



2022 Reexamination Report

Township of Delaware
Hunterdon County, New Jersey

December 19, 2022

Prepared for:

Township of Delaware Planning Board

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Adopted by the Planning Board: January 17, 2023

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The project team would like to acknowledge the work of the Delaware Township Planning Board and Environmental Commission for conducting research necessary for the preparation of the content of this report, particularly relating to Chapter IV and the municipal updates in Chapter V.

Project No. DPB-046

The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

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Township of Delaware

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I. Introduction

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55 D-1 et seq. stipulates that each municipality in the State of New Jersey shall reexamine its Master Plan and development regulations at least every ten years. Specifically, N.J.S.A. 40:55D-89 states:

The governing body shall, at least every ten 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 Office of Planning Advocacy and to the County Planning Board. A notice that the report and resolution have been prepared shall be sent to any military facility commander who has registered with the municipality pursuant to section 1 of P.E.2005, c.41 (C.40:55D-12.4) and to the municipal clerk of each adjoining municipality, who may request a copy of the report and resolution on behalf of the military facility or municipality. A reexamination shall be completed at least once every 10 years from the previous reexamination.

This reexamination of the Township of Delaware Master Plan conforms with the requirements of the Municipal Land Use Law and addresses the requirements of N.J.S.A. 40:55D-89 by including the following:

- A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- C. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such plan or regulations as last revised, with particular regard to the density and distribution of population and land resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives.
- D. 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.
- E. 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 seq.) 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.
- F. The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and

transportation corridors, and public rest stops: and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

These requirements are addressed in the sections of this report that follow. This reexamination report considers the 2012 Master Plan Reexamination adopted on September 4, 2012.

II. Township Goals

The last comprehensive Master Plan for the Township of Delaware was completed in 1994. The Plan included elements relating to a variety of planning issues. The goals and objectives of the 1994 Master Plan, as updated through the 2012 Reexamination Report, have been evaluated by the Planning Board to determine if they are still relevant today. The Board has refined and clarified these goals to reflect the current policies and priorities within the Township. These goals will serve to guide future planning and development within the Township of Delaware. *Following are the amended goals from the 2012 Master Plan Reexamination with newly recommended goals, as identified by the Planning Board, for 2022. New goals are underlined.*

Land and Water

1. To preserve sensitive and aesthetic areas in their natural state and to protect natural resources. In particular, to minimize erosion, minimize depletion and prevent contamination of well water, maintain and improve the water quality of streams and identify critical environmental or scenic areas for special preservation efforts.
2. To identify and encourage the preservation of significant woodlands in the Township.
3. To provide for development location and density that respect environmental limitations.
4. To seek appropriate locations for the establishment of greenways linking areas of environmental and recreational importance.
5. To carefully document the natural resources of Delaware Township.
6. To comply with the State's recently amended stormwater requirements governing green infrastructure.

Agriculture

7. To encourage the agricultural diversity needed to provide a viable agricultural economy.
8. To foster farmland preservation.
9. To encourage the incorporation of green infrastructure stormwater management into agricultural practices.
10. To promote partnerships, leasing or other unique collaborations that would maintain the active farming of preserved farmland.
11. To support on-farm direct marketing facilities, activities, and events, in accordance with the Right to Farm.

Housing

12. To provide more varied housing to meet the needs of Township residents that will also encompass climate action elements and framework.
13. To preserve our historic sites and encourage compatibility of new development with the character of the Township.
14. To site new housing to preserve open space, using mechanisms such as hamlets or villages.
15. To encourage housing infill in areas with presently available infrastructure.

Commerce & Industry

16. To provide for retail uses to serve the municipality.
17. To provide suitable light commercial and light industrial uses that are compatible with the character and environment of the Township.
18. To encourage commercial enterprises that will support the agricultural economy of the Township.
19. To encourage commercial enterprises in areas that will support them.

Recreation

20. To encourage the development of municipal recreation facilities that meet the needs of Delaware Township citizens of all ages.
21. To continue the recreational development of the Dilts Farm in a manner that will provide opportunities for the greatest number of residents.
22. To provide for parks and green spaces throughout the Township.

Community

23. To provide for public safety.
24. To encourage facilities for local groups to meet and work together.
25. To encourage community assistance for those having special needs.
26. To promote excellence in the education of Township students.
27. To encourage the availability of continuing education for Township residents.
28. To promote conservation of energy.

Transportation

29. To maintain the rural character of Township roads.

30. To carefully site and design new roads to fit in with the existing road structure where appropriate.
31. To provide, in select and suitable locations, traffic calming mechanisms.
32. To provide, in select and suitable locations, charging stations for electric vehicles.

Solid Waste

33. To protect the aesthetic character of the Township and to encourage swift removal of any accumulated solid waste.
34. To promote recycling.

Regional Planning

35. To implement the policies of the State Plan's Rural and Environmentally Sensitive Planning Areas for the benefit of the Township and surrounding region.
36. To guide future development so as to coordinate with the development and general welfare of neighboring municipalities, the County and the State.
37. To support and participate in regional planning initiatives, including but not limited to watershed- and natural resource-based planning as well as agricultural retention.

III. Problems & Objectives Related to the 2012 Master Plan Reexamination Report

This chapter of the 2022 Master Plan & Development Regulations Reexamination Report examines the major problems and objectives relating to land development in Delaware Township that were included in the last reexamination report. Problems and objectives included in the 2012 Master Plan Reexamination are as follows:

1. **Well Ordinance.** On March 12, 2007 the Township Committee considered and adopted Ordinance #2007-05LU. The existing water supply and water quality requirements were amended and requirements pertaining to testing of wells were added to the ordinance. Additionally, a Notice of Aquifer Test letter and Final Hydrogeologic Report Check List were also adopted, supplementing the Township's code. While the 2007 ordinance addresses issue #1 [*Revise and finalize draft well ordinance*], it must be noted that additional revisions are needed to modify the ordinance to make it pro-agriculture.
2. **Septic Systems Alternatives.** This [*Explore alternative methods of on-site wastewater treatment*] is an ongoing task for the Township. Since the 2006 Master Plan Reexamination Report, no alternative methods have been discovered. Ideas for exploration include peat systems and community wastewater facilities.
3. **Steep Slopes, Stream Corridor and Woodlands Protection.** On October 29, 2007, the Township Committee reviewed and adopted Ordinance #2007-30LU. This ordinance delineates and regulates stream corridors in all zones within the Township. The ordinance defines what a stream corridor is and the permitted uses and activities in said corridors.

Ordinance #2009-07LU amended Ordinance #2007-30LU by excluding preserved property from the requirement that stream corridors be dedicated to the Township by conservation easement.

As for the woodlands protection ordinance and tree removal ordinance, language for these two ordinances has not yet been drafted by the Planning Board or Township Committee. Woodland priority areas, specimen trees and big trees have not been identified either. These issues remain a concern of the Planning Board.

