

**2004 Periodic Reexamination Report of the Master Plan and Development  
Regulations for Kingwood Township, Hunterdon County, New Jersey**

The Municipal Land Use Law (MLUL), at N.J.S.A. 40:55D-89, includes the following statement relative to the periodic examination of a municipal Master Plan:

*“The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 6 years from the previous reexamination.”*

---

The Kingwood Township Planning Board adopted the most recent Periodic Reexamination on November 9, 1998. Prior to its adoption, a new Land Use Plan was adopted for Route 12 and Barbertown areas in 1993. The Planning Board adopted the 1992, 1988 and 1986 Periodic Reexamination reports in accordance with N.J.S.A. 40:55D-89. During that period, the Planning Board adopted a Housing Plan Element in 1987 and an amended Land Use Plan in 1988. The last comprehensive revision of the Master Plan was adopted in 1973.

The impetus for this report is N.J.S.A. 40:55D-89, which requires municipalities to reexamine their Master Plan and Land Development Ordinances every six years. This section of the Municipal Land Use Law requires consideration of five areas (N.J.S.A. 40:55D-89a-e) within the Reexamination Report, which are discussed below.

**C. 40:55D-89a**      ***“The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.”***

The Planning Board’s 1998 Periodic Reexamination Report identified a number of recommendations to update the Master Plan and Land Development Ordinance from the Township’s Code.

1. The Planning Board recommended no substantial changes to the overall Land Use Plan. The Board was satisfied with the 1993 Land Use Plan amendment addressing nonresidential development in the Route 12/Barbertown area as well as recommended Agricultural/Residential zone (AR-2) population density for purposes of wastewater management and maintenance of the existing rural low-density pattern of development.

2. The Board recommended that a sliding scale Floor Area Ratio (FAR) be instituted for the Highway Commercial District to encourage the retention of larger lots on Route 12, reduce the number of driveway access curb cuts and encourage better aesthetics through a comprehensive planning of larger sites.
3. The 1998 Reexamination Report recommended a number of updates to the comprehensive Master Plan based on changes in population and population densities, local and State regulations and planning initiatives and the need to conduct a thorough review of MLUL requirements relating to the requirement for Master Plan goals and objectives. The following recommendations were identified in priority:
  - a. A **list of goals and objectives** combining and revising current general policy objectives for land use, housing, circulation, utilities, community facilities, conservation, recreation and open space, economic development, historic preservation and recycling.
  - b. A Housing Element and Fair Share Plan**
  - c. A **Land Use Plan amendment** indicating the current status of all residential and nonresidential planning as it relates to changes made by the Township Committee to the adopted Route 12/Barbertown Study and subsequent changes to permitted residential densities which are not reflected in any Master Plan amendment.
  - d. A **policy statement** indicating the relationship of Kingwood's Master Plan and development regulations to the master plans of contiguous municipalities (Frenchtown, Alexandria Township, Franklin Township, and Delaware Township), the County Master Plan, the State Development and Redevelopment Plan and the District Solid Waste Management Plan.
  - e. A **Parks, Recreation, and Open Space Plan** identifying existing and potential active and passive recreation sites, needed recreation facilities and potential open space/greenways connections coordinated with information being developed by the Environmental Commission.
4. Another recommendation was to update other Master Plan Elements in the 1972 Master Plan, but not in a priority manner. The Master Plan elements are:
  - a. Utilities,
  - b. Circulation,
  - c. Conservation,
  - d. Economic development,
  - e. Historic preservation, and
  - f. Recycling.

5. The Periodic Reexamination report identified the following recommendations to the Township Committee. These recommendations specifically address amendments to the Township's Land Development and Zoning Code.
  - a. Amend the Highway Commercial District to include a sliding scale FAR based on the size of the property with an increase in permitted FAR for larger properties.
  - b. Adopt an ordinance to regulate development of steep slopes and limit disturbance of steep slope areas.
  - c. Reexamine the Township's sign regulations in terms of number and size with nonresidential development as well as establishing permitted signs for the Business Park and Professional Office/Residential Districts. Also incorporate the sign recommendations of the Route 12/Barbertown Study.
  - d. Develop a co-location ordinance requiring new personal wireless telecommunication providers to utilize existing towers as well as identifying Township sites, which may be used for future personal wireless telecommunications transmission facilities.
  - e. Amend the zoning ordinance to increase setbacks for principal buildings, or allow some limited encroachment into required principal building setbacks for patios and decks, provided that they are not enclosed.
  - f. Increase rear and side yard setbacks to reduce potential conflicts with adjacent agricultural parcels.
  - g. Investigate/review permitted heights of accessory and principal uses as well as the method of measuring building height.
  - h. Amend the ordinance to require that principal uses be constructed prior to accessory uses.
  - i. Adopt the design standards from the Route 12/Barbertown Study and modify Master Plan and Land Development Ordinance to achieve consistency between the two.
  - j. Amend the required buffer in the Business Park District from 50 feet to 100 feet as recommended in the Board of Adjustment's 1996 Annual Report.
  - k. Define the preferred location of on-site parking in the various nonresidential zones.
  - l. Establish a minimum distance of parking from the right-of-way and lot lines for landscaping, which is required by the ordinance.
  - m. Reduce the minimum required parking stall size to 9 feet by 18 feet for purposes of reducing impervious cover and related stormwater runoff.
  - n. Reduce the number of parking stalls for auto service station use.
  - o. Amend the ordinance to permit driveways or roads through commercially zoned parcels located along the highway frontage to access residential portions of lots especially those, which rely upon such access as the only means to an existing residential use.

- p. Require a stream corridor buffer along all streams where the required width is dependent on the classification of the waterway; and require a stream corridor conservation buffer to prevent disturbance adjacent to these corridors, to reduce potential stream erosion, protect water quality, encourage groundwater recharge and protect natural greenways that are formed by streams.
- q. Amend the site plan checklist requiring nonresidential development applications to provide information on anticipated water consumption and wastewater discharge requirements.
- r. Examine and amend, as needed, the submission requirements for subdivision and site plan applications to ensure that the Board is provided with adequate information in a format conducive for Board review.
- s. Amend the ordinance requirements for escrow fees to establish a fee for conceptual/informal site plan reviews.
- t. Continue to update local ordinances in accordance with the MLUL as it is amended.
- u. Amend the ordinance to authorize shared access or common driveway in conjunction with the development of flag lots.
- v. Investigate Township regulations related to individual well pump tests and results being provided to Board of Health before the issuance of a certificate of occupancy.
- w. Examine the potential of the use of sludge as an agricultural fertilizer and potential regulations governing such use.

**C. 40:55D-89b**      *“The extent to which such problems and objectives have been reduced or have increased subsequent to such date”.*

### Master Plan

The 1998 Reexamination Report recommended a number of updates to the comprehensive Master Plan based on changes in population and population densities, local and State regulations and planning initiatives and the need to conduct a thorough review of MLUL requirements. There were five priority recommendations.

