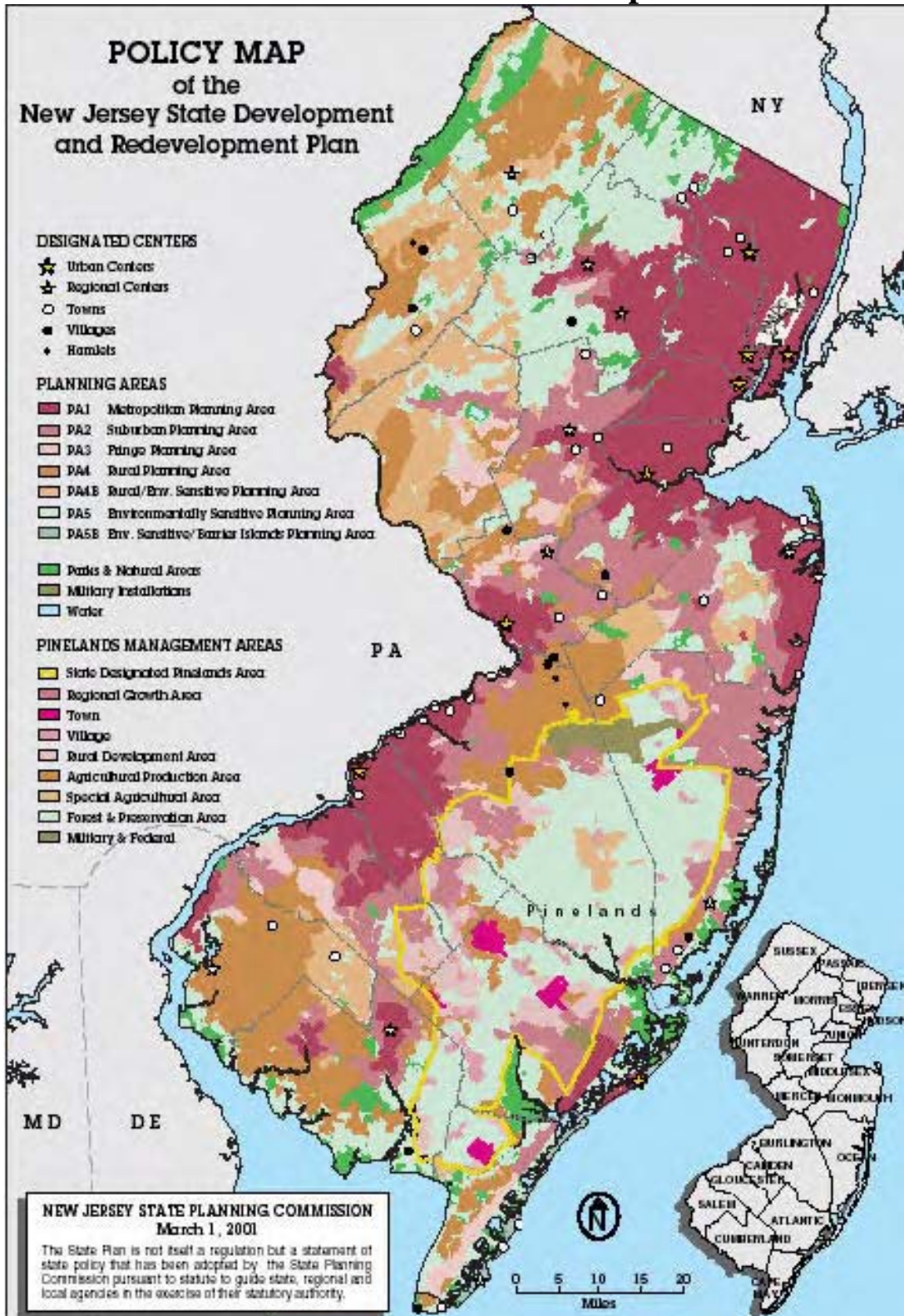
Water (PA 11) – is reserved for water bodies.

The following chart indicates the amount of acreage in each planning area in Hunterdon County as well as the amount of active agriculture within each planning area.

<b>2001 State Plan Planning Areas</b>	<b>Total Acreage</b>	<b>Active Agriculture Acreage</b>
1	0	0
2	13,359	2,536
3	21,704	3,153
4	54,318	25,296
5	59,295	8,242
6	1,564	71
7	0	0
8	6,626	843
9	0	0
10	0	0
11	3,551	2
12	0	0
42	118,213	41,947
52	0	0
99	0	0
	<b>278,630</b>	<b>82,089</b>

Please see the map below for Planning Area designations as set forth in the 2001 State Plan Map.

# The 2001 State Plan Map



### **Cross-Acceptance III**

On April 28, 2004, the New Jersey State Planning Commission released its new Preliminary State Development and Redevelopment Plan (State Plan), along with a State Plan Policy Map. This marked the beginning of **Cross-Acceptance** in New Jersey.

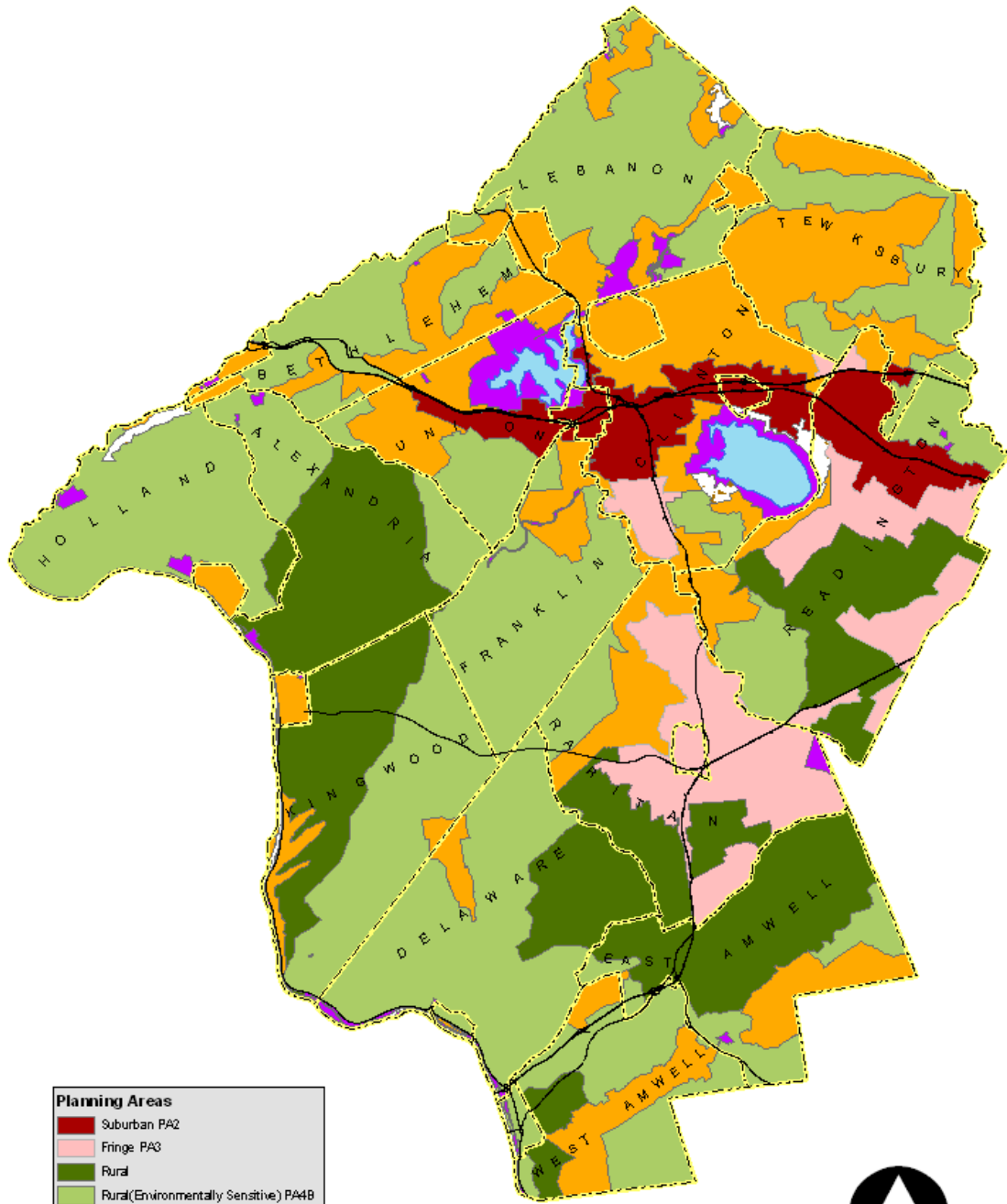
Cross-Acceptance is a process that must occur every three years by State statute. During Cross-Acceptance, public and private interests and residents in Hunterdon County had the opportunity to review and comment on the State Plan and to suggest changes to the Plan. The County held meetings, workshops and other venues to discuss the State Plan and solicit comments from the public and from specially appointed municipal Cross-Acceptance committees. This process offered an opportunity to compare municipal and county master plans with the State Plan, determine where consistencies and inconsistencies lie, and recommend changes that should be made.