4. **Scenic Resource.** Since the 2006 Reexamination Report the Township has not drafted scenic resource standards. Instead of creating a new ordinance, the Township has been employing farmland and open space preservation to maintain the rural character and scenic beauty of the Township. [Note: 2006 recommendation was to "Develop standards by ordinance for maintaining the character and scenic beauty of the land along the Township's rural roads. Expand open space acquisition efforts to include parcels that contribute to the Township's scenic views. "
5. **Quarry.** The Quarry submitted its comprehensive management and reclamation plan in 2008 to the Township. The Planning Board reviewed the document and it was found to be in

compliance. It should be noted that the Quarry's submission of its comprehensive management and reclamation plan coincides with the Township's Master Plan Reexamination process. Due to the recent change in State regulations, Master Plans are now permitted to conduct their reexamination every ten years. Therefore, after the Quarry's required 2012 submission, the Quarry's next submission will be in 2022, when the Township performs its next reexamination.

6. **Monitoring Conservation Easements.** Since the 2006 Master Plan Reexamination the Township has undertaken steps to inspect and protect conservation easements. The Environmental Commission now conducts annual inspections of conservation easements. The adoption of Ordinance #2007-30LU has addressed the protection of stream corridors through conservation easements and the regulation of activities that can occur within a defined stream corridor.
7. **Greenbelt.** Since the 2006 Master Plan Reexamination report a greenbelt plan has not been developed. This still remains a concern of the Planning Board.
8. **Open Space and Recreation.** The Township has not completed an update of the Open Space Preservation and Recreation Master Plan to date as recommended in the 2006 Master Plan Reexamination report. However, it is still a priority of the Planning Board. While the Recreation Commission recommended the construction of a community center at Dilts Park, the Township has not moved on this issue due to limited financial resources. The construction of a community center is still a goal of the Township, but will not progress forward until funds can be raised or obtained through a grant.
9. **Septic Systems on Undersized Lots.** To date, neither the Planning Board nor Township Committee has drafted language addressing the issue of septic systems on undersized lots. This issue has been noted in the 2005 and 2006 year end Board of Adjustment reports. The recommended zone boundary adjustment between Block 30, Lots 6 and 6.04 has also not occurred. Both of these items remain a concern of the Zoning Board of Adjustment.
10. **Accessory Buildings.** On July 21, 2008, the Township Committee heard and adopted Ordinance #2008-12LU, which amended the maximum size of accessory buildings in the A-1 and A-2 Zone. The ordinance increases the permitted maximum size of an accessory building from 750 to 900 square feet. Furthermore, the side and rear yard setbacks are required to be a minimum of 10 feet for accessory structures that are 500 square feet or smaller and 50 feet for accessory structures that are 500 to 900 square feet. While this ordinance does not provide a sliding scale as recommended in the 2006 Reexamination Report, it does resolve the issue of numerous past variance requests for accessory structures larger than 750 square feet. However, there are still issues with properties containing three or more acres requesting accessory buildings larger than 900 square feet.

While Ordinance #2008-12LU alleviated some of the past variance requests for accessory structures larger than 750 square feet, properties with three or more acres are still requesting accessory structures larger than 900 square feet. Therefore, it is recommended that the

Planning Board examine a sliding scale for accessory structure size and setbacks for lots containing three or more acres.

11. **Circulation, Roads.** This [*Draft language for inclusion in the Land Use Ordinance that includes methods for slowing or "calming" traffic using creative road design and layouts. Work with Hunterdon County to modify County roadway widening and drainage plans for the Township.*] is an ongoing task for the Township. Since the 2006 Master Plan Reexamination report, no language has been drafted and adopted regarding traffic calming on Township roads. Adding this language is a priority of the Planning Board's [*sic*].
12. **Affordable Housing.** Since 2006, the Township has adopted various mechanisms to address this issue [*Identify [sic] and develop creative opportunities to provide low impact affordable housing (i.e. housing that does not depend on the provision of market priced housing.)*]. Via Ordinance #2009-14LU, the Township Committee amended the existing affordable housing development fees. The new ordinance imposes fees on residential structures that renovate or expand their homes. However, the ordinance exempts residential structures demolished and replaced as a result of fire or natural disaster from the development fee. The collection of development fees will allow the Township to fund non-inclusionary projects.

On August 10, 2009, the Township Committee heard and adopted Ordinance #2009-17LU, which created an affordable housing overlay zone within a portion of the A-2 Zone. The new Affordable Housing Overlay Zone encompasses Block 1, Lot 15, which is approximately 26 acres in size, and permits a minimum lot size of 1.75 acres and can contain one to five affordable housing units. The ordinance requires each new lot to be served by a separate septic system and well. This property has the potential to provide at least 12 new affordable housing units without market-rate housing.

A third creative opportunity to produce affordable housing was adopted via Ordinance #2009-20LU, which created an accessory apartment program. The ordinance permits accessory apartments in all zones that permit single-family homes. The minimum lot size is 20,000 square feet. Accessory apartments can be located within an existing home, added to an existing house or located in a detached accessory building. This is another non-inclusionary program that produces no new market-rate housing.

13. **Agri-Business Uses.** Since the 2006 Master Plan Reexamination report, no new agri-business uses have been added to the Land Use Ordinance as permitted uses. Despite this, the retention of the Township's agricultural base is still one of Delaware's top priorities and remains an ongoing concern.
14. **Farmland Preservation Plan.** In 2007 a new farmland preservation plan was adopted. The document was subsequently amended in December of 2011. The document contains information on farmland assessed acres, soils types, crops, livestock and farmer's markets. Chapter 4 of the Comprehensive Farmland Preservation Plan discusses the County's agricultural development areas, farmland preserved to date and farmland preservation program funding. Finally there is a section on economic development, natural resource conservation and agricultural sustainability. The Township's goal is to preserve 500 acres of

land a year for the next ten years. Furthermore, the plan denotes that the Planning Board should broaden the range of permitted accessory uses in conjunction with a farm to add to their income.

15. **Agricultural Accessory Uses.** The Land Use Ordinance should broaden the range of permitted accessory uses in conjunction with a farm so that farmers can develop secondary and tertiary sources of income to help support the farming operation. This was an action item in the Comprehensive Farmland Preservation Plan.

The Planning Board recommends adopting an agricultural management practice for on-farm direct marketing, which would clarify terms in the Right to Farm Act and establish performance-based standards that commercial farms would have to meet to be eligible for right-to-farm protection for retail farm markets and for various agricultural-related educational and farm-based recreational activities and events.

16. **Expansion of Commercial Zoning.** Roughly 127 acres or less than 1% of Delaware Township's land area is zoned for commercial purposes. Commercial uses are permitted only in the C-1, V-1 and V-2 Zones. This means that many residents have to leave the Township for retail and personal services. The Planning Board recommends the establishment of a subcommittee to study the expansion of the C-1 Zone west along both sides of SR-12 to the Township's border with Franklin Township, which would include properties with frontage on SR-12 as well as all properties north of SR-12. This would allow for additional small scale commercial and office space within the Township in an appropriate location, along SR-12 and CR-579, which could handle any additional traffic.
17. **Realign A-1 and A-2 Zones.** The Zoning Map should be amended to realign the A-1 and A-2 boundaries to reflect the underlying hydrogeologic boundaries and furthermore, remove split lot zoning between the A-1 and A-2 Zone.
18. **Septic System Setbacks.** The Zoning Board of Adjustment has recommended an amendment to the Land Use Ordinance to require certain septic systems (i.e. undersized lot, replacement system) to only comply with the State regulations requiring that systems be at least 10 feet from the property line. This was a request in both the 2005 & 2006 Board of Adjustment Year-End Reports.
19. **Zone Boundary Adjustment.** The Zoning Board of Adjustment has recommended that the zone boundary, which separates the A-1 and V-2 zoning districts of the Cane Poultry Farm, be adjusted to reflect the actual locations of buildings and uses, the new boundary should follow the parcel line separating Lot 6 and Lot 6.04, Block 30. This was a request in both the 2005 & 2006 Board of Adjustment Year-End Reports. The Planning Board agrees with this recommendation and will forward it to the Township Committee for review.
20. **Zoning/Sewer Service Boundary.** The Planning Board recommends studying the zoning boundaries within Sergeantsville as compared to the sewer service area to determine if the V-1, V-3 or V-E Zone could be expanded or amended to match the underlying sewer service area.