### **Housing Plan Element and Fair Share Plan.**

The Planning Board adopted an amended Housing Element and Fair Share Plan on May 27, 2003 as part of the Master Plan.

The Township filed a petition for Substantive Certification of the Housing Element and Fair Share Plan with the Council on Affordable Housing (COAH) on May 28, 2003. The Township subsequently adopted a development fee ordinance enabling the collection of affordable housing fees from the development of new construction.

On October 6, 2003, COAH released proposed new rules for the third round of affordable housing. COAH conducted several public hearings in November 2003, but has not adopted the rule proposals. Four of the major issues in the proposed rule package were:

1. The rehabilitation share which is the number of substandard units which the municipality is responsible for rehabilitating;
2. The remaining new construction obligation or net prior round obligation, which is the municipality's past obligation from rounds one and two,
3. Growth share or prospective need, which is a portion of municipally determined growth.
4. The Third Round Methodology is for the period 1999 to 2014.

After public comment, the Council on Affordable Housing revised the proposed third round methodology and approved the publication of re-proposed rules governing the content of municipal plans to provide for a fair share of affordable housing. These re-proposed rules were published in the New Jersey Register on August 16, 2004. Comments on the proposal will be accepted for a 60-day period or until October 15, 2004, after which COAH may adopt the rules. The third round rules will become effective once adopted by COAH.

After receiving substantive certification, the Township will be required to address its remaining Round 1 & 2 new construction and rehabilitation obligations. Under the new rules, the Township's obligation will be generated through what COAH is calling a 'growth share' formula, which derives the number of affordable housing units the Township is required to provide based on the amount of residential and non-residential growth that occurs in the Township after January 1, 2004.

The Legislature amended the Fair Housing Act in 2001 establishing a ten-year affordable housing cycle which will permit municipalities and COAH to use decennial census data to determine affordable housing obligations in the State. This amendment has altered the obligation period from six years to ten.

Previous methodologies for municipalities relied on complicated formulas that assigned a fair share number to municipalities. COAH defines 'growth share' as follows:

““Growth share” means the affordable housing obligation generated in each municipality by both residential and non-residential development from 2004 through 2014 and represented by a ratio of one affordable housing unit for every eight market-rate housing units constructed plus one affordable housing unit for every 25 newly created jobs as measured by new or expanded non-residential construction within the municipality . . .”

Therefore, under the growth share methodology, the affordable housing obligation is determined by the municipality based upon its level of residential and non-residential growth – one of every 9 residential units shall be affordable and one affordable unit shall be provided for every 25 jobs generated.

## **Open Space and Recreation Plan**

Another one of the priority recommendations of the 1998 Reexamination Report was to develop an Open Space and Recreation Plan to identify existing and potential active and passive recreation sites, needed recreation facilities and potential open space/greenways connections in coordination with information being developed by the Environmental Commission. The Planning Board developed an Open Space and Recreation Plan (OSRP), which was adopted on August 14, 2000 as an element of the Master Plan.

The Plan identified goals and objectives for recreation, inventoried existing recreational facilities in the Township, conducted a needs analysis, a resource assessment and an action plan. The action plan called for the following:

- Adopt the Open Space and Recreation Plan as an element of the Master Plan.
- Develop a strategy to maximize the dollars available to the Township for open space acquisition.
- Submit an application for a NJDEP Planning Incentive Grant
- Develop and refine a list of high priority properties for preservation.
- Initiate contact with property owners and investigate their future plans and interest in selling the property or conservation easements.
- Initiate purchase discussions with owners of highest priority properties available.
- Coordinate open space preservation efforts with County, State and federal agencies, non-profit organizations and others.
- Publicize open space preservation efforts, accomplishments through publications and mailings.
- Establish strategic partnerships with conservation organizations and non-profit, volunteer organizations to maximize preservation of open space.
- Review, at least biannually, this plan (OSRP), the efforts to implement this plan and any changes in the goal and policies of the Township and amend as needed.

## **Policy Statement - Relationship of Master Plan to Other Plans**

The Open Space and Recreation Plan contains a **policy statement** about the Township's **relationship to the master plans of contiguous municipalities, County and State**. The development of this policy statement responds to a recommendation in the 1998 Periodic Reexamination Report. This statement is normally a freestanding component of the Master Plan, as defined in the Land Use Law, and is frequently updated when the Land

Use Plan is updated and amended. The 1998 Periodic Reexamination Report recommended the development of this policy statement and the OSRP separately, rather than an individual policy statement each time a specific element of the Master Plan is developed. The M.L.U.L. requirement is to indicate “the relationship of the proposed development of the municipality as developed in the master plan to” other plans. Therefore the statement may be separated from the OSRP as a stand alone component of the Master Plan.

### **Comprehensive Master Plan Update**

The 1998 Reexamination Report recommended “update[s] to the comprehensive Master Plan based on . . . State regulations and planning initiatives. . .”. Since the 1998 Periodic Reexamination Report, the Legislature amended the Municipal Land Use Law to authorize the development of a Farmland Preservation Plan as an optional element of the municipal master plan.

In response to this change in the M.L.U.L., the Planning Board developed a Farmland Preservation Plan Element of the Master Plan in conjunction with the Open Space Advisory and an Agricultural Advisory Committee. The Farmland Preservation Plan element (FPP) was adopted on August 14, 2000.

The Plan established farmland preservation goals and objectives, conducted an inventory of farmland preserved through the State easement purchase program, and farms enrolled in the Eight-year program. The FPP Goals and objectives are listed below:

- Preservation of the rural character of Kingwood Township;
- Preservation of the presence and facilitation of the viability of agriculture;
- Provide for maximum flexibility for local property owners so that lands can be preserved through (one of) the program(s) best suited to meet the needs and desires of each individual property owner; and
- Acquire lands or development rights in a manner which is fair to the citizen whose rights are being acquired.

The Farmland Preservation Plan recommends:

- Focusing farmland preservation efforts on the inventory of farmland under farmland assessment and within the County’s Agriculture Development Area.
- Zoning ordinance amendments - regulatory actions are needed to protect agriculture as an industry and way of life in Kingwood;
  - Past efforts include actions taken by the Township to maintain agriculture as an industry. Examples are: The Township’s adoption of a Right to Farm” Ordinance;
  - Recent Planning Board efforts include work on a zoning ordinance amendment to permit farm markets as an accessory use and allow the sale of limited quantities of items not produced on the farm as a means of enhancing the economic viability of such enterprises.

- Ongoing efforts recommended include development of new ordinances and continually reviewing ordinances to find ways to preserve agriculture as a viable business;
- Specific ordinance amendments may include allowing the breeding of livestock, promoting agri-tourism and considering an ordinance change that would have the Planning Board addressing farm markets as an accessory use.