The Hunterdon County Planning Board and Board of Chosen Freeholders adopted a Cross-Acceptance Report in February, 2005. The Cross-Acceptance Report is a two-volume document. Volume I contains policy and planning area mapping change recommendations as well as population projects to the year 2020 and maximum residential build out potential based on current zoning, environmental constraints and other assumptions. Volume II includes numerous appendices with information, municipal resolutions, public and municipal comments and meeting summaries, with additional background materials. .

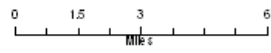
Initially during the Cross-Acceptance process, the majority of municipalities that contained large areas of PA4 designations on the Preliminary State Plan map requested that these areas be changed to PA4B designations. The initial decision to remove Planning Area 4 and replace it with Planning Area 4B emerged from an analysis of GIS data. This analysis showed extensive overlap between agricultural areas and one or more environmental features. However, further research and responses from the Farm Community generated enough concern among farmers that the BOCF and Planning Board voted to restore Planning Area 4 as reflected on the Preliminary State Plan map as well as to allow municipalities to request the change from PA4B areas as designated in the Preliminary State Plan map to a PA4 designation after the adoption and submission of the County's Cross-Acceptance report. These concerns were created by the uncertainty of future DEP regulations and impacts on the Farmland Preservation programs within PA4B areas. Although there is no historical precedence, the State Plan contains a policy statement calling for higher priority for farmland preservation funding in Planning Area 4, followed by Planning Areas 3 and 5 and finally PA1 and 2. The policy statement is silent on PA4B.

The County has requested that the SADC, the NJ Department of Agriculture and the NJDEP clarify their positions in regard to farmland preservation priority funding and regulations concerning PA4 and PA4B designated areas.