21. **Minor Subdivision Definition.** Currently, the Township's ordinance defines a minor subdivision as the creation of four new lots with the original lot remaining, for a total of five lots. There has been discussion of changing the definition of minor subdivision to allow for a larger amount of total lots. It is suggested that the Planning Board or a subcommittee study this recommendation and its potential impacts.

IV. Extent That Problems & Objectives Have Changed Since 2012

This chapter of the report looks at the extent to which problems and objectives have been reduced or increased since 2012. The issues listed in Chapter III are summarized below, along with a 2022 status evaluation.

1. **Well Ordinance.** On March 12, 2007 the Township Committee considered and adopted Ordinance #2007-05LU. The existing water supply and water quality requirements were amended and requirements pertaining to testing of wells were added to the ordinance. Additionally, a Notice of Aquifer Test letter and Final Hydrogeologic Report Check List were also adopted, supplementing the Township's code. While the 2007 ordinance addresses issue #1 [*Revise and finalize draft well ordinance*], it must be noted that additional revisions are needed to modify the ordinance to make it pro-agriculture.

2022 Review: This issue continues to remain a concern of the Planning Board.

2. **Septic Systems Alternatives.** This [*Explore alternative methods of on-site wastewater treatment*] is an ongoing task for the Township. Since the 2006 Master Plan Reexamination Report, no alternative methods have been discovered. Ideas for exploration include peat systems and community wastewater facilities.

2022 Review: This continues to remain an ongoing concern of the Planning Board.

3. **Steep Slopes, Stream Corridor and Woodlands Protection.** On October 29, 2007, the Township Committee reviewed and adopted Ordinance #2007-30LU. This ordinance delineates and regulates stream corridors in all zones within the Township. The ordinance defines what a stream corridor is and the permitted uses and activities in said corridors.

Ordinance #2009-07LU amended Ordinance #2007-30LU by excluding preserved property from the requirement that stream corridors be dedicated to the Township by conservation easement.

As for the woodlands protection ordinance and tree removal ordinance, language for these two ordinances has not yet been drafted by the Planning Board or Township Committee. Woodland priority areas, specimen trees and big trees have not been identified either. These issues remain a concern of the Planning Board.

2022 Review: Preparation of a woodlands protection ordinance and a tree removal ordinance have not yet been drafted by the Township. This continues to remain a concern of the Planning Board.

4. **Scenic Resource.** Since the 2006 Reexamination Report the Township has not drafted scenic resource standards. Instead of creating a new ordinance, the Township has been employing farmland and open space preservation to maintain the rural character and scenic beauty of the Township. [Note: 2006 recommendation was to "Develop standards by ordinance for maintaining the character and scenic beauty of the land along the Township's rural roads.

Expand open space acquisition efforts to include parcels that contribute to the Township's scenic views. "

2022 Review: The Township has yet to prepare a scenic resource ordinance. As such, this continues to remain a concern of the Planning Board.

5. **Quarry.** The Quarry submitted its comprehensive management and reclamation plan in 2008 to the Township. The Planning Board reviewed the document and it was found to be in compliance. It should be noted that the Quarry's submission of its comprehensive management and reclamation plan coincides with the Township's Master Plan Reexamination process. Due to the recent change in State regulations, Master Plans are now permitted to conduct their reexamination every ten years. Therefore, after the Quarry's required 2012 submission, the Quarry's next submission will be in 2022, when the Township performs its next reexamination.

2022 Review: The quarry submitted its comprehensive plan earlier this year, which was reviewed by the Planning Board and approved by the Township. The next anticipated submission will occur in 2032.

6. **Monitoring Conservation Easements.** Since the 2006 Master Plan Reexamination the Township has undertaken steps to inspect and protect conservation easements. The Environmental Commission now conducts annual inspections of conservation easements. The adoption of Ordinance #2007-30LU has addressed the protection of stream corridors through conservation easements and the regulation of activities that can occur within a defined stream corridor.

2022 Review: This remains an ongoing concern of the Planning Board. The Township's Environmental Commission has been reaching out to new landowners with easements to provide information on land stewardship. The Environmental Commission is also updating their letter to landowners concerning site inspections, which they anticipate will resume in 2023.

7. **Greenbelt.** Since the 2006 Master Plan Reexamination report a greenbelt plan has not been developed. This still remains a concern of the Planning Board.

2022 Review: While a greenbelt plan has not been developed, the Township has been working to establish linkages between public lands and facilities, such as between the firehouse and the school. Development of a greenbelt plan remains a concern of the Planning Board. It is also recommended that the Township consider an audit of existing sidewalks and bicycle paths, identifying their location and condition, which could be used in a subsequent greenbelt plan or a revised Circulation Element.

8. **Open Space and Recreation.** The Township has not completed an update of the Open Space Preservation and Recreation Master Plan to date as recommended in the 2006 Master Plan Reexamination report. However, it is still a priority of the Planning Board. While the Recreation Commission recommended the construction of a community center at Dilts Park,

the Township has not moved on this issue due to limited financial resources. The construction of a community center is still a goal of the Township, but will not progress forward until funds can be raised or obtained through a grant.

2022 Review: The Township recently updated its Open Space Preservation and Recreation Master Plan, and is anticipated to be submitted to the Township Committee for approval this year. Development of a Community Center, and not necessarily at Dilts Park, continues to remain a goal, however, funding is an issue at this time. Such a community center would provide the Township with a space for indoor recreation, evacuations, and other emergencies and as a public meeting room.

9. **Septic Systems on Undersized Lots.** To date, neither the Planning Board nor Township Committee has drafted language addressing the issue of septic systems on undersized lots. This issue has been noted in the 2005 and 2006 year end Board of Adjustment reports. The recommended zone boundary adjustment between Block 30, Lots 6 and 6.04 has also not occurred. Both of these items remain a concern of the Zoning Board of Adjustment.

2022 Review: The zone boundary adjustment between Lots 6 and 6.04 of Block 30 has been completed. Ordinance language concerning septic systems on undersized lots have yet to be prepared by the Township. It should be noted that any amendments to local regulations cannot be less stringent than the state standard.