○

Leveraging - The leveraging of funds includes the use of the local open space and farmland trust fund as matching funds for County and State funding programs, the State Farmland Planning Incentive Grant (PIG) program, and as incentives for outright easement donations from landowners. The local open space and farmland trust fund may also be used as the down payment and debt service for bonding to further leverage taxpayer investments with State and county funding. This technique has gained popularity due to the potential long-term cost savings associated with increases in land values, which would make easement purchase more expensive, and to avoid the conversion of farmland to development and non-farm use, which typically results in a greater permanent taxpayer subsidy of development costs related to the ongoing delivery of municipal services that are generated by development.

### **Land Development Ordinance**

The 1998 Periodic Reexamination Report made numerous recommendations for the Township Committee to amend the Land Development Ordinance.

Steep slope ordinance regulations:

One significant ordinance amendment was adopted by the governing body in July 1999, which establishes regulations for the development of land with steep slope characteristics. This was included with ordinance amendments requiring stormwater management plans and updating the site plan and subdivision submission checklist.

Sign regulations:

Another Periodic Reexamination Report recommendation was to adopt sign regulations. The ordinance addressed the Planning Board's recommendation that the Township Committee reexamine sign regulations for the number and size of signs permitted for nonresidential development. In 2003 there was another amendment, which permits businesses to temporarily advertise their business after occupancy, but prior to Planning Board review.

Personal cellular telecommunications facilities regulations:

In 2000, the Township Committee adopted an ordinance amending the development regulations for telecommunications towers and antennae requiring co-location of antennas on towers and monopoles.

Since 1998, there has been a number of ordinance amendments adopted pertaining to zoning and site plans and subdivision regulations. They were:

Ordinance Number	Description/Intent
10-1-99	Amended fees and escrow accounts
10-9-99	Restricting the parking, use and storage of trailers, cargo containers and other devices
10-18-99	Modified the storage of inoperable vehicles and the definition of Class III minor subdivisions.
11-3-2000	Amended the check list for conditional use site plans.
11-7-2000	Provides for farm markets as a permitted accessory use for agricultural and horticultural operations.
11-4-2001	Amends Agricultural & Single-family District to add ECHO housing as a conditional use

### Environmental Resource Inventory

Kingwood Township retained the services of an environmental consultant to develop an Environmental Resource Inventory (ERI), with the advice and assistance of Kingwood's Environmental Commission. The ERI includes an inventory of Kingwood's natural resources and identifies the Township's physical and environmentally sensitive characteristics and biotic communities and discusses the human influence on the environment. The ERI employs the latest computerized data mapping techniques (Geographic Information Systems, or GIS) to aid the reader in visualizing the location, distribution and inter-relationships of the Township's environmental resources. This State of the art ERI will be a useful planning tool for the Planning Board in their review subdivision and site plan applications, and ongoing planning activities.

ERI data sources include the latest GIS data from the New Jersey Department of Environmental Protection GIS Data Web Site and the Hunterdon County Planning Board.

The ERI is a useful reference and planning tool for the Planning Board, Board of Adjustment and Environmental Commission. The ERI will be useful for the Township's review agencies with site plan and subdivision development decision-making on a specific tract or parcel of land.

The ERI's baseline environmental resource and constraint data can also be a useful educational document for Kingwoods residents. Even when subdivision is not an issue, the ERI can be used to assist residents in better appreciating and maintaining the Township's valuable natural resources. The information provided in the ERI will be useful assisting landowners in understanding the natural systems taking place on their property and potential impacts of land use practices on the environment, thereby enabling resource-sensitive land use and preservation decisions.

The ERI may be used to the Township identify areas of specific environmental concern, which may require protection strategies, research or monitoring. The ERI can also be used by the Township for public outreach and education, and to identify opportunities for habitat restoration or volunteer projects to protect natural systems, and identify resources appropriate for protection through easement.

For the Planning Board, the ERI is a valuable resource for development of a Conservation Plan element to the Master Plan and when preparing or revising ordinances. For the Environmental Commission, the ERI will facilitate review and comment on development applications. For the Township Committee, the ERI will assist in prioritizing farmland and open space preservation and recreation acquisition and development capital decision-making.

### State Development and Redevelopment Plan

In 1998, the Township participated in the State Development and Redevelopment Plan SDRP second round of Cross Acceptance through the Hunterdon County Planning Board. Cross Acceptance is the process through which the Township's Master Plan is compared to SDRP planning designations for the Township.

In Hunterdon County, the Cross Acceptance process is led by Hunterdon County Planning Board which is responsible for transmitting a municipal report to the State Planning Commission. The County report was filed with the State Planning Commission in 1998, which included Township comments on the State Plan. The Township sought a State Plan Policy Map amendment to refine the Rural Planning Area designation of the Lockatong and Wickecheoke watersheds to include the Environmentally Sensitive designation (Planning Area 4-Rural Planning Area to PA4B-Rural Environmentally Sensitive Planning Area. The Township proposed the Planning Area change for consistency with the Lockatong and Wickecheoke Watershed management initiatives, which include water quality monitoring data collection and eventually the development of a watershed management plan. The SDRP amendment was also supported by Delaware and Franklin Townships.

On March 1, 2001 the State Development and Redevelopment Plan was readopted, including an amended State Plan Policy Map as requested by the three Townships and Hunterdon County.

On April 28, 2004 the State Planning Commission released the new preliminary State Development and Redevelopment Plan for the current (third) round of cross-acceptance. At the time this Periodic Reexamination Report (2004) is being prepared by the Planning Board, the third round SDRP cross-acceptance process is underway.

### Residential Site Improvement Standards

On January 6, 1997 the Commissioner of the Department of Community Affairs adopted the Residential Site Improvement Standards (RSIS). The purpose of the RSIS is to reduce the multiplicity of standards for residential subdivisions and site plans improvements, which, prior to the adoption of RSIS existed throughout the State. Additionally, RSIS was adopted to eliminate unnecessary development costs for housing where there are no commensurate benefits to the protection of public health and safety. The RSIS have been amended several times since initially adopted (last amended December 16, 2002). Amendments address streets and parking, water supply, sanitary sewer and stormwater management.

§13-8.405 of the Kingwood Code requires compliance with RSIS stormwater management regulations, which as of February 2, 2004 are required if a municipality has not adopted Municipal Stormwater Regulations, and §13-8.6 Road, Intersection, Sight Triangle, Curb, Sidewalk and Driveway Standards recognizes RSIS for Streets and Parking. It should be noted that RSIS for Streets and Parking addresses intersection, curb, sidewalk and driveway standards for residential development only

***C. 40:55D-89c*** “*The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.*”

### Demographics

Kingwood Township’ population in 2000 was 3,782 with 3,415 persons residing in family households. There were a total of 1,345 households reported in the 2000 Census with 537 households including children less than 18 years of age. In 2000, individuals living in the same house over 5 years numbered 2,723 persons, which comprised 72% of the Township’s population. 90% (957) of new residents located to Kingwood from within Hunterdon County. Of the 2,004 persons comprising the Township’s workforce, 61% worked in Hunterdon County. Median Income was \$71,551 in 2000, and increase of 43% from 1990.