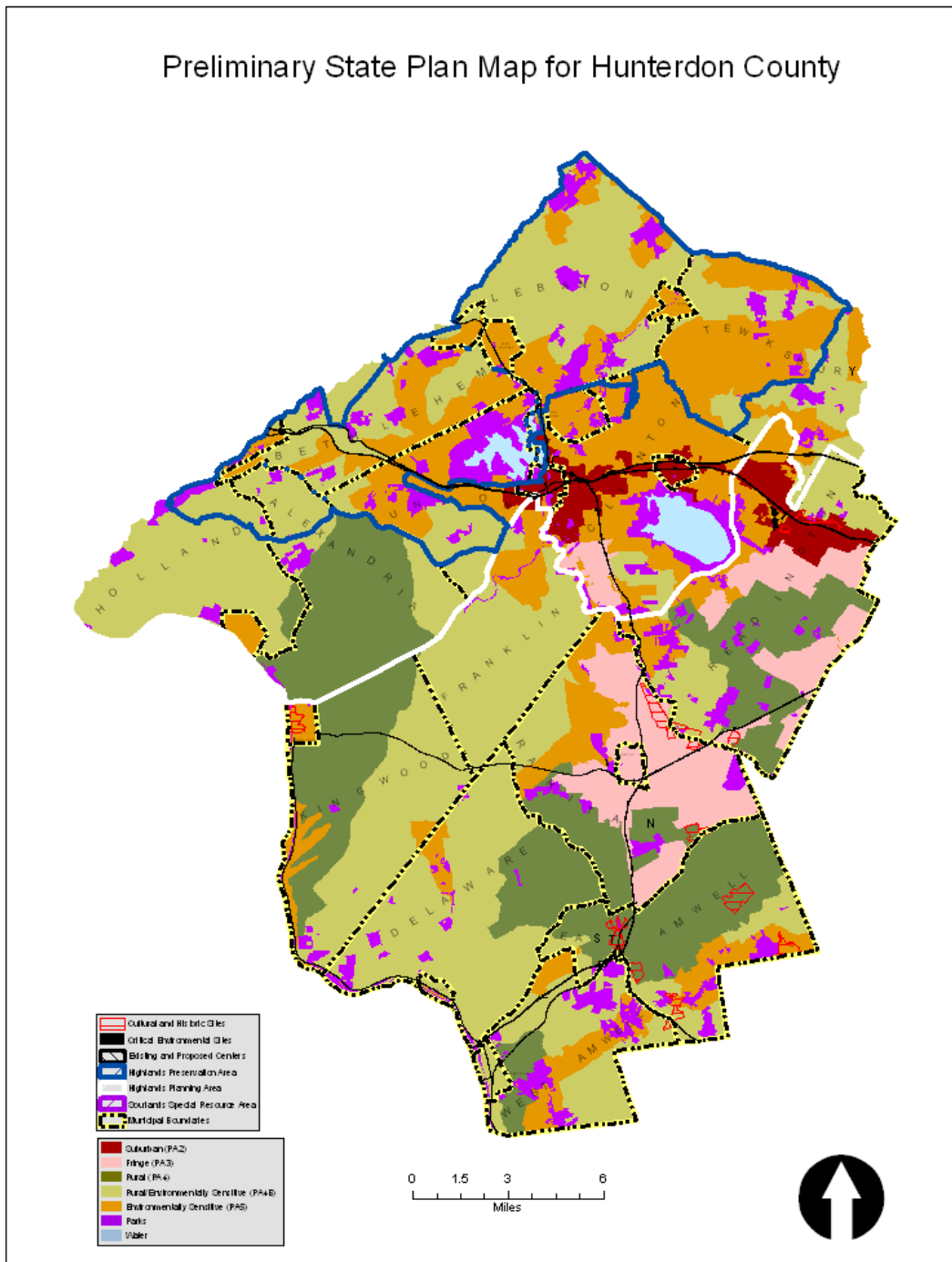
# 2001 Approved State Plan Map



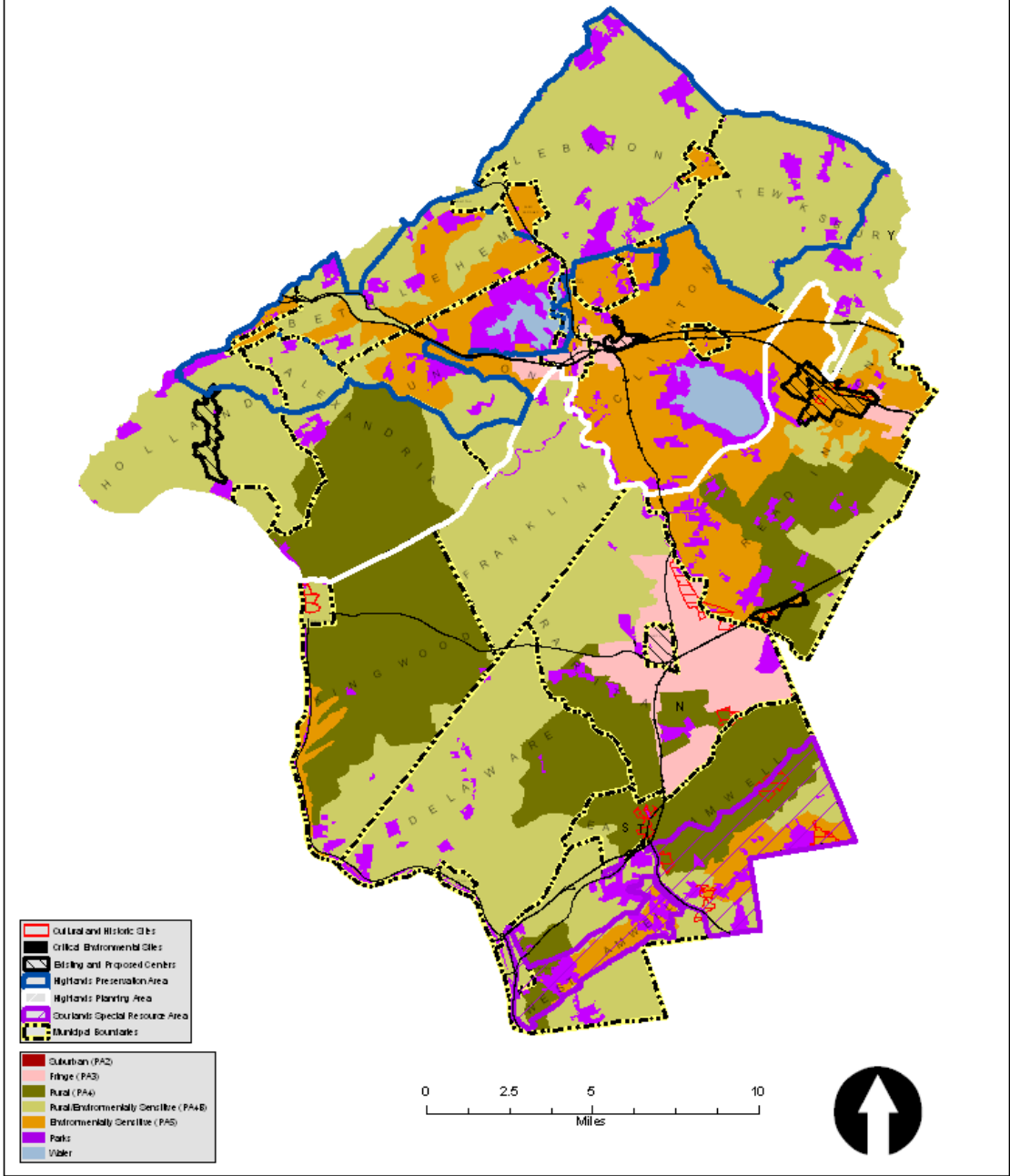
Planning Areas	
Dark Red	Suburban PA2
Pink	Fringe PA3
Dark Green	Rural
Light Green	Rural (Environmentally Sensitive) PA4B
Orange	Environmentally Sensitive PA6
Purple	Parks
Blue	Water



**State Preliminary (2006) and County Proposed (2005) Maps  
From the Hunterdon County Cross-Acceptance Report**



Hunterdon County Proposed State Planning Areas  
 March, 2005





## *Special Resource Areas*

### *The Highlands Special Resource Area*

The State Plan acknowledges regions called Special Resource Areas (SRA), which are large contiguous lands that contain unique characteristics or resources of statewide importance. One SRA, the New Jersey Highlands, includes approximately one-third of Hunterdon County. The 880,000 acre Highlands region provides drinking water for more than 3.5 million people. Fifteen municipalities in Hunterdon County fall within the Highlands region, although a total of eighteen county municipalities rely on this area for part, if not most, of their drinking water.

The Highlands SRA hosts over 30 of the state's threatened and endangered species, contains cultural and historic amenities and habitats of national importance. The importance of this region as host to an extensive system of natural, recreational and agricultural resources has gained national attention in recent years, including federal studies and funding.

Consequently, State Plan policies call for planning among local, county, regional, state and federal entities to protect Highlands's resources. In 2004, legislation was adopted in New Jersey to oversee the planning and protection of New Jersey's Highlands. The legislation requires municipalities and counties to create master plans and regulations that conform to a regional plan that will be adopted by the Highlands Council. The legislation creates two policy areas in the Highlands. In the Preservation Area, new development must conform to very stringent environmental standards and zoning restrictions. This area contains zones that permit very limited development. It is likely that there will be opportunities for properties to be purchased outright or preserved with Transfer of Development Rights (TDR). The Preservation Area consists of approximately 100 square miles or 25% of Hunterdon County's total land area although the legislation designating the Highlands Special Resource Area will contribute to the preservation of important natural resources, it could produce significant growth pressures in Hunterdon County if not properly implemented. This would undermine the intent of the State Plan, since growth would be occurring away from existing urban and suburban areas significant growth has occurred in the Highlands of Hunterdon County. Highways, sewers and public water supplies have made more intensive development possible; however much of the new development in recent years has spread beyond areas with existing infrastructure, into agricultural lands, forested tracts and stream headwaters

The County Board of Freeholders is currently providing the County's Cost-Share portion for the preservation of farms in both the County and Municipal PIG programs in the Highlands Preservation Area.

Large portions of Hunterdon County have been placed in the Agricultural Priority Areas in the Preservation area of the Highlands. (See Map 3 in the appendix.) There are 103,266 acres designated as the Agriculture Resource Area of the Highlands region in Hunterdon County. This figure makes up 33% of the 314,287 total Agriculture Resource Area acres for the entire highlands region. Within the Agriculture Resource Areas the Highlands Council designated areas as Agriculture Priority Areas. There is a total of 77,158 acres of designated ag priority areas within Hunterdon County. Of this total acreage 23,650 acres were designated as high priority, 31,984 acres designated as moderate priority and 21,524 acres were designated as low priority within the Agricultural Priority Areas.