10. **Accessory Buildings.** On July 21, 2008, the Township Committee heard and adopted Ordinance #2008-12LU, which amended the maximum size of accessory buildings in the A-1 and A-2 Zone. The ordinance increases the permitted maximum size of an accessory building from 750 to 900 square feet. Furthermore, the side and rear yard setbacks are required to be a minimum of 10 feet for accessory structures that are 500 square feet or smaller and 50 feet for accessory structures that are 500 to 900 square feet. While this ordinance does not provide a sliding scale as recommended in the 2006 Reexamination Report, it does resolve the issue of numerous past variance requests for accessory structures larger than 750 square feet. However, there are still issues with properties containing three or more acres requesting accessory buildings larger than 900 square feet.

2022 Review: The issue of large accessory structures continues to remain an issue. It is a recommendation of the Planning Board that the Township consider design requirements for large accessory structures to complement the character of the surrounding community.

11. **Circulation, Roads.** This *[Draft language for inclusion in the Land Use Ordinance that includes methods for slowing or "calming" traffic using creative road design and layouts. Work with Hunterdon County to modify County roadway widening and drainage plans for the Township.]* is an ongoing task for the Township. Since the 2006 Master Plan Reexamination report, no language has been drafted and adopted regarding traffic calming on Township roads. Adding this language is a priority of the Planning Board's *[sic]*.

2022 Review: This remains a continuing concern of the Planning Board. *Site plan ordinance was adopted which permits the planning board to waive street tangent requirements if it helps encourage traffic calming.*

12. **Affordable Housing.** Since 2006, the Township has adopted various mechanisms to address this issue [*Identify [sic] and develop creative opportunities to provide low impact affordable housing (i.e. housing that does not depend on the provision of market priced housing.)*]. Via Ordinance #2009-14LU, the Township Committee amended the existing affordable housing development fees. The new ordinance imposes fees on residential structures that renovate or expand their homes. However, the ordinance exempts residential structures demolished and replaced as a result of fire or natural disaster from the development fee. The collection of development fees will allow the Township to fund non-inclusionary projects.

On August 10, 2009, the Township Committee heard and adopted Ordinance #2009-17LU, which created an affordable housing overlay zone within a portion of the A-2 Zone. The new Affordable Housing Overlay Zone encompasses Block 1, Lot 15, which is approximately 26 acres in size, and permits a minimum lot size of 1.75 acres and can contain one to five affordable housing units. The ordinance requires each new lot to be served by a separate septic system and well. This property has the potential to provide at least 12 new affordable housing units without market-rate housing.

A third creative opportunity to produce affordable housing was adopted via Ordinance #2009-20LU, which created an accessory apartment program. The ordinance permits accessory apartments in all zones that permit single-family homes. The minimum lot size is 20,000 square feet. Accessory apartments can be located within an existing home, added to an existing house or located in a detached accessory building. This is another non-inclusionary program that produces no new market-rate housing.

2022 Review: This continues to remain a recommendation of the Planning Board.

13. **Agri-Business Uses.** Since the 2006 Master Plan Reexamination report, no new agri-business uses have been added to the Land Use Ordinance as permitted uses. Despite this, the retention of the Township's agricultural base is still one of Delaware's top priorities and remains an ongoing concern.

2022 Review: This continues to remain a recommendation of the Planning Board. It is further recommended that the Township review its land use ordinances to ensure no conflicts exist with right-to-farm regulations.

14. **Farmland Preservation Plan.** In 2007 a new farmland preservation plan was adopted. The document was subsequently amended in December of 2011. The document contains information on farmland assessed acres, soils types, crops, livestock and farmer's markets. Chapter 4 of the Comprehensive Farmland Preservation Plan discusses the County's agricultural development areas, farmland preserved to date and farmland preservation program funding. Finally there is a section on economic development, natural resource conservation and agricultural sustainability. The Township's goal is to preserve 500 acres of

land a year for the next ten years. Furthermore, the plan denotes that the Planning Board should broaden the range of permitted accessory uses in conjunction with a farm to add to their income.

2022 Review: The Township's Farmland Preservation Plan is currently being updated and is anticipated for adoption later this year.

15. **Sliding Scale Accessory Structure Size.** While Ordinance #2008-12LU alleviated some of the past variance requests for accessory structures larger than 750 square feet, properties with three or more acres are still requesting accessory structures larger than 900 square feet. Therefore, it is recommended that the Planning Board examine a sliding scale for accessory structure size and setbacks for lots containing three or more acres.

2022 Review: As noted in #10 above, this continues to remain a recommendation of the Planning Board. The Township should consider both sliding scale requirements for larger accessory structures, as well as potential design requirements.

16. **Agricultural Accessory Uses.** The Land Use Ordinance should broaden the range of permitted accessory uses in conjunction with a farm so that farmers can develop secondary and tertiary sources of income to help support the farming operation. This was an action item in the Comprehensive Farmland Preservation Plan.

The Planning Board recommends adopting an agricultural management practice for on-farm direct marketing, which would clarify terms in the Right to Farm Act and establish performance-based standards that commercial farms would have to meet to be eligible for right-to-farm protection for retail farm markets and for various agricultural-related educational and farm-based recreational activities and events.

2022 Review: As noted in #13 above, this continues to remain a recommendation of the Planning Board. It is further recommended that the Township review its land use ordinances to ensure no conflicts exist with right-to-farm regulations.

17. **Expansion of Commercial Zoning.** Roughly 127 acres or less than 1% of Delaware Township's land area is zoned for commercial purposes. Commercial uses are permitted only in the C-1, V-1 and V-2 Zones. This means that many residents have to leave the Township for retail and personal services. The Planning Board recommends the establishment of a subcommittee to study the expansion of the C-1 Zone west along both sides of SR-12 to the Township's border with Franklin Township, which would include properties with frontage on SR-12 as well as all properties north of SR-12. This would allow for additional small scale commercial and office space within the Township in an appropriate location, along SR-12 and CR-579, which could handle any additional traffic.

2022 Review: This continues to remain a recommendation of the Planning Board.

18. **Realign A-1 and A-2 Zones.** The Zoning Map should be amended to realign the A-1 and A-2 boundaries to reflect the underlying hydrogeologic boundaries and furthermore, remove split lot zoning between the A-1 and A-2 Zone.

2022 Review: This continues to remain a recommendation of the Planning Board.

19. **Septic System Setbacks.** The Zoning Board of Adjustment has recommended an amendment to the Land Use Ordinance to require certain septic systems (i.e. undersized lot, replacement system) to only comply with the State regulations requiring that systems be at least 10 feet from the property line. This was a request in both the 2005 & 2006 Board of Adjustment Year-End Reports.

2022 Review: This issue has not been raised in recent years and may not be relevant. It should be noted that any amendments to local regulations cannot be less stringent than the state standard.

20. **Zone Boundary Adjustment.** The Zoning Board of Adjustment has recommended that the zone boundary, which separates the A-1 and V-2 zoning districts of the Cane Poultry Farm, be adjusted to reflect the actual locations of buildings and uses, the new boundary should follow the parcel line separating Lot 6 and Lot 6.04, Block 30. This was a request in both the 2005 & 2006 Board of Adjustment Year-End Reports. The Planning Board agrees with this recommendation and will forward it to the Township Committee for review.

2022 Review: The zone boundary separating Lots 6 and 6.04 of Block 30 was corrected.

21. **Zoning/Sewer Service Boundary.** The Planning Board recommends studying the zoning boundaries within Sergeantsville as compared to the sewer service area to determine if the V-1, V-3 or V-E Zone could be expanded or amended to match the underlying sewer service area.