In 1990 Kingwood reported a total population of 3,325 persons residing within a total of 1,171 households. Of those 1,171 households, 482 households had children less than 18 years of age. Individuals living in the same house since 1985 made up 60% of the population. Of the 1,756 persons comprising the Township’s 1990 workforce, 74% worked in Hunterdon County. Median Income in 1990 was \$49,954.

The following table provides a comparison of selected 1990 and 2000 Census data:

Comparison of Selected 1990 & 2000 Census Data

Description	1990	2000	Percentage of Change
Population	3,325	3,782	13.7%
# of Households	1,171	1,345	14.8%
Households with Children -	482	537	11.4%
Residency over 5 years	1,995	2,723	36.4%
Workforce	1,756	2,004	14.1%
Median Income	\$49,954	\$71,551	43.2%

Since 2000, Kingwood has experienced continued growth as demonstrated in building permits issued. Through June of 2004, 88 building permits have been issued for single-family homes at a value of \$12,335,710 or an average of \$140,178 per unit. It should be noted that the number of households with children increased by a total of 55 households between 1990 and 2000, or 14.8%. During the past four years (2000 – 2004) building permits outpaced the prior 10 years by 62%.

The US Census Bureau estimates that the Township’s population in 2003 was 3,982. This reflects in an increase of 5.3% in three years. The Hunterdon County Planning Board has prepared population projections as part of its Smart Growth Management Plan. The County’s projection for Kingwood in April of 2004 is 4,893 in 2020 for an increase of 29% for the 20-year period 2000 to 2020.

Cross-Acceptance III

On April 28, 2004, the State Planning Commission (SPC) released the Preliminary State Development and Redevelopment Plan (PSDRP) for the purpose of updating the State Development and Redevelopment Plan (SDRP). The Hunterdon County Planning Board has assumed the responsibility of coordinating the cross-acceptance process in Hunterdon County for all of its municipalities and to act as the County’s Negotiating Entity with the Office of Smart Growth and the State Planning Commission.

In conducting the cross-acceptance process, the County identified six sub-regions including two to five municipalities in each sub-region. The County’s Negotiating Entity has been conducting meetings since June, convening a meeting of each region at each of the planning sessions to review and comment on maps and forms containing information on each municipality’s planning process and to identify key planning issues. Kingwood Township has been grouped into a planning sub-region including Alexandria, Frenchtown, Holland and Milford.

The County is soliciting information and comments from the Township and other municipalities on future growth and preservation as presented in the municipality’s master plan, reexamination report and zoning ordinance. The County is requesting that

municipalities to identify any changes that the municipality would like to have made to the State Plan Statewide Goals, Strategies and Policies, changes to the description, delineation criteria, intent, policy objectives, and/or implementation strategy of any planning area, any proposed changes to the description or delineation of centers and/or environs, any proposed changes to the delineation of Planning Areas, Critical Environmental Sites (CES) or Historic and Cultural Sites (HCS) on the State Plan map and whether the municipality is interested in petitioning for Plan Endorsement.

Plan Endorsement is a voluntary review process that is designed to assist government agencies at all levels to develop and implement plans that will achieve the goals, policies and strategies of the State Plan. The plan endorsement process establishes a method by which government agencies at all levels may develop capital investment and planning decision-making mechanisms that are consistent with the State Plan and are coordinated with one and the other. The end product of the review is intended to provide sufficient information so that the State Planning Commission, acknowledging the local context, can make a final determination as to the level of State Plan consistency achieved by the petitioner, and the petitioner's commitment to the implementation of the State Plan.

The purpose of the Plan Endorsement process is to reach the following goals by increasing the consistency among municipal, county, regional and State agency plans with each other and with the State Plan, and to facilitate the implementation of these plans.

The goals are to:

1. Encourage municipal, county, regional and state agency plans to be coordinated and support each other to achieve the goals of the State Plan;
2. Encourage municipalities and counties to plan on a regional basis while recognizing the fundamental role of the municipal master plan and development regulations;
3. Consider the entire municipality, including Centers, Cores, Nodes and Environs, within the context of regional systems;
4. Provide an opportunity for all government entities and the public to discuss and resolve common planning issues;
5. Provide a framework to guide and support state investment programs and permitting assistance in the implementation of municipal, county and regional plans that meet statewide objectives; and
6. Learn new planning approaches and techniques from municipal, county and regional governments for dissemination throughout the state and possible incorporation into the State Plan.
  
7. Ensure that petitions for Plan Endorsement are consistent with applicable State land use statutes and regulations.

Hunterdon County Strategic Growth Management Plan

In Hunterdon County the County's Strategic Growth Management Plan is being developed with the intent of being endorsed by the State Planning Commission. It will replace the County's 1986 Growth management Plan. The Strategic Growth Management Plan is being partially funded by the State, and will include many of the items the State Planning Commission requires for Plan Endorsement. The County is eager to have as many municipalities as possible endorse (reach consistency with) the County's Plan and with the County's petition to the State for Plan Endorsement. This is an opportunity for Kingwood to incorporate some of its long range plans into the County and State Plan, which should assist with any State agency approvals and funding that may be needed.

Considering the extensive planning and implementation that the County Planning Board has undertaken over the past several years, municipalities that endorse the County Strategic Growth Management Plan may be required to undertake revisions to their local planning documents (master plan or land development ordinance). To reconcile inconsistencies between local plans and some of the recommendations in the County's Plan. The County Planning Board intends to adopt the Strategic Growth Management Plan in February 2005.

#### Highlands Water Protection and Planning Act

The Governor signed the Highlands Water Protection and Planning Act into law on June 7, 2004. The Act creates the Highlands Water Protection and Planning Council; and dedicates a portion of the realty transfer fee revenue annually for certain State aid purposes in the Highlands Region and the Pinelands area.

The Act delineates the New Jersey Highlands Region into a preservation area, in which development will be strictly regulated and limited, and a planning area, in which development will be permitted but not as strictly controlled. It also establishes the Highlands Water Protection and Planning Council, which is charged with preparing and implementing a regional Highlands master plan, with which municipalities and counties in the preservation area will be required to conform their master plans.

Upon the date of enactment, all major Highlands's development in the preservation area will be required to secure a NJDEP Highlands Preservation Area approval, which will consist of existing environmental land use and water permits as well as additional, statutorily prescribed Highlands land use and water protection requirements. This system will be in effect for nine months, after which NJDEP emergency rules will be implemented until a permanent NJDEP Highlands permitting review program takes effect, incorporating the provisions of the Highlands Preservation Area approval program, and setting strict standards for reviewing major Highland's development in the preservation area.

In formulating the Highlands regional master plan the council will prepare a resource assessment, which will identify natural resources, infrastructure capabilities, transportation availability and opportunities for Transfer of Development Rights as part of the Smart Growth component.

Kingwood Township is not within the Highlands region, but is adjacent to Alexandria Township and is approximately 11 miles or 20 minutes from the municipal building to Interstate 78, and is also part of the preservation area.