**Agricultural Land in the Highlands**  
(In Acres)

<i>Municipality</i>	<i>Planning Area</i>	<i>Preservation Area</i>	<i>Total</i>
<b>Alexandria Township</b>	<b>7,149.21</b>	<b>483.59</b>	<b>7,632.80</b>
<b>Bethlehem Township</b>	<b>931.60</b>	<b>2,200.54</b>	<b>3,132.14</b>
<b>Bloomsbury Borough</b>		<b>165.21</b>	<b>165.21</b>
<b>Califon Borough</b>		<b>31.24</b>	<b>31.24</b>
<b>Clinton Town</b>	<b>93.63</b>	<b>26.65</b>	<b>120.28</b>
<b>Clinton Township</b>	<b>4,099.05</b>	<b>49.78</b>	<b>4,148.83</b>
<b>Glen Gardner Borough</b>		<b>83.84</b>	<b>83.84</b>
<b>Hampton Borough</b>	<b>64.20</b>	<b>187.45</b>	<b>251.66</b>
<b>High Bridge Borough</b>	<b>30.43</b>		<b>30.43</b>
<b>Holland Township</b>	<b>4,040.89</b>	<b>315.58</b>	<b>4,356.47</b>
<b>Lebanon Borough</b>	<b>43.04</b>		<b>43.04</b>
<b>Lebanon Township</b>		<b>3,760.56</b>	<b>3,760.56</b>
<b>Milford Borough</b>	<b>92.67</b>		<b>92.67</b>
<b>Tewksbury Township</b>	<b>2,692.81</b>	<b>3,340.98</b>	<b>6,033.79</b>
<b>Union Township</b>	<b>860.79</b>	<b>2,278.24</b>	<b>3,139.03</b>
<b>15 Municipalities</b>	<b>20,098.32</b>	<b>12,923.66</b>	<b>33,021.98</b>

*(Please see the Map 2 and 3 in the appendix)*

## Highlands Land Use Capability Map Zones in Hunterdon County Communities

Municipality	LUCM Zone	Acres
Alexandria Township	Conservation	14,713
	Existing community	43
	Protection	2,996
Bethlehem Township	Conservation	4,309
	Existing community	166
	Protection	8,885
Bloomsbury Boro	Conservation	138
	Existing community	179
	Protection	308
Califon Boro	Conservation	74
	Existing community	378
	Protection	279
Clinton Town	Conservation	0
	Existing community	179
	Protection	202
Clinton Township	Conservation	6,860
	Existing community	5,225
	Protection	9,596
Glen Gardener Boro	Conservation	107
	Existing community	388
	Protection	503
Hampton Boro	Conservation	271
	Existing community	463
	Protection	223
High Bridge Boro	Conservation	0
	Existing community	1,380
	Protection	177
Holland Township	Conservation	7,805
	Existing community	877
	Protection	6,636
Lebanon Boro	Conservation	57
	Existing community	471
	Protection	48
Lebanon Township	Conservation	6,073
	Existing community	854
	Protection	13,331
Milford Boro	Conservation	68
	Existing community	475
	Protection	267
Tewksbury Township	Conservation	12,443
	Existing community	248
	Protection	7,627
Union Township	conservation	6,344
	existing community	374
	protection	6,424

### ***Impact of Regulations***

The Highlands Act includes a special review process for agricultural and horticultural activities and related development in the Highlands Preservation Area. The New Jersey Department of Agriculture was charged with drafting and implementing rules for agricultural and horticultural development that would result in an increase of three percent or more of new impervious cover.

Any agricultural or horticultural development in the Preservation Area that would result in the increase of three percent or more of new agricultural impervious cover to the total land area of a Farm Management Unit (either individually or cumulatively) since enactment of the Highlands Act (August 10, 2004) will require the farm owner or operator to develop and obtain Soil Conservation District (SCD) approval of a Farm Conservation Plan, prior to the start of the proposed agricultural or horticultural development. Any agricultural or horticultural development in the Preservation Area that would result in the increase of nine percent or more of agricultural impervious cover to the total land area of a Farm Management Unit (either individually or cumulatively) since enactment of the Highlands Act (August 10, 2004) will require the farm owner or operator to develop and obtain Soil Conservation District (SCD) approval of a Resource Management System Plan (RMS), prior to the start of the proposed agricultural or horticultural development.

The proposed new rules will have an economic impact on farmers in the Highlands preservation area who are looking to construct agricultural or horticultural buildings, structures or facilities that will result in three percent or more of new agricultural impervious cover to the total land area of the farm management unit, as Farm Conservation Plans or Resource Management System Plans will be required. It is anticipated that there will be little or no costs associated with plan development. Technical assistance for developing Farm Conservation Plans or Resource Management System Plans will be available from the USDA Natural Resources Conservation Service (NRCS) and the NJDA at no cost to the landowner.

There may be costs associated with the implementation of the required site-specific Farm Conservation Plans or Resource Management System plans. The rules should have a net positive economic impact as they do provide an overall benefit to the agricultural industry since agricultural development activities are not subject to the stringent rules that other activities, projects, residential and non-residential development are subject to in the Highlands preservation area.

The NJDEP regulations associated with the Highlands Act also have an economic impact to farmers located within this area. The regulations severely limit the subdivision potential of large tracts of land, and therefore limit the value that farmers can borrow against. Since the equity that was available through the land for farmers to utilize has been diminished, farmers may find it harder to obtain loans to keep up with their farm operations.

### ***County Master Plan and Development Regulations***

Hunterdon County has written a draft Growth Management Plan to replace the last version of this plan which was adopted in 1986. In preparing for the new Plan, the County Planning Board has dedicated several years to the solicitation of public input on planning issues in the County . This Plan is currently undergoing Public Comment review.

This Strategic Planning document is a visionary document that includes a long range plan for future development regulations within the county. This vision is based on the premise that significant planning and policy changes need to be implemented, at both local and state levels, in

order to effectively reduce development pressures and provide opportunities for creative planning solutions in outlying areas such as Hunterdon County. In preparing for the new Plan, the County Planning Board has dedicated several years to the solicitation of public input on planning issues in the County.