2022 Review: This remains a continued recommendation of the Planning Board. The Planning Board further recommends that the Township's Zoning Map be updated to reflect all amendments and be more user-friendly.

22. **Minor Subdivision Definition.** Currently, the Township's ordinance defines a minor subdivision as the creation of four new lots with the original lot remaining, for a total of five lots. There has been discussion of changing the definition of minor subdivision to allow for a larger amount of total lots. It is suggested that the Planning Board or a subcommittee study this recommendation and its potential impacts.

2022 Review: This issue no longer appears to be relevant, considering that there have been no further discussion on this topic.

V. Extent of Changes in Policies & Objectives Forming the Basis of the 2012 Report

The third step in the reexamination process, known as letter “C”, looks at the extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the Master Plan or regulations as last revised and changes in State, County and municipal policies and objectives. Since the 2012 Master Plan Reexamination, a number of State, County and Municipal planning policies have either been updated or significantly changed. These include the State Development and Redevelopment Plan, the Highlands Act, the Council on Affordable Housing and multiple Hunterdon County documents.

Community Profile

The Township of Delaware is located in the southern half of Hunterdon County and abuts the Delaware River. It is bordered by the State of Pennsylvania across the Delaware River and Kingwood, Franklin, Raritan, East Amwell and West Amwell Townships and Lambertville City. Delaware also surrounds the Borough of Stockton. Delaware is home to 4,560 persons as of the 2020 Census Redistricting Data.

Table 1 - Population Growth

Year	Population	Change	Percent Change
1940	1,756	--	--
1950	2,031	275	15.7%
1960	2,485	454	22.4%
1970	3,249	764	30.7%
1980	3,816	567	17.5%
1990	4,512	696	18.2%
2000	4,478	-34	-0.8%
2010	4,563	85	1.9%
2020	4,560	-3	-0.1%

Source: 2010 & 2020 Census Table P1 and <https://www.state.nj.us/labor/lpa/census/2kpub/njsdcp3.pdf>

The information contained within this section is sourced from the most recent Census Bureau data, which includes the 2020 Census Redistricting Data and the 2019 five-year American Community Survey (ACS). It should be noted that the 2020 data is limited and provides basic information, such as total population, race, occupancy, and group quarters information. The table below shows the population growth of the Township between 1940 and 2020. Between 1940 and 1990, the Township saw steady population growth. However, since 1990 the growth of the Township has become stagnant. The data shows an overall increase of only 48 people for the past three decades. Most

Table 2 – NJTPA Projected Population Growth

Year	Population	Change	Percent Change
2000	4,478	--	--
2010	4,563	85	1.9%
2015	4,479	-84	-1.8%
2050	4,993	514	11.3%

Source: 2000 Census table DP-1, 2010 Census table P1 & NJTPA Population Forecast by County and Municipality 2015-2050

Table 3 – Population by Age Cohort (2019)

Age	Population	Percent
Under 5 years	81	1.8%
5 to 9 years	172	3.9%
10 to 14 years	188	4.2%
15 to 19 years	309	6.9%
20 to 24 years	251	5.6%
25 to 29 years	61	1.4%
30 to 34 years	74	1.7%
35 to 39 years	183	4.1%
40 to 44 years	233	5.2%
45 to 49 years	340	7.6%
50 to 54 years	404	9.1%
55 to 59 years	600	13.5%
60 to 64 years	465	10.4%
65 to 69 years	272	6.1%
70 to 74 years	326	7.3%
75 to 79 years	190	4.3%
80 to 84 years	142	3.2%
85 years and over	164	3.7%
Total	4,455	100%
Median Age	53.7 years	

Source: 2019 ACS Table S0101

recently, the 2020 Census reported three less persons than the 2010 census.

The North Jersey Transportation Planning Authority (NJTPA) prepares a Regional Transportation Plan every five years. Appendix E of *Plan 2050: Transportation. People. Opportunity.*, the most recently adopted Regional Transportation Plan, provides population, household, and employment forecasts for municipalities within its jurisdiction. NJTPA projects the Township of Delaware to grow by over 514 persons between 2015 and 2050 and to have a total population of 4,993 by 2050. However, it should be noted that NJTPA's last Plan, *Plan 2045*, projected the Township's 2045 population to be 5,202, which is 209 people more than estimated in the current Plan. Based on historic growth since 1990, the Township believes that the NJTPA projections are inflated and unlikely to be realized.

According to the 2019 American Community Survey, the largest age cohort within the Township was the 55 to 59 years range, which represented 13.5 percent of the total population. Similarly, the 60 to 64 years range was the second highest age cohort, which represented 10.4 percent of the total population. School students, those between the ages of five and 19, comprised 15.0 percent of the population. At the opposite end, residents 65 years and older represented nearly one quarter of the Township's population, or 1,094 residents. The median age of Delaware Township in 2019 was 53.7 years. See Table 3 for additional details.

The Township of Delaware has a variety of land uses and historic buildings that

give the community its distinct character. Table 4 summarizes the broad land use categories by providing the number of parcels and land value for each category. The most recent property tax data from 2020 shows the overwhelming majority of parcels within the Township are residential. A total of 1,824 of the 2,619 parcels (69.6 percent) were classified as a residential land use (residential, apartment, and farm homestead parcels). Residential property values were 95.4 percent of the total property value within the Township. Farmland properties comprised nearly a quarter of Delaware’s parcels but only represented 0.8 percent of the total property value. There were 45 commercial and industrial parcels in 2020 (3.1 percent), which had a value of just under \$25 million, or 3.1 percent of the Township’s total property value. Finally, there were 109 vacant parcels (4.2 percent), which represented the remaining 0.6 percent of Delaware’s land value. It should be noted that because this data only includes taxable parcels, it excludes certain exempt uses, such as parks and public properties.

Table 4 – Land Use (2020)

Land Use Class	Number of Parcels	Percent	Total Assessed Value	Percent
Vacant	109	4.2%	\$5,174,520	0.6%
Residential	1,385	52.9%	\$548,258,400	68.2%
Apartment	2	0.1%	\$961,300	0.1%
Farm Homestead	437	16.7%	\$217,935,500	27.1%
Farm	641	24.5%	\$6,355,310	0.8%
Commercial	35	1.3%	\$17,720,800	2.2%
Industrial	10	0.4%	\$7,270,600	0.9%
Total	2,619	100%	\$803,676,430	100%

Source: https://www.state.nj.us/dca/divisions/dlgs/resources/property_tax.html

State Changes

Since the 2012 Master Plan Reexamination, the State has adopted numerous bills that impact the Municipal Land Use Law, how meetings are conducted, and how towns tackle affordable housing. The following sections detail these policies and regulations.

State Development and Redevelopment Plan

The State Strategic Plan is the revision to the 2001 State Development and Redevelopment Plan. The document sets forth a vision for the future of New Jersey along with strategies to achieve that vision. The State Strategic Plan was intended to be adopted by the State Planning Commission in November 2012 but was postponed due to Superstorm Sandy. The Commission indicated they would revise the document to incorporate disaster planning goals considering Superstorm Sandy.