There is the strong possibility that Kingwood will experience increased residential development pressure as a result of the passage of the Highlands Act. Growth in the Highlands outpaced the rate of growth statewide by 50% in recent years and the growth that would have otherwise taken place in the Highlands in the absence of the passage of the Act, will have to be accommodated within the region. As a result, the demand for growth in Kingwood is expected to increase.

Highlands Planning Council coordination with the County is likely to identify Piedmont municipalities, such as Kingwood, as targets for increased development. While these potential growth impacts cannot be quantified at the present time, Hunterdon County has already determined that revised municipal growth projections will be prepared, taking into account a redistribution of projected regional growth in light of Highlands's development restrictions. Kingwood should make sure that the County account for Highlands's growth redistribution in new population and employment projections to be included in the February 2005 release of its Growth Management Plan. The Township should reevaluate the degree it is prepared to accommodate growth at an accelerated pace, which may result from the elimination of growth opportunities in the Highlands.

#### Transfer of Development Rights

Since the adoption of the last Reexamination Report in 1998 a significant piece of planning legislation was enacted early in 2004 which permits municipalities to implement a local or regional Transfer of development Rights program. The Transfer of Development Rights (TDR) is a planning and zoning tool that can assist in preserving farmland, open space and natural resources. Market forces for development often threaten the natural resources that a community wishes to protect. TDR is a system for increasing permitted development in appropriate locations (receiving areas), but requiring the preservation of municipally selected areas (sending areas) in order to permit development in designated areas.

Traditional approaches to preservation have been twofold: (1) the public purchase of the threatened property; and (2) implementation of zoning restrictions on development. TDR programs offer a third option by allowing the owner of the threatened property to sell the development rights to another property owner through the private real estate market. TDR is not the same thing as cluster development. Both TDR and cluster development involve the shifting of development rights. Cluster development involves the reorganization of development yield *on the same property*, whereas TDR involves the transfer of rights *from one property to another*.

First, to enact a TDR ordinance there are several statutory requirements that must be fulfilled prior to the enactment of an ordinance. Petition for Plan endorsement must be submitted to State Planning Commission (or amendment to a previously approved petition for plan endorsement must be in place). Next, there are several planning studies that must be undertaken. The Planning Board must adopt a Development Transfer Element, Capital Improvement Program for the Receiving Zone and a Utility Service Plan Element in the local Master Plan. At the same time a Real Estate Market Analysis must be prepared and County Planning Board approval must be obtained.

In light of the Township proximity to the Highlands where this planning mechanism will be instituted on a regional basis, the Planning Board should analyze the potential benefits of a municipal TDR program, which may help control the pace of development and ensure that growth occurs in the Township, only where it can be accommodated by regional infrastructure, such as State Highway 12. A municipal TDR program may assist with growth management as well as a meaningful land preservation program as opposed to the commonly perceived negative costs and administrative requirements of TDR.

#### Stormwater Management Rules and Category 1 Waters

Two sets of new stormwater rules were signed by Commissioner Campbell on January 6, 2004 and were published in the February 2, 2004 issue of *the New Jersey Register*. Together the two sets of rules establish a comprehensive framework for addressing water quality impacts associated with existing and future stormwater discharges.

The first set of rules is the Phase II New Jersey Pollutant Discharge Elimination System Stormwater Regulation Program Rules (N.J.A.C. 7:14A). These Rules are intended to address and reduce pollutants associated with existing stormwater runoff. The Rules establish a regulatory program for existing stormwater discharges as required under the Federal Clean Water Act. Under this program, permits must be secured by municipalities, certain public complexes such as universities and hospitals, and State, interstate and federal agencies that operate or maintain highways. The permit program establishes the Statewide Basic Requirements that must be implemented to reduce nonpoint source pollutant loads. The Statewide Basic Requirements include measures such as: the adoption of ordinances (litter control, pet waste, wildlife feeding, proper waste disposal, etc.); the development of a municipal stormwater management plan and implementing ordinance(s); requiring certain maintenance activities (such as street sweeping and catch basin cleaning); implementing solids and floatables control; locating discharge points and stenciling catch basins; and a public education component.

The second set of regulations is known as the Stormwater Management Rules (N.J.A.C. 7:8). These Rules set forth the required components of regional and municipal stormwater management plans, and establish the stormwater management design and performance standards for new (proposed) development. The design and performance standards for new development include groundwater recharge, runoff quantity controls, runoff quality controls and Category One buffers.

As a Tier B municipality, the Township is required to concentrate on new development and redevelopment projects and public education. The minimum requirements for the Township are to adopt a Stormwater Management (SWM) Plan, adopt and implement stormwater control ordinance, ensure compliance with Residential Site Improvement Standards for stormwater management, ensure adequate long-term operation and maintenance of Best Management Practices (BMP), new storm drain inlets must meet the design standards specified in an attachment of the permit, copy and distribute educational brochure provided by the Department annually to residents and businesses, and conduct a yearly educational “event” and label all municipal storm drain inlets that are next to sidewalks, or within plazas, parking areas or maintenance yards. Municipalities are also required to coordinate efforts with watershed groups and volunteer organizations.

In implementing the rules, the Planning Board is required to adopt a Stormwater Management Plan and to recommend a Stormwater Control Ordinance to the Township Committee. The Stormwater Management Plan describes the municipality’s stormwater program, including details on the implementation of required statewide basic requirements. The ordinance(s) will control stormwater from nonresidential development and redevelopment projects. The Board must use the Residential Site Improvement Standards (RSIS) for stormwater management for residential projects. The ordinance also must address control aspects of residential development and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards; and special area standards approved by the Site Improvement Advisory Board for residential development or redevelopment projects under N.J.A.C. 5:21-3.5 or special area standards which could be redevelopment areas, special improvement districts, historic districts, designated centers and rural preservation areas, such as agriculture development areas (ADA).

Because Kingwood encompasses a Category One (C-1) stream and a number that are nominated for C-1 status, the rules emphasize the use of non-structural stormwater management techniques including minimizing disturbance, minimizing impervious surfaces, minimizing the use of stormwater pipes and preserving natural drainage features. The rules also set forth requirements for groundwater recharge, stormwater runoff quantity control, stormwater runoff quality control and a buffer adjacent to Category One waters and their immediate tributaries. The Category 1 waters in Kingwood include the entire length of the Warford Creek. Two additional waterways partially included within Kingwood were nominated for C-1 status in 2003. Based on the DEP’s review of existing scientific literature, DEP determined that a 300-foot buffer is necessary to prevent water quality degradation and to protect the attributes for which Category One waters have been designated. Therefore all developments adjacent to C-1 surface waters must provide the required buffer when proposed development will result in the disturbance of an acre or more of land or impervious coverage of a quarter of an acre or more.