The Plan recommends the following steps to implement the county's vision:

- Establishment of Community Goals
- Balancing the Preservation of Rural Character with Population Growth:
  - Land Preservation.
  - Various zoning strategies
  - Green design and Practices
  - Green practices for Roadways
  - Historic Preservation
  - Innovative Planning and Design
  - Redeveloping Suburban areas
  - Development of Rural Clusters
  - Establishment of Community Design Standards
  - Thinking Regionally

Preserving Agriculture as a viable Land Use is a priority for Hunterdon County. To maintain this goal the Draft plan recommends:

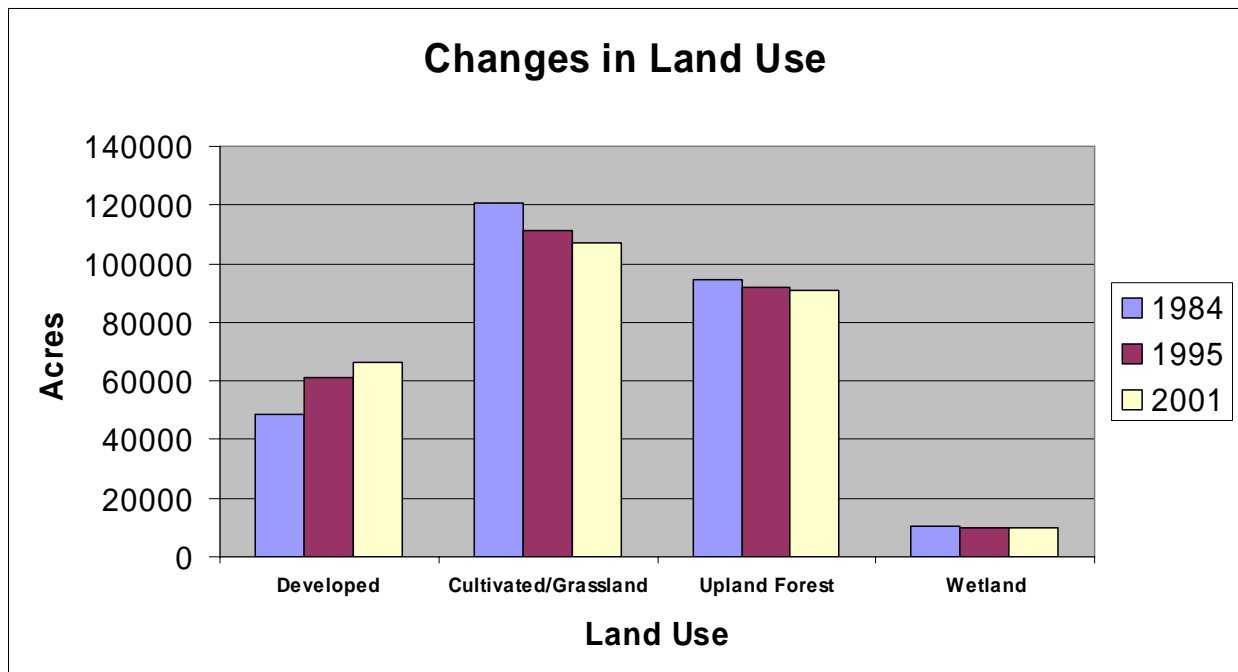
- Land use regulations should permit farmers to establish profitable spin-off businesses, such as fresh food markets, bed and breakfast inns and light industrial uses related to local food production.
- A simplified process for obtaining building and zoning permits which allows farmers to make timely repairs and additions, keeping their businesses modern and competitive.
- Right to Farm policies which protect agricultural businesses from nuisance complaints, keeping agriculture a viable business option in rural areas fragmented by residential subdivisions.
- Notices of Right to Farm policies, possible areas of no-disturbance to provide buffers and other information about the agriculture industry should be described in the property deeds of new non-farm residences.

### ***Current Land Use and Trends***

Once a community of forests, farms, small villages and towns, Hunterdon County has undergone a dramatic transformation. In recent decades, development has occurred with great rapidity, spreading throughout the County. Improved highway systems, sewers, increased access to employment centers in nearby counties, and a desirable quality of life have all contributed to the volume and pattern of growth that has occurred in recent decades. Even so, the County is still considered one of the most rural parts of New Jersey. In fact, the 2000 Census reports that Hunterdon County has more population *in rural areas than any other county in the State*. In 1972, only 4.5% of the County was developed. By 2001, nearly 24% was developed resulting in great losses of farmland, woodlands and other natural resources. Despite the loss of undeveloped land, land preservation efforts have become more aggressive as significant state funding opportunities have arisen. As of 2006, the County has preserved 31,629 acres of County parkland, open space, and preserved farms; over 20,000 acres of which are preserved farms.

During the 1970s and 1980s, a number of higher-density residential developments were built in communities throughout the County, including Raritan Township, Union Township, Glen Gardner, Lambertville, Clinton Township, Clinton Town and Readington Township. Some of these developments contained several hundred units with single-family homes on small lots as well as townhouses, apartments and/or condominiums. Some developments also integrated limited commercial uses. Several high-density developments constructed in the 1980s and 1990s are inclusionary, meaning a small percentage of the housing units were built as low- or moderate-income units. Today, large single-family homes on expansive lots-typically 3 to 15acres-dominate new residential construction.

While this type of development generates fewer homes than the residential developments described above, it removes a comparable amount of land from agricultural use and/or passive environmental use as these expansive lots become lawns. Some communities have attempted to retain open space and/or farmland by encouraging open space subdivisions (also called natural resource protection and cluster developments), which are subdivisions with reduced minimum lot sizes in exchange for large contiguous areas of preserved land. Most municipal cluster subdivision ordinances in Hunterdon County still require relatively large lot sizes (1-1.5 acres) in order to accommodate individual septic systems. Far fewer allow community wastewater treatment systems, which would permit a further reduction in lot sizes. In one such development of 39 units built in Union Township, homes are sited on 7,000 square foot lots, allowing the preservation of over 80% of the property.



Source: Rutgers LULC

***Sewer Service Areas / Public Water Supply Service Areas***

By and large, the vast majority of the County still relies on individual septic systems. As a result, growth has not been dependent upon the expansion of sewer service areas, a factor that has contributed to the decentralized growth patterns seen throughout the County. Local WMPs in Hunterdon County show very few future sewer areas. Nearly 80% of the county households rely on individual, on-site septic disposal fields for sewage treatment. These systems are designed to

treat wastewater and allow infiltration back into the ground. In recent years several Hunterdon County municipalities have downzoned significantly, arguing that larger minimum lot sizes are required to prevent groundwater contamination. This approach allows municipalities to monitor and affect the amount of development in their communities. However, this approach also has a possible negative impact to farmers within the zones that rely on the land equity to borrow against. As the zoning of the area is changed to larger lots, it is possible that land values are reduced for those landowners with large tracts of lands.

***Municipal Master Plan and Zoning – Overview***

Preserved farmland also offers property tax benefits. It helps stabilize property taxes because farms require less governmental services. The largest category of property taxes is the cost of schools. Although new residential development pays its share of property taxes, it does not cover the entire cost of educating its children. The costs are therefore distributed to other existing homes and properties. Studies have shown that even considering the cost of bonding money for farmland preservation, the overall cost to the community for preservation is less than if the land was developed.

***General lot size categories and distribution by municipality***

The following chart indicates municipal zoning categories and the acreage contained in those zones broken down by municipality. Small lots are categorized as zoning with a less than 1 acre minimum lot size. Medium lot zoning has greater than 1 acre but less than or equal to five acres as a minimum. Large lot zoning has greater than five but less than or equal to 10 acres as a minimum. Very large lot zoning is categorized as greater than a 10 acre minimum lot size.