The draft final State Strategic Plan has four overarching goals along with ten “Garden State Values.” The four goals are as follows:

- Targeted Economic Growth – Enhance opportunities to attract and grow industries of statewide, regional and international importance.
- Effective Regional Planning - Guide and inform regional planning to enable each region of the State to experience appropriate growth, preservation and protection based on its assets and desires.
- Preservation, Protection and Enhancement of Critical State Resources - Ensure that strategies for growth include preservation, protection and enhancement of our State's critical natural, agricultural, scenic, recreation, and historic resources, recognizing their role in economic growth and the quality of life for New Jersey residents.
- Tactical Alignment of Government - Prioritize effective resource allocation, coordination, cooperation and communication among entities that play a role in meeting the Plan's mission.¹

The ten values include:

- Concentrate Development and Mix Uses - Promote mixed-use development in Priority Growth and Alternate Investment Areas that is compact, conserves land, offers shopping and services, and provides culturally enriching experiences within convenient walking distance of home and jobs. Build with suitable designs and densities that support walking, biking and public transportation.
- Prioritize Redevelopment, Infill, and Existing Infrastructure - Strengthen cities, towns and neighborhoods by prioritizing redevelopment, the reuse and remediation of existing sites and structures, and construction on infill sites that are compatible with surrounding uses. Upgrade existing infrastructure where needed, before adding new capacity. Encourage development that incorporates green design and construction principles and opportunities for clean and renewable energy and efficiency measures.
- Increase Job and Business Opportunities - Provide opportunities for investment near housing, infrastructure and transportation. Support economic growth by addressing the land use and infrastructure needs of targeted industries and areas, consistent with these principles.
- Create High-Quality, Livable Places - Work with communities to offer an environmentally healthy place to live, work and recreate. Enhance community character and design, especially in historic areas, by reusing significant buildings, reinforcing architectural styles, incorporating art, and providing pedestrian-friendly streetscapes. Improve community plazas, public performance spaces and parks and connections to waterfront areas.

¹<https://www5.njit.edu/middlestates/sites/middlestates/files/NJ%20State%20Development%20and%20Redevelopment%20Plan%202011.pdf>, page 20, accessed July 14, 2021.

- Provide Transportation Choice and Efficient Mobility of Goods - Maintain and enhance transportation options that improve access, safety, affordability and air quality for all users: pedestrians, bicyclists, transit-users, ride-shares and drivers. Improve strategic freight and public transportation infrastructure that supports sound economic growth. Encourage options for low emission and alternate fuel vehicles.
- Protect Equity - Consider the impact to equity for property owners. Where the goals, objectives and strategies of this Plan implemented by county and local governments affect the reasonable development potential of private property or is determined to disproportionately affect the equity of other citizens, government agencies at all levels should identify feasible remedies, including, for example, compensation programs, that help mitigate such impacts as appropriate.
- Diversify Housing Opportunities- Support construction and rehabilitation of homes that meet the needs of households of all sizes and income levels, located near jobs, transit and where services are available.
- Provide for Healthy Communities through Environmental Protection and Enhancement - Protect and restore the environment, sensitive lands, ecosystems and natural resources. Ensure healthy places through an increase in the quantity and quality of preserved land. Reduce energy use, carbon emissions, water degradation and other impacts of development.
- Protect, Restore and Enhance Agricultural, Recreational and Heritage Lands - Support agriculture and locally-grown food consumption through protection and preservation of farmland. Protect agricultural lands, and historic sites and landscapes. Provide accessible neighborhood parks and recreational systems.
- Make Decisions within a Regional Framework - Maintain up-to-date, coordinated local, regional and State functional plans that reflect these principles and can provide a regional framework for making decisions about capital investments, programs, regulations and development applications. Gather and consider public input during planning and implementation.²

Wireless Co-location

On January 17, 2012 Governor Christie signed into law Senate Bill Number 2989 titled “An Act concerning the collocation of wireless communications equipment and supplementing P.L.1975, c.291.” This law amends the MLUL to allow for an application for development to collocate wireless equipment to not be subject to site plan review provided the application meets certain requirements.

²<https://www5.njit.edu/middlestates/sites/middlestates/files/NJ%20State%20Development%20and%20Redevelopment%20Plan%202011.pdf>, pages 28-30, accessed July 14, 2021.

Non-contiguous Cluster Development

On August 7, 2013 Governor Christie signed into law Assembly Bill Number 3761 titled “An Act concerning municipal land use approval, amending and supplementing P.L. 1975, c.291.” This new law permits communities to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth can best be accommodated and maximized, while preserving agricultural lands, open space, and historic sites. The new law defines contiguous and non-contiguous clustering and, via non-contiguous clustering, allows development on one tract and preservation of another tract elsewhere in the community.

Local Redevelopment and Housing Law Changes

On September 6, 2013 Governor Christie signed into law Assembly Bill Number 3615 titled “An Act concerning procedures and powers under the Local Redevelopment and Housing Law and amending P.L.1992, c.79.” This new law amended Criterion E regarding productivity and adding language to the criterion. The law also requires the resolution authorizing the Planning Board to undertake the preliminary investigation to state whether the redevelopment area determination authorizes the use of eminent domain or not. This created a non-condemnation redevelopment and a condemnation redevelopment area and outlined certain noticing requirements.

Affordable Housing

On March 10, 2015, the Supreme Court ruled that the New Jersey Council on Affordable Housing (hereinafter “COAH”) failed to act and as a result, the Courts would be assuming jurisdiction over the Fair Housing Act. The Order divided municipalities into one of three categories – those that achieved Third Round Substantive Certification, those that filed or petitioned COAH and those that had never participated in the COAH process.

The transitional process created by the Supreme Court tracked the Fair Housing Act procedures for compliance. In this regard, the process permitted municipalities to file a Declaratory Judgment Action during a thirty-day window between June 8 and July 8, 2015 that sought an adjudication as to their fair share. This enabled a municipality to comply voluntarily with its constitutional obligation to provide a realistic opportunity for the construction of affordable housing.

On January 18, 2017, the Supreme Court ruled that municipalities are responsible for obligations purportedly accruing during the so-called “gap period,” the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need (also referred to as Rehabilitation Obligation), which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

Since the 2015 decision, Delaware has not adopted a Housing Element and Fair Share Plan.

Statement of Strategy

On January 8, 2018 Governor Murphy signed into law Assembly Bill Number 4540 titled “An Act concerning smart growth, storm resiliency, and environmental sustainability and amending P.L.1975, c.291.” This new law requires any land use element adopted after the effective date of the new law to include a statement of strategy concerning:

- Smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations,
- Storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and
- Environmental sustainability.

Affordable Housing Foreclosure Revisions

On June 24, 2019 Governor Murphy signed into law Senate Bill Number 362 entitled “An Act concerning affordability controls on affordable housing and amending P.L.1995, c.244.” This law provides that deed restrictions on affordable housing units are not extinguished by foreclosure proceedings.