#### Master Plan Revisions

In developing the Reexamination Report, the Planning Board reviewed its Master Plan in the context of the Municipal Land Use Law requirements for a Master Plan, as well as the extent to which the Master Plan conforms to the Fair Housing Act and the Solid Waste Management Act as well as its eligibility for State financial assistance.

Article 3 of the Municipal Land Use Law addresses the municipal Master Plan. N.J.S.A. 40:55D-28 b states, "The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2):

- (1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;
- (2) A land use plan element (a) taking into account and stating its relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (12) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands; (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance; and (c) showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983," P.L. 1983, c.260 (C.6:1- 80 et seq.); and (d) including a statement of the standards of population density and development intensity recommended for the municipality;"

In 1985 N.J.S.A. 40:55D-b (3) was amended to read that "(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;" This section was amended with the enactment of the Fair Housing Act.

Under N.J.S.A. 40:55D-28d the MLUL requires "d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L. 1985, c.398 (C. 52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L. 1970, c.39 (C. 13:1E-1 et seq.) of the county in which the municipality is located".

With a comprehensive Master Plan adopted in 1973, the Planning Board has determined that updates to the Master Plan should be conducted incrementally to address these

requirements. The Planning Board in 1988 adopted a series of five goals and a land use plan element, which was amended in 1993 with the inclusion of changes to Route 12 and Barbertown area.

In 1987 the Township adopted a housing element, which was amended in 2003. This amendment also included a Fair Share Plan, which was adopted and submitted to the Council on Affordable Housing for substantive certification. COAH has not acted on the Township's petition for substantive certification as of September 2004.

In terms of pursuing funding from State agencies the Green Acres Program seeks an Open Space and Recreation Plan from municipalities or counties to participate in the Green Acres Planning Incentive (PI) funding category. The PI category awards 50% matching grants to local governments to preserve lands identified in its OSRP. In 2000 the Township adopted an Open Space and Recreation Plan.

The Department of Agriculture's State Agriculture Development Committee (SADC) administers the Planning Incentive Grant (PIG) Program. Through the PIG Program, the SADC aims to provide grants to municipalities or counties for the purchase of development easements to permanently protect large blocks of reasonably contiguous farmland in identified agricultural areas. One of the requirements for receiving funding through this program is for the municipal application to include a Farmland Preservation Plan element of the master plan. In response the Township adopted a Farmland Preservation Plan Element in 2000.

In reviewing these activities and the specific requirements of the M.L.U.L. for a Master Plan, the 1998 Periodic Reexamination Report recommended the preparation of a list of goals and objectives consolidating and updating general policy objectives for land use, housing, circulation, utilities, community facilities, conservation, recreation and open space, economic development, historic preservation and recycling. The goals and objectives were included with the Open Space and Recreation Plan and Farmland Preservation Plan by incorporating it with the Plan goals. This is usually a freestanding component of the Master Plans and is sometimes associated with the land use element.

The 1998 Periodic Reexamination Report identified the need for the Planning Board to prepare a specific policy statement indicating the relationship of the Township Master Plan with the master plans of Frenchtown, Alexandria Township, Franklin Township and Delaware Township along with Hunterdon County's Strategic Growth Management Plan, the Hunterdon County Solid Waste Management Plan and the State Development and Redevelopment Plan. The Board addressed this recommendation in the Open Space and Recreation Plan and Farmland Preservation Plan. This is usually a freestanding component of the Master Plan and is normally updated when the Land Use Plan element is updated or amended.

The 1998 Periodic Reexamination Report noted that many of the optional elements of the Master Plan, which were last adopted in 1972, should be updated. These include the Community Facilities and Service Element and Circulation Element. In addition to meet

the requirements of the Solid Waste Management Act a Recycling Plan Element should be prepared.

During development of the 2004 Periodic Reexamination Report, the Planning Board discussed infrastructure issues. It was determined that a review of Utilities Plan element should be undertaken to reexamine wastewater management areas and potable water issues in the Township.

### Land Development Ordinance

With regard to the Township's Land Development Ordinances, the Planning Board has identified a number of zoning, development and design regulations that should be investigated and potentially incorporated in to the LDO. These include:

1. Incentives for larger lot / land preservation zoning;
2. Stream buffer ordinance;
3. Bulk standards for 4 acre zone;
4. Average front yard setbacks requirements;
5. Wetlands identification on subdivision plans;
6. Techniques for increasing minimum required lot size in light of the Fair Haven and Atlantic Highlands decisions, which nullified the Manalapan decision relating to the calculation of density based upon environmental resource constraints;
7. Corner lot front yard setbacks;
8. Signs regulations related to political advertising and for non-agricultural activities and farm market signs; and
9. Setback requirements for accessory uses.

In addition the Planning Board finds that there are several recommendations from the 1998 Periodic Reexamination Report, which are still worthy of reconsideration by the Planning Board. These include the following:

1. Amend the Highway Commercial District to include a sliding scale FAR similar to that permitted in the Business Park District.
2. Examine the required rear and side yard setback requirements in regard to the addition of decks.
3. Increase buffer requirement to 100 feet in the Business Park District.
4. Define the preferred location of on-site parking for nonresidential uses, and discourage and/or limit parking in front yard areas to a maximum 20%; when parking is provided in front yard, require enhanced landscaping to screen parking lots and vehicles parked in the front yard from view.
5. Establish the minimum distance of parking to right-of-way and lot lines.
6. Permit access for deep lots that are in two zones (commercial and residential) along Route 12 in all non-residential districts except the VR & VC zones.
7. Establish an escrow account ordinance provision for conceptual or informal development reviews with the Planning Board.

***40:55D-89d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.***

After review of the Master Plan, land development ordinances, and a series of background papers on a series of planning issues in preparation of the 2004 Periodic Reexamination Report, the Planning Board has identified the following recommendations.

Master Plan

1. The Planning Board should organize one set of goals and objectives for each Master Plan element and incorporate them into a master list of goals and objectives statement for the Master Plan.
  
2. The Planning Board should prepare a Land Use Plan amendment for incentives to create larger lots and conserve environmentally sensitive land features, including one or more of the following zoning techniques:
  - a. Rural Estate Minor Subdivision Option – the Planning Board should prepare and the Township Committee should adopt a Minor Subdivision Rural Estate Residence ordinance amendment. This land development option would authorize 10 acre subdivisions with limited submission requirements and under certain conditions, such as but not limited to:
    - i. No natural resource mapping or site capacity calculations,
    - ii. Allow frontage access on a common driveway,
    - iii. Deed restriction prohibiting further subdivision; and
    - iv. Minimum of two off-street parking spaces per unit.
    - v. Appropriate limitations as the Board may require
  - b. Well ordinance incentive – Based on Township’s groundwater capacity report as it relates to underlying geology consider an incentive such as a waiver from well ordinance requirement if lots larger than the minimum lot size are proposed at the time of subdivision. In conjunction with this recommendation, identify a conservative lot size standard that will ensure that adequate groundwater supplies are protected when this subdivision option is utilized.
  - c. Examine the recent Fair Haven & Atlantic Highlands court decision, which nullified the Manalapan decision relating to the calculation of density and determine whether a major subdivision density adjustment zoning technique should be incorporated into the Land Development Ordinance to adequately protect environmentally sensitive land features such as, but not limited to steep slopes, bodies of water, areas of floodplains, wetlands, stream corridors, wetlands, wetland transition areas, area of 300’ buffer to Category 1 Waters, open space and conservation easements, etc;