**Acreage within Municipal Zones**

Municipality	Small Lots		Medium Lots		Large Lots		Very Large Lots		Total Acreage
	acres	%	acres	%	acres	%	acres	%	
Alexandria Twp	-		392	2%	17365	98%	-		17758
Bethlehem Twp	365	3%	11205	84%	1740	13%	-		13310
Bloomsbury	359	57%	266	43%	-		-		625
Califon	258	41%	374	59%	-		-		631
Clinton	697	76%	186	20%	-		39	4%	922
Clinton Twp	837	4%	18830	87%	47	0%	1979	9%	21693
Delaware Twp	384	2%	13922	59%	9400	40%	-		23707
East Amwell Twp	350	2%	126	1%	11109	61%	6702	37%	18288
Flemington	533	74%	183	26%	-		-		716
Franklin Twp	-		5587	38%	9239	62%	-		14826
Frenchtown	248	32%	539	68%	-		-		787
Glen Gardner	211	21%	787	79%	-		-		998
Hampton	250	26%	707	74%	-		-		957
High Bridge	1081	69%	477	31%	-		-		1558

Holland Twp	34	0%	15009	98%	-		280	2%	15322
Kingwood Twp	24	0%	22812	100%	-		-		22836
Lambertville	493	61%	310	39%	-		-		803
Lebanon	253	44%	324	56%	-		-		577
Lebanon Twp	193	1%	6832	34%	13242	65%	-		20267
Milford	563	69%	250	31%	-		-		812
Raritan Twp	1239	5%	15285	64%	7530	31%	-		24055
Readington Twp	653	2%	12863	42%	17149	56%	-		30666
Stockton	390	100%	-		-		-		390
Tewksbury Twp	129	1%	2497	12%	3815	19%	13884	68%	20324
Union Twp	793	6%	1900	14%	7299	56%	3154	24%	13146
West Amwell Twp	292	2%	5458	39%	8213	59%	-		13963

Hunterdon County municipalities have employed down-zoning as a technique to curb development within their townships. This has had a mixed effect on the communities as a whole. While down-zoning seems to have the desired affect of discouraging large scale development as a result of the larger lot sizes, it also has a negative side effect. The trend of development in those areas with large lot sizes has been toward large scale homes, typically referred to as “McMansions”. This creates mini-estates that are less affordable. The decrease in value of large tracts of land is also a side affect of down-zoning that is mostly felt by farmers. As farmers use the equity in the land that they won as collateral for loans, down-zoning makes it increasingly difficult for farmers to utilize the land equity if it is valued at a lower price compared to the high prices typically seen in small lot subdivisions.

However, the trend toward larger lot sizes allows for the land to remain in agriculture as many landowners look toward agriculture as a way to save money on taxes through Farmland Assessment. This opens up land for leasing opportunities that farmers may utilize that may not have been available with small lot sizes.

***Description of Municipal Innovative Planning Techniques Employed***

Environmental conditions, the amount of undeveloped land, public support and other factors unique to each municipality can help determine the most appropriate strategy in zoning changes with land preservation in mind. In some cases, a combination of strategies may be more suitable, particularly for municipalities that do not participate in a Transfer of Development Rights (TDR) program. Many Hunterdon County municipalities have implemented innovative zoning and land use regulations that further their preservation goals.

The Municipal Land Use Law recognizes open space zoning as an important planning tool, as well as more ambitious planning tools, such as noncontiguous open space zoning and Transfer of Development Rights (TDR). The latter tools allow development to be transferred between non-adjacent parcels as a creative means of preserving land. In Hunterdon County, most density transfer techniques applied by municipalities involve single properties with the optional aspects of preserving land on site and clustering on the remaining portion.

***Cluster zoning***

Farmland retention can and should be accomplished using appropriate land use patterns. Residential development is likely to continue in or near many agricultural areas. And since residents are not the ideal neighbor for the farmer (see the Right to Farm section for more details), the idea of clustering homes away from farmland not only prevents a potential nuisance



suit, but it also can protect and preserve farmland. This type of open space zoning (a/k/a clustering,) is ideal for suburbanizing areas with prime farmland. It also minimizes public expenditure of funds since the preservation of the farmland is achieved by the private sector.

Onsite clustering, where the remaining open space can be managed by a homeowner association as open space, leased for farming or deeded to a public or non-profit entity, and lot size averaging, where the remaining open space is retained by a private landowner with easement restrictions are other tools that can be used to achieve preservation goals. Few municipalities in Hunterdon County have taken full advantage of open space zoning, despite the opportunities it presents for preserving land, creating more compact development patterns and offering more diverse housing options (most notably by creating opportunities for affordable housing construction). The decision to cluster is affected largely by the concern over septic systems. Typically, the minimum required lot size for use of an individual septic system is one acre. Lot sizes that are less than one acre - high density by Hunterdon County standards - require a community wastewater treatment system in the absence of existing sewers. Community wastewater systems are viewed as invitations for more growth. Community systems are also viewed negatively in Hunterdon County because of the issue of oversight. Municipalities have concerns as to whose responsibility it is to take care of the system in the long term as well as who takes care of the system if it fails.

Despite some of the problems involved with implementing Cluster zoning, eighteen Municipalities within Hunterdon have some sort of Cluster development option available. Readington Township, in fact, has had a mandatory cluster ordinance in effect for many years. The use of clustering can be a great tool toward creating a network of linked open space if the community uses pre-planning in how clustering and the remaining open space is designed.

#### *Non-contiguous cluster zoning*

Non-contiguous clustering allows for the movement of development rights from certain parcels onto another parcel slotted for a cluster development. In effect, it allows for the preservation of undeveloped parcels as well as the focusing of development into a specific area. This can potentially create areas of focused development and hinder or eliminate the problem of development sprawl.

This type of zoning must be implemented through planned development or between properties otherwise under common ownership. Unlike TDR, development within this type of zoning cannot be focused in designated receiving areas except if done within a planned development. This technique works well on a small scale as it lacks overall planning guidance to be effective over a large geographic area.

When used in conjunction with traditional preservation ideas such as purchase of development rights, large tracts of preserved land are obtainable at a lower cost to the municipality and the County.

Currently, only West Amwell Township has adopted Non-Contiguous cluster zoning provisions.

#### *Lot size averaging*

Lot size averaging is a planning technique similar to cluster zoning where the amount of smaller lots is increased to allow for more than one large tract to remain. Other variations result in the open space being divided into several farmettes and a few units reserved for farming as well as where the remaining open space is retained by a private landowner with easement restrictions.

This planning technique allows for landowners the flexibility to divide their property in configurations that would not normally be permissible under the current zoning. This allows for slightly smaller lots, as long as the remainder of the lots have easement restrictions put in place. In an area such as Hunterdon County where municipalities have taken steps to downzone and create areas of large lot sizes, lot size averaging may be a viable development tool for municipalities to encourage. By allowing a lot size averaging provision in the zoning, the resulting parcels may not conform to the single lot zoning of the area and would result in the creation of open space that is commonly one of the justifications for downzoning. In cooperation with traditional preservation techniques such as purchase of development rights, municipalities will be better able to preserve the rural character that Hunterdon County residents enjoy by retaining larger tracts of land while still allowing for controlled population and development growth. Currently, eight municipalities within the County have some form of Lot size averaging available as a land use development option.

#### *Transfer of Development Rights*

Under a Transfer of Development Rights (TDR) program new units are transferred to growth areas that are designated by the municipality. TDR banks are established to facilitate expedient, ongoing transactions.