New Jersey Land Bank Law

On July 11, 2019, Governor Murphy signed into law Senate Bill Number 1214. Bill 1214 is known as the New Jersey Land Bank Law, which will allow New Jersey towns and cities to designate a land bank entity to obtain vacant, abandoned, and neglected properties for productive reuse purposes. This law provides municipalities with a tool to revitalize and reuse properties for public benefit. The law provides for accountability to local communities through the requirement for community advisory boards with mandatory access to certain information and opportunities for the board to comment on the land bank entity’s decisions. Land bank entities will further be required to develop and maintain an online, publicly accessible database of current and former land bank properties. The community advisory board must issue an annual report on the accuracy, integrity, accessibility, and comprehensiveness of the land bank entity’s online database.

Innovation District Designation Program

On August 8, 2019 Governor Murphy signed into law Assembly Bill Number 5111, creating the Innovation District Designation Program. The program, established within the New Jersey Commission on Science, Innovation, and Technology, encourages development of innovation districts within New Jersey. Innovation districts promote the development or redevelopment of an area in a manner that facilitates collaboration between government, higher education institutions, and private enterprises, and are a strategic way to promote development in science and technology throughout the State. Municipalities may apply individually or jointly for designation of an area as an innovation district.

Stranded Asset Redevelopment Criterion

On August 9, 2019 Governor Murphy signed into law Assembly Bill Number 1700 titled “An Act concerning the designation of certain areas as in need of redevelopment and amending P.L.1992, c.79.” The law expands the eligibility criteria for designating certain areas as being in need of redevelopment. Specifically, the law amends Criterion B by added retail, shopping malls, and office parks to the list of discontinued uses.

Temporary Supplemental Zoning Board

On August 9, 2019 Governor Murphy signed into law Senate Bill Number 3212 titled “An Act concerning municipal zoning boards of adjustment, supplementing P.L.1975, C.291, and amending P.L.2005, c. 133 and P.L.1991, c.256.” The law allows a municipality to establish a temporary, supplemental zoning board to address any backlog of applications. A municipality that determines a need for a supplemental zoning board must adopt an ordinance to establish one.

Electric Charging Stations

On November 6, 2019 Governor Murphy signed into law Senate Bill Number 606 titled “An Act encouraging local units to plan for electric vehicle charging infrastructure, and amending P.L. 1975, c.291, and P.L. 1992, C.;79.” The law requires a Land Use Plan Element to illustrate the existing and proposed location of public electric vehicle charging infrastructure; a Circulation Plan Element to identify existing and proposed locations for public electric vehicle charging infrastructure; a Green Buildings and Environmental Sustainability Plan Element to consider, encourage, and promote the development of public electric vehicle charging infrastructure in locations appropriate for their development, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops. Additionally, the law amended the requirements of a Master Plan Reexamination Report to add a new section “F” that contains the recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops: and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

Long-Term Tax Exemptions

On January 13, 2020, Governor Murphy signed into law Senate Bill Number 538 titled “An Act concerning long-term tax exemptions on certain low-income housing, amending P.L.1983, c.530, and supplementing P.L.1991, c.431 (C.40A:20-1 et seq.).” This law allows long-term tax exemption extensions for certain low-income housing. Previously, a property tax exemption could be granted to an affordable housing project for a maximum of 35 years, or until a loan provided by the new Jersey Housing and Mortgage Finance Agency was fully paid. This legislation permits a municipal governing body to continue a tax exemption for a State or federally subsidized housing project beyond the date of the payoff of the existing first mortgage as long as the project remains subject to certain affordability controls.

Virtual Public Meetings

On March 20, 2020 Governor Murphy signed into law Assembly Bill Number 3850 titled “An Act concerning the conduct of public meetings during periods of emergency and supplementing P.L. 1975, c.231.” This law allows public meetings, including zoning and planning board meetings, to be conducted electronically during a public health emergency.

Affordable Housing Marketing

On July 1, 2020 Governor Murphy signed into law Senate Bill Number 2527 titled “An Act concerning the online marketing of affordable housing units and supplementing P.L. 1985, c.1111.” This law requires developers, owners, property managers, and/or administrative agents to post notices of available affordable housing on the Housing Resource Center website at least 60 days prior to conducting a lottery.

Climate Change-Related Hazard Vulnerability Assessment

On February 4, 2021 Governor Murphy signed into law Assembly Bill Number 2785 titled “an Act concerning municipal master plans, amending P.L.1975, c.291, and supplementing title 13 of the Revised Statues.” This law requires any land use plan element adopted after the effective date to include a climate change-related hazard vulnerability assessment which shall analyze current and future threats to, and vulnerability of, the municipality associated with climate change-related natural hazards such as increased temperatures, drought, flooding, hurricanes, and sea-level rise.

Adult-Use Recreational Cannabis

On February 22, 2021 Governor Murphy signed into law Assembly Bill Number 21 titled “An Act concerning the regulation and use of cannabis, and amending and supplementing various parts of the statutory law.” The law legalizes recreational personal use of cannabis for adults and provides municipalities with 180 days from the date the law was signed to prohibit or establish zoning provisions regulating the six classes of cannabis – cultivation, manufacturing, wholesaling, distribution, retail, and delivery. Municipalities that do not act within the 180-day period will be “locked in” for a five-year period to standards established by the law. It should be noted that Delaware Township adopted Ordinance No. 230-12, which opted-out of all classes of cannabis, with the exception of the delivery of cannabis items and related supplies by a delivery service.

Certain Housing Exempt from Zoning Regulations

On June 30, 2021 Governor Murphy signed into law Senate Bill 1676 titled “An Act concerning hospitals and supplementing P.L.1971, c.136 (C.26:2H-1 et seq.)” The law allows hospitals to construct housing for individuals who are homeless or housing insecure and deems such housing as a permitted use in all residential and non-residential districts of a municipality and exempt the use from local zoning restrictions.

Electric Vehicle Charging Space Requirements

On July 9, 2021 Governor Murphy signed into law Senate Bill 3223 titled “An Act concerning electric vehicles supply equipment and make-ready parking spaces and amending and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.)” This law amends the MLUL’s definition of inherently beneficial

to include electric vehicle charging infrastructure. It also amends the law to permit electric vehicle supply equipment as a permitted accessory use and structure in all zoning districts within a municipality and precludes variances. The law states that an application for the installation of electric vehicle supply equipment at an existing gas station, retail establishment, or any other existing building shall not be subject to site plan or other land use board review provided it does not violate any bulk requirements. Moreover, all applications involving five or more multi-family units must provide 15 percent of the parking spaces as “make-ready” spaces and install electric vehicle supply equipment in at least one-third of the 15 percent of “make-ready” spaces. There are also requirements for parking lots containing certain numbers of spaces to provide “make-ready” and/or actual charging equipment. The act took effect immediately and any development applications filed after July 9, 2021 will be subject to these requirements.

County Changes

Since the adoption of the 2012 Master Plan Reexamination, Hunterdon County has adopted the following documents:

2008 Hunterdon County Comprehensive Farmland Preservation Plan

The *Hunterdon County Comprehensive Farmland Preservation Plan* was adopted by the Planning Board on December 4, 2008. The document provides an overview of the County’s agricultural land and industry base as well as the County’s preservation program. It also looks at economic development, natural resource conservation, and agricultural industry sustainability.³ The document mentions a few facts about Delaware Township. On page 6 it states that Delaware has 9,680 active acres of agriculture. On page 48, it states that Delaware is participating in the municipal planning incentive grant program. Finally, on page 66, it indicates that the Township has a farmland tax that is \$0.06. The County is currently working on an update to their plan.