- c. Examine a minimum improvable lot area standard to identify the minimum development area on a parcel of land that is unencumbered by environmental constraints;
  - d. Examine a minimum lot circle standard to identify a minimum area circle for major subdivisions, which must fit inside of all proposed lot lines to be created through subdivision, to ensure that lots created are not irregularly shaped.
2. Following substantive certification of the Housing Element and Fair Share Plan by COAH, update the Housing element using 2000 Census information, and addressing the requirements of proposed N.J.A.C. 5:94-1 et seq. and N.J.A.C. 5:95-1 (new rules) for the Third Round.
3. Prepare a Policy Statement as required by N.J.S.A. 40:55D-28d of the MLUL, indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L. 1985, c.398 (C. 52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L. 1970, c.39 (C. 13:1E-1 et seq.) of the county in which the municipality is located".
4. The Township has instituted a municipal recycling program, which offers drop-off of recyclables at the municipal garage on Kingwood Station Road on the 2<sup>nd</sup> Saturday of each month. The municipal recycling program supplements optional curbside recycling pick-up that is available from residential solid waste haulers, to make sure that all residents have the opportunity to recycle their recyclables. This program responds to State law recycling requirements, however this has not been formally adopted as a master Plan element as required under the Municipal Land Use Law. The Planning Board should prepare a Recycling Plan Element as required by the Solid Waste Management Act", P.L. 1970, c.39 (C. 13:1E-1 et seq.).
5. Update the Circulation and Community Facilities Plan elements of the Master Plan.
6. With the completion of an Environmental Resource Inventory in 2004, the Planning Board should review the provisions of a Conservation Plan element of the Master Plan in accordance with the M.L.U.L., and consider preparing a Conservation Plan and an updated Land Use Plan taking into consideration the utility of the Environmental Resource Inventory .
7. The ERI also included an inventory of historic sites. The Planning Board should prepare and adopt a Historic Preservation Plan Element in accordance with the M.L.U.L. requirements.

8. There have been a number of changes in regulations, State law, regional and State planning initiatives, and local assumptions forming the basis of the master plan and development regulations since adoption of the last Land Use Plan element that suggest the need for an updated Land Use Plan, including:
- State Development and Redevelopment Plan Cross Acceptance III;
  - Hunterdon County Strategic Growth Management Plan;
  - Highlands Water Protection and Planning Act;
  - Transfer of Development Rights legislation;
  - Stormwater management rules and the requirement that each municipality develop its own stormwater management plan;
  - Third Round COAH rules publication and anticipated adoption in 2004;
  - Demographics/growth – increased pace of development within the Township and a shift of development opportunities within the region as a result of new State regulations which include (1) the designation of C-1 streams in Kingwood Township with required 300’ setbacks from these water courses, (2) new State stormwater management regulations, and (3) new COAH rules and methodology soon to be adopted. Because of these developments, the Planning Board should update the Land Use Plan element of the Master Plan.

In addition to changes in the State and County regulatory and planning environment, this report identifies numerous recommendations, some of which are carried forward from the 1998 Reexamination Report. As recommended in the 1998 Reexamination Report, this report recommends that the Planning Board update the Land Use Plan element of the Master Plan. As a result of the significant regulatory and policy changes that have occurred at the regional, county and State levels, it is recommended that the Planning Board prepare an updated statement of goals and objectives, and other Master Plan elements to bring the Master Plan up-to-date with current conditions. In addition, this Reexamination Report recommends that the Master Plan be compiled and organized as a single bound document for ease of use and reference in the future.

9. With the adoption of the new stormwater rules the Planning Board is required to adopt a Stormwater Management Plan and to recommend a Stormwater Control Ordinance to the Township Committee
10. The Planning Board should to reexamine identified wastewater management areas and potable water issues in the Township.

#### Land Development Ordinance

The Planning Board has identified the following recommended changes and modifications to the Land Development Ordinance and actions to support the implementation of the Township’s Master Plan. They are:

1. Based on the recommendations of the ERI the Township Committee should adopt a stream buffer ordinance.
2. The bulk standards for AR-2 zone are for 4-acre lots. Due to the large number of lots in this zone that have been developed under prior bulk standards, the Planning Board recommends that the Township Committee adopt grandfather provisions for these under sized lots. The grandfather provision should identify appropriate bulk standards for maximum building coverage, lot width, depth and yard requirements. This will permit additions to and/or reconstruction of legally existing dwellings in accordance with appropriate bulk standards and at the same time minimize the need for Zoning Board of Adjustment relief for alterations to existing dwellings that were built in accordance with prior zoning standards.
3. The Planning Board recommends that the Township Committee adopt an ordinance amendment establishing an average front yard setback standard based upon existing / adjacent development along existing roads. This is recommended to minimize the evolving condition of a piecemeal and staggered setback pattern of development resulting from the introduction of new development, built to current standards, adjacent to existing development that is situated in close proximity to existing roads. This will help bring uniformity to front yard setbacks and also serve to reduce the undesirable condition of the front yard of a new dwelling being located rearward of the rear of existing dwellings.
4. The Planning Board identified an issue associated with SFUs resulting from minor subdivisions encountering problems with the siting of septic systems. Therefore the Board recommends that the Township Committee amend the Land Development Ordinance to require that the Board of Health certify suitability of the proposed location of septic systems at the time a proposed subdivision plan is submitted to the Planning Board.
5. Based on the recent Atlantic Highlands and Fair Haven Decisions (Reversal of Manalapan decision) the Planning Board recommends an investigation into whether the Land Development ordinance should be amended to provide a partial credit for constrained land, reduce development of critical resource areas and increase the required lot size to avoid such areas at the time of subdivision.
6. The Planning Board recommends that the Township committee adopt an amendment to the Land Development ordinance that requires all accessory structures to be setback rearward of the principal structure.
7. The Planning Board recommends that the Township Committee amend the sign provisions of the Land Development Ordinance for the following:
  - a. Review and amend existing ordinances for political advertising signs, specifically as regulations relate to (1) the permit process for posting such signs, (2) identifying regulations for placement of signs before and removal after political event, and (3) number of signs permitted on a single property.
  - b. Establish sign requirements for non-agricultural activities