TDR applies the clustering concept to a larger area. This zoning technique is based on the principle that the right to develop land can be severed (as in an easement) from ownership of the land itself, and transferred to another property. Development is shifted from one area within the community to another that is deemed more suitable for development. In order to utilize TDR, a municipality must establish a sending area, where land resources are to be preserved, and a receiving area, where development rights are to be transferred. Using a formula that considers existing zoning and environmental constraints, the development potential of the land in the sending area is calculated. This potential can be marketed or sold to developers as credits for increased density in the determined receiving area. One advantage to TDR is that private, rather than public, funds are used to permanently preserve land. The marketability of rights is critical to TDR success. Towns must plan carefully to ensure receiving areas have the zoning and infrastructure to handle all rights transferable from the sending areas.

Currently there are not any municipalities in Hunterdon County that have an active TDR program, although Delaware Township is currently considering the implementation of a TDR program. Please see the section below titled “Municipal and Regional TDR Opportunities” for expansion of the topic of TDR in Hunterdon County.

#### *Use of mandatory vs. voluntary options*

Very few of Hunterdon County’s municipalities currently have mandatory density transfer ordinances. Mandatory TDR involves the allocation of credits in the sending area based on the zoning prior to TDR enactment. Once the ordinance is in place, the sending area is downzoned to encourage TDR participation and discourage new sending area development.

Under a voluntary TDR program, there is no associated downzoning. TDR then becomes an additional preservation option for landowners. The lack of a receiving area in a voluntary program would result in development occurring in the sending area just as before and with little land being protected.

The Highlands Act mandates the creation and implementation of a voluntary TDR program within the Highlands Preservation area. As components of the TDR program, the Highlands Council must identify sending zones in the Preservation Area and voluntary receiving zones in

the Planning Area within Hunterdon County. Currently there are 12 municipalities that have been identified as potential receiving zones within the County.

*Development Pressures and Land Value Trends*

Hunterdon County is situated within commuting distance of several major metropolitan areas, such as Trenton, New Brunswick, Camden and Newark, producing significant growth pressures in outlying areas throughout the County. Additional public expenditures in existing urban and suburban areas are needed before a considerable number of people will move back to these locations. Monies must be invested in our urban transit systems, roads, bridges and schools. Until then, the pressure to develop outside of our cities will continue. Places like Hunterdon County are the ecological and agricultural support systems for our urban areas, providing water, farm products, open space and recreation. We need relief from the tremendous growth pressures we face. Otherwise, development will saturate the county and transform us into another sprawling suburb. According to US Census data, with a population growth rate of 13% between 1990 and 2000, Hunterdon County ranked third in population growth among counties in New Jersey. By 2020, the County's population is projected to reach 152,889, a 25.3% increase from 2000. Along with this development pressure, land values have risen dramatically. In conjunction, easement values have seen a rise as well. Preserved farms have been selling for higher and higher prices, allowing for the rise in easement values to slow, however the overall trend seen in the preservation program has been increasingly higher property and easement values.

See the tables below for data on population and building permits in Hunterdon County.

CHANGES IN MUNICIPAL, COUNTY, AND STATE POPULATION				
MUNICIPALITY	1990	2000	CHANGE	PERCENT
Alexandria	3,594	4,698	1,104	30.72
Bethlehem	3,104	3,820	716	23.07
Bloomsbury	890	886	-4	-0.45
Califon	1,073	1,055	-18	-1.68
Clinton Town	2,054	2,632	578	28.14
Clinton Twp	10,816	12,957	2,141	19.79
Delaware	4,512	4,478	-34	-0.75
East Amwell	4,332	4,455	123	2.84
Flemington	4,047	4,200	153	3.78
Franklin	2,851	2,990	139	4.88
Frenchtown	1,528	1,488	-40	-2.62
Glen Gardner	1,665	1,902	237	14.23
Hampton	1,515	1,546	31	2.05
High Bridge	3,886	3,776	-110	-2.83
Holland	4,892	5,122	230	4.70
Kingwood	3,325	3,782	457	13.74
Lambertville	3,927	3,868	-59	-1.50
Lebanon Boro	1,036	1,065	29	2.80
Lebanon Twp	5,679	5,816	137	2.41
Milford	1,273	1,195	-78	-6.13
Raritan	15,616	19,809	4,193	26.85
Readington	13,400	15,803	2,403	17.93
Stockton	629	560	-69	-10.97
Tewksbury	4,803	5,541	738	15.37
Union	5,078	6,160	1,082	21.31
West Amwell	2,251	2,383	132	5.86
<b>Hunterdon</b>	<b>107,776</b>	<b>121,987</b>	<b>14,211</b>	<b>13.19</b>
<b>New Jersey</b>	<b>7,730,188</b>	<b>8,414,350</b>	<b>684,162</b>	<b>8.85</b>

Source: 1990, 2000 U.S. Census; Prepared by Hunterdon County Planning Board, July 2003

**Estimates of Resident Population by Municipality: Hunterdon County, 2000-2006**

<b>MUNICIPALITY</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
Alexandria	4,725	4,828	4,885	4,935	4,957	5,000	5,089
Bethlehem	3,841	3,921	3,955	3,987	3,987	3,982	4,008
Bloomsbury	888	892	893	898	890	883	881
Califon	1,057	1,063	1,061	1,058	1,052	1,052	1,052
Clinton Town	2,638	2,656	2,654	2,649	2,629	2,614	2,605
Clinton Township	13,039	13,349	13,567	13,766	13,812	13,951	14,082
Delaware	4,500	4,583	4,618	4,655	4,682	4,706	4,730
East Amwell	4,469	4,520	4,541	4,554	4,546	4,543	4,557
Flemington	4,208	4,231	4,233	4,224	4,189	4,159	4,267
Franklin	3,008	3,075	3,120	3,129	3,120	3,146	3,152
Frenchtown	1,493	1,509	1,513	1,517	1,506	1,499	1,491
Glen Gardner	1,912	1,948	1,972	1,989	1,990	1,994	1,992
Hampton	1,551	1,566	1,577	1,587	1,585	1,604	1,658
High Bridge	3,786	3,817	3,814	3,808	3,778	3,759	3,763
Holland	5,140	5,193	5,234	5,271	5,287	5,298	5,310
Kingwood	3,802	3,874	3,924	3,971	3,995	4,010	4,043
Lambertville	3,875	3,893	3,887	3,879	3,857	3,829	3,808
Lebanon Borough	1,074	1,106	1,134	1,160	1,560	1,744	1,830
Lebanon Township	5,858	6,019	6,096	6,222	6,259	6,296	6,292
Milford	1,197	1,204	1,202	1,199	1,204	1,212	1,219
Raritan	19,978	20,625	21,204	21,724	22,275	22,604	22,720
Readington	15,871	16,117	16,349	16,399	16,337	16,310	16,295
Stockton	561	564	565	563	560	558	555
Tewksbury	5,573	5,692	5,785	5,844	5,974	6,033	6,088
Union	6,183	6,266	6,348	6,352	6,352	6,333	6,352
West Amwell	2,402	2,472	2,609	2,761	2,836	2,923	2,944
<b>Hunterdon County</b>	<b>122,629</b>	<b>124,983</b>	<b>126,740</b>	<b>128,101</b>	<b>129,219</b>	<b>130,042</b>	<b>130,783</b>

Source: US Census Bureau, Population Division, 6/28/07.

Estimates are as of July 1, 2000-2006

**Hunterdon County  
Housing Units Authorized  
by Building Permits for New Construction, 2006**

<b>Municipality</b>	<b>Total</b>	<b>1&amp;2 family</b>	<b>Multi- family</b>	<b>Mixed use</b>
Alexandria Township	36	36	0	0
Bethlehem Township	2	2	0	0
Bloomsbury Borough	0	0	0	0
Califon Borough	0	0	0	0
Clinton Town	0	0	0	0
Clinton Township	12	12	0	0
Delaware Township	12	12	0	0
East Amwell Township	3	3	0	0
Flemington Borough	44	32	12	0
Franklin Township	9	9	0	0
Frenchtown Borough	1	1	0	0
Glen Gardner Borough	0	0	0	0
Hampton Borough	5	5	0	0
High Bridge Borough	0	0	0	0
Holland Township	10	10	0	0
Kingwood Township	18	9	0	9
Lambertville City	22	16	6	0
Lebanon Borough	0	0	0	0
Lebanon Township	9	9	0	0
Milford Borough	0	0	0	0
Raritan Township	50	50	0	0
Readington Township	17	17	0	0
Stockton Borough	2	2	0	0
Tewksbury Township	26	7	19	0
Union Township	32	32	0	0
West Amwell Township	112	112	0	0
<b>HUNTERDON TOTAL</b>	<b>422</b>	<b>376</b>	<b>37</b>	<b>9</b>

Source: New Jersey Department of Community Affairs, 4/09/07

**Hunterdon County  
Housing Units Authorized by Building Permits, 2006**

<b>Municipality</b>	<b>Total</b>	<b>1&amp;2 family</b>	<b>Multi- family</b>	<b>Mixed use</b>
Alexandria Township	36	36	0	0
Bethlehem Township	3	3	0	0
Bloomsbury Borough	0	0	0	0
Califon Borough	0	0	0	0
Clinton Town	0	0	0	0
Clinton Township	12	12	0	0
Delaware Township	12	12	0	0
East Amwell Township	3	3	0	0
Flemington Borough	44	32	12	0
Franklin Township	9	9	0	0
Frenchtown Borough	1	1	0	0
Glen Gardner Borough	0	0	0	0
Hampton Borough	5	5	0	0
High Bridge Borough	0	0	0	0
Holland Township	10	10	0	0
Kingwood Township	20	11	0	9
Lambertville City	24	18	6	0
Lebanon Borough	0	0	0	0
Lebanon Township	9	9	0	0
Milford Borough	0	0	0	0
Raritan Township	50	50	0	0
Readington Township	17	17	0	0
Stockton Borough	2	2	0	0
Tewksbury Township	26	7	19	0
Union Township	32	32	0	0
West Amwell Township	112	112	0	0
<b>HUNTERDON TOTAL</b>	<b>427</b>	<b>381</b>	<b>37</b>	<b>9</b>

Source: New Jersey Department of Community Affairs, 4/09/07

***Municipal and Regional TDR Opportunities***

Transfer of Development Rights (TDR) is a land use planning tool that shifts development from one location to another, allowing preservation in certain areas and designating other areas for growth and the receipt of additional development potential. Development should be transferred to areas that a community or communities determine to be optimal growth areas where infrastructure can be provided while simultaneously preserving open space or farmland elsewhere.. In New Jersey, the success of the Pinelands TDR program (over 49,962 acres preserved) and more recently Chesterfield Township (over 4,500 acres preserved) and Lumberton Township (over 850 acres preserved) emphasizes the potential TDR has as an planning tool to preserve farmland and open space and to direct development into those areas that can accommodate additional growth density.

In 2004, TDR became available on a statewide basis through the State TDR Act. This legislation made New Jersey the first state in the nation to authorize statewide comprehensive TDR enabling legislation. Municipalities can transfer development from one area to another; alternatively, they can send development to other communities through mutually agreed upon arrangements.

Requirements of the State TDR Act include:

- A Development Transfer Plan Element for adoption into the Master Plan
- Adoption of a Capital Improvement Program for Receiving zone
- Adoption of a Utility Service Plan Element in the Master Plan for Receiving zone
- Preparation of a Real Estate Analysis
- A TDR Ordinance designating Sending and Receiving zones

For TDR to be effective in Hunterdon County, several steps must be taken. Communities must first commit to using this tool. With this commitment comes the responsibility to prepare the required background studies, including a real estate market analysis, growth projections, and determination of needed infrastructure for the receiving areas. Additionally, communities must complete a development transfer plan for inclusion in its master plan, a development transfer ordinance, and adopt several otherwise optional elements of the master plan. Background analysis and plan preparation is a time consuming and costly undertaking. Where Hunterdon County has the technical and financial resources available, it should assist interested municipalities in carrying forward a TDR program. This can be achieved by allowing for County guidance in potential sending and receiving zones within the municipality or perhaps the county as a region.

Currently, Delaware Township is the only municipality within the County that is currently exploring the possibility of integrating TDR into their Land Use planning. Since this process is in the initial exploratory stages, it is not currently known if this program will be implemented within the township.

As part of the 2004 Highlands Water Protection and Planning Act, municipalities within the Highlands Region have the option to send and receive development rights within each of the Highlands counties.

The TDR Program guides new growth and development away from lands with little or no capacity to accommodate human development without adversely affecting the integrity of the Highlands ecosystems. This program establishes procedures and standards by which eligible property owners may apply for an allocation of Highlands Development Credits (HDCs). The program provides for the designation of Receiving Zones where HDCs may be transferred and used for development purposes. The program also creates a Highlands Development Credit Bank to serve as the administrator of the Highlands TDR Program.

As part of the Highlands TDR program, the Council is to identify areas within the Highlands Region that may be suitable for locating receiving zones. The Highlands Act precludes the Highlands Council from requiring conforming municipalities to accept its recommendations concerning the location of voluntary receiving zones. The Final Regional Master Plan includes a regional analysis of the potential voluntary receiving zones in the Highlands. Whether the potential voluntary receiving zone areas identified by the Council, as well as areas outside of the Highlands Region but within the seven counties, serve as voluntary receiving zones is left to the determination of the municipalities themselves. Given the voluntary nature of the TDR program's receiving zones, the Council must work cooperatively with municipalities to identify what areas, if any, are appropriate to serve as receiving zones.

As specified by the Highlands Act, receiving zones under the Highlands TDR Program are voluntary. To encourage municipalities to designate voluntary receiving zones, the Highlands



Act provides a number of incentives to municipalities in the Planning Area that conform to the Regional Master Plan and establish a receiving zone which provides for a minimum density of five dwelling units per acre for the residential portion of the receiving zone. These incentives include:

- The ability to charge up to \$15,000 per unit impact fee for development projects within the voluntary planning area;
- Up to \$250,000 in an enhanced planning grant to offset the planning and other costs of designating and accommodating voluntary receiving zones
- A grant to reimburse the reasonable costs of amending municipal development regulations to accommodate voluntary receiving zones
- Legal representation by the State in actions challenging municipal decisions regarding TDR, provided that certain pre-requisites are met
- Assignment of priority status in for any State capital or infrastructure programs.

For municipalities outside of the Region but within the seven Highlands counties, they are entitled to the same benefits above except for legal representation and priority status. All 12 Hunterdon County Municipalities that reside in the Highlands Planning area have areas that have been identified as potential voluntary receiving zones by the Highlands Council.