- c. Establish a permit/review approval process for signs of non-residential uses in residential zones, and for placement of property identification signs.
  - d. Establish requirements for Farm market signs in terms of advertising non-farm agricultural uses.
  - e. Establish a limit on the number and size of signs permitted in conjunction with nonresidential development.
  - f. Establish permitted signage also needs to be established for the BP and the PO/R zones.
  - g. Adopt the Route 12/Barbertown Study sign design recommendations.
8. As a result of increases to ordinance amendments that increased minimum lot size and bulk requirements, a large number of preexisting developed lots in the Township have been made non-conforming. An ordinance amendment is needed to permit preexisting developed dwellings on undersized lots to be expanded, enlarged, extended, or added onto within bulk standards tailored to classes of lot sizes, or in accordance with the setbacks that applied immediately prior to the adoption of changes in lot area and bulk requirements. This will serve to reduce the need for setback variance relief for lawfully existing structures that previously conformed to setback requirements, but have been made nonconforming due to changes in the ordinance. In addition, the amendment should permit the expansion of a non-conforming structure, provided that the expansion does not further extend the nonconforming condition, such as a non-conforming setback condition.
  9. Changes in State environmental regulations such as increased wetland and state open waters transition area requirements for C-1 (Category 1 waters) have resulted in the need for increasing minimum lot size provisions in the Class III subdivision option in the ordinance. The Planning Board should reevaluate the required minimum lot size requirement for the interior lots (not fronting on an existing street) in a Class III subdivision and consider increasing the current minimum lot size requirement of four acres to a minimum lot size of six or seven acres. This recommendation is designed to encourage the design of minor subdivisions that will inherently account for and comply with new regulations, with which major subdivisions must comply.
  10. There is a continuing concern regarding the groundwater yield of new wells and the potential effect a new well may have on neighboring wells serving existing residences in certain portions of the Township. Individual well groundwater yield data recently gathered suggests that certain areas of Township may have severely limited capacity for groundwater yield and may not be able to support development at currently permitted densities. The Planning Board should conduct investigations into this situation, including the collection of data to determine whether certain areas of the Township should be designated "Critical Groundwater Resource Areas", where either permitted densities could be reduced, and/or within which well testing could be required to determine whether the well for a new home or other permitted use will produce sufficient yield and will not

negatively impact the production of existing wells. The Planning Board and Township Committee should make this a high priority.

11. The Township has established a building permit application review procedure requiring an applicant to document the presence/absence of surface watercourses and wetlands within 300' of proposed disturbance prior to the issuance of a building permit. In response to new State regulations requiring 300' buffers to surface watercourses and wetlands, the subdivision/site plan checklist should be revised to require applicants to show all surface watercourses and wetlands within 300' of a subject parcel because of this change.
12. In anticipation of COAH's adoption of third round affordable housing methodology and municipal obligations, the Planning Board and Township Committee should jointly assess the feasibility of constructing age-restricted housing in Baptistown, either in connection with mixed-use nonresidential development or as single-use attached residential housing. The Planning Board and Township Committee should also assess the feasibility of permitting limited non-age restricted townhouse development (i.e. total of 10 two bedroom units) to provide an additional affordable housing resource, which will respond to local demand for this type of housing that is not currently provided through the local housing market.
13. The Planning Board should prepare, and the Township Committee should adopt an ordinance amendment requiring that a standard condition be attached to all Planning Board and Zoning Board approvals, which requires an applicant to return to the approving regulatory Board to document that all conditions of approval have been fulfilled, prior to final approval in the case of major subdivisions, prior to the issuance of a certificate of occupancy in the case of minor subdivision, site plan and/or variance approvals. The ordinance amendment should provide the Board with the authority to determine on an individual basis whether a personal appearance or professional sign-off will satisfy this condition. In cases where zoning board variance relief has been granted, a procedure should be established to ensure that the Construction Code Official does not issue a construction permit until the zoning officer certifies that all conditions of a variance(s) have been satisfied.
14. The Planning Board recommends that the Township Committee reconsider the following recommendations from the 1998 Reexamination Report. They are:
  - a. Amend the HC District to include a sliding scale Floor Area Ratio (FAR) similar to that permitted in the Business Park District. Higher FAR's should be permitted for larger sites to encourage the retention of larger sites and minimize small piecemeal development of the zone. The amount of FAR permitted should be defined during ordinance development.
  - b. The Board of Adjustment has experienced many variance requests concerning the addition of decks to the side and rear of homes, which encroach into the minimum side and rear yards. This situation should be

- examined as to the possibility of amending the ordinance to increase required setbacks for principal buildings or to make some limited encroachment permissible for patios or decks into required side and rear yards, provided these encroachments are not enclosed and therefore part of the principal structure. Increased rear and side yard setbacks may also help reduce potential conflicts with adjacent agricultural parcels.
- c. The design standards for development adopted in the Route 12/Barbertown Plan should be fully incorporated into the land development and/or subdivision ordinance. Unless otherwise modified by the Township Committee, there should be substantial consistency between the Master Plan and the Zoning Ordinance.
  - d. The required buffer area separating residential use from nonresidential use should be increased to 100 feet in the Business Park zone to be consistent with the required buffer in the Highway Commercial zone. The Business Park buffer is only 50 feet and, as an industrial zone, this district has the potential for generating greater development intensity and potential conflict with abutting residential uses. Such a change can be accommodated within the context of the larger lot sizes promoted in the district.
  - e. The ordinance should be amended identifying the preferred location of on-site parking in the various nonresidential zones. The location of parking has a significant impact on the visual quality of sites and on strip commercial character. The location of parking may also impact adjacent land uses. For example, parking in the front yard in the PO/R zone is not recommended since a design objective of this zone is to maintain a residentially-scaled appearance and to permit nonresidential development compatible with residential development. A minimum setback distance for parking areas is needed to provide sufficient area to accommodate landscape planting that is currently required by ordinance. There is currently no required setback for parking areas related to the street right-of-way -or property lines.
  - f. Due to the large size and depth of some lots fronting on Route 12 and the desire to keep commercial use located in the area adjacent to the highway, current zoning divides a few lots into a commercial zone along the road and a residential district in the rear. The ordinance should be amended to permit residential driveways and / or roads through commercially zoned parcels that are located along the highway frontage to access residentially zoned portions of these lots to the rear, which do not have alternate access. There are situations along Route 12 where this is the only access available.
  - g. The submission requirements for subdivision and site plan applications should be reviewed and amended as may be determined necessary to ensure that adequate information is being provided and is being provided in a format conducive to review by the Board and Board consultants. For example, the need to identify additional environmental information such as the incidence and location of steep slopes should be evaluated. The

Board has also noted that site plan and subdivision key maps need to be provided on plans submitted for review.

- h. The Board has identified the need to develop an escrow fee ordinance to allow for conceptual / informal review of site plans and subdivisions. Concept review should be strongly encouraged as this would result in better designed developments while reducing potential conflict between developers and the reviewing Board. The Board has also identified a need to review and revise the escrow fees charged for site plan review.

***40:55D-89d. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any in the local development regulations necessary to effectuate the redevelopment plans of the municipality.***

No recommendations.

Adopted as revised on November 9, 2004  
(Resolution memorialized on December 14, 2004)