The plan lists a number of strategies to sustain, retain, and promote agriculture, which include:

- Public outreach, including agrotourism
- Regulatory flexibility, i.e. zoning
- Positive and supportive public policy, i.e. farmland assessment
- Exemptions, including right-to-farm ordinances
- Agriculture-friendly zoning⁴

Finally, the report lists targeted farms of the Hunterdon County Planning Incentive Grant. Farms on the list in Delaware Township include:

- #14 Drummey: Block 17, Lot 15 (56 acres); 2015 Board of Adjustment approval for a cell tower
- #15 Kurzenberger: Block 25, Lot 13 (116 acres)
- #16 Bond: Block 44, Lot 1 (250 acres)

³ *Hunterdon County Comprehensive Farmland Preservation Plan*, prepared by the Hunterdon County Planning Department and the Agricultural Development Board, adopted by the Planning Board on December 4, 2008.

⁴ *Ibid*, page 66.

- #17 Uncle John's Dairy, LLC: Block 21, Lot 2 (40 acres)
- #18 Bodine: Block 53, Lot 4 (60 acres)
- #19 Cane Poultry Farm, Inc.: Block 30, Lot 6 (74 acres)
- #22 Kohler – Block 62, Lot 12 (101 acres)
- #24 Triple B Land Cons, LLC (Spolar): Block 57, Lot 8 (93 acres)
- #27 Befeler/Buchbinder: Block 58, Lot 8.02 (54.37 acres)

Additionally, since the 2012 Master Plan Reexamination, the Township has updated its targeted farms list to include the following properties:

- Befeler/Buchbinder: Block 58, Lot 8.02 (54.37 acres)
- Bodine, Barbara: Block 53, Lot 4 (60 acres)
- Bond: Block 44, Lots 1 and 3 (251 acres)
- Cane Poultry Farm, Inc.: Block 30, Lot 6 (74 acres)
- Costabile: Block 60, Lot 9.04 (42 acres)
- Dempsey: Block 17, Lot 20 (54 acres)
- DiBianca, Thomas: Block 55, Lot 3 (43.34 acres)
- Feary: Block 55, Lots 6.02 and 7 (7.52 acres)
- Gifford: Block 27, Lot 20.01 (9.76 acres)
- Gugliotta: Block 33, Lot 4.01 (45 acres)
- Hart/Skeuse: Block 39, Lot 4 (45 acres)
- Henderson: Block 55, Lots 8, 2, 6, 2.03 (117.06 acres)
- Johnson, K: Block 17, Lots 28, 30, and 31; and Block 22, Lots 2 and 3 (117.06 acres)
- Kohler: Block 62, Lot 12 (101 acres)
- Kulas: Block 60, Lots 17 and 17.01 (22.43 acres)
- Kurzenberger, Estate of Paul, Sr.: Block 25, Lot 13 (116 acres)
- Locandro: Block 41, Lot 1.01 (54 acres)—final Subdivision Approval November, 2020
- Luksza: Block 3, Lot 12 (81 acres)
- Pavlica: Block 19, Lots 10 and 12 (36.97 acres)
- Rosemont Inc. (Robert Toll): Block 30, Lots 2.04, 3, 17.02, and 38 (309 acres)
- Siecke/Summer: Block 3, Lot 18 (36 acres)
- Skeuse, Thomas: Block 43, Lot 8.02 (34 acres); Block 43, Lot 11.02 (95 acres); Block 43, Lot 19 (77.5 acres)
- Skeuse, Brian: Block 43, Lot 8.03 (34 acres); Block 43, Lot 20 (63.37 acres)
- Washington Farms LLC: Block 45, Lot 6 (115 acres)
- Worden: Block 57, Lots 10 and 11 (12.08 acres)
- Young: Block 27, Lot 19 (39 Acres)

As of January 1, 2022, Delaware Township has preserved 77 farms (107 parcels), which total 5,146.02 acres of farmland.⁵

⁵ Preserved Farms per Municipality. <https://www.co.hunterdon.nj.us/cadb/Preserved-Farms/Preserved%20Farms%20Municipal%20Handout.pdf>

2014 Comprehensive Economic Development Strategy

In 2014, the Hunterdon County *Comprehensive Economic Development Strategy* plan was adopted. The Vision of the Plan is “Hunterdon County, New Jersey is a wonderful place to live, work and visit. Its scenic rural character, working farms, nationally recognized healthcare, recreational offerings and commitment to small business success, along with its arts, cultural and historic attractions combine with quaint town centers to create a vital economy and uncommon quality of life”.⁶ Additionally, the Mission Statement of the Plan is “The Hunterdon County Comprehensive Economic Strategy is the intentional, collaborative and sustained action of policy makers and stakeholders to promote an exceptional standard of living in and economic health that continually affects desired changes in the regional economy, attracts and retains business, benefits residents, supports infrastructure and planned development, and maintains affordability”.⁷ The Plan was created to identify and capitalize on the County’s strengths and assets while addressing the weaknesses and stimulate growth.

The Action Plan identifies six Goals with multiple objectives to stimulate economic growth and attract businesses. The Goals include fostering economic development, facilitate public and private partnerships, channel growth in an efficient manner, provide infrastructure and transportation investments, and maintain a high quality of life in the County. None of these Goals or their objectives specifically mention the Township of Delaware.

2018 Economic Impact of Tourism in Hunterdon County

The County prepared a tourism study in connection with Stockton University, the Highlands Council, Hunterdon County Chamber of Commerce, and The Delaware River Towns Chamber of Commerce in 2018. The Study measures the tourism goods and services spending in the County and compares the results with New Jersey. Additionally, tourism employment, restaurant, and lodging industries are evaluated. The Study found that tourism within the County has been growing since 2009. An estimated \$248 million was spent on tourism goods and services in 2009 compared to \$317 million in 2016, an increase of 27.8%. The 2016 spending included \$81 million each on food and beverage and transportation, \$66.6 million on shopping, \$51.5 million on recreation and entertainment, and \$36.8 million on traveler accommodations. However, Hunterdon County was found to have far less tourism than the surrounding Counties except for Warren County. The Study concludes by offering programs to market and fund future tourism events and projects to continue to grow the tourism industry in the County. No Delaware-specific recommendations were noted in the report.⁸

2018 Parks and Open Space Strategic Plan

Adopted in 2018, the *Parks and Open Space Strategic Plan* addressed the need to preserve open spaces, natural resources, provide parks and park facilities, offer educational and recreational opportunities and create a future County Park system in accordance with the County’s GMP vision of the “protection of Hunterdon County’s extensive network of natural resources and maintenance of

⁶ Hunterdon County Comprehensive Development Strategy, pg. 12. <https://www.co.hunterdon.nj.us/planning/Plans.html>

⁷ Ibid.

⁸ The Economic Impact of Tourism in Hunterdon County 2018.

https://www.nj.gov/njhighlands/hunterdon_county/county/HuntCo_EconomicImpactStudyPhase1.pdf

its rural or scenic-rural landscape”.⁹ The Open Space Plan provides an inventory of improved and unimproved parkland, recreational facilities, and educational programs.

The Plan found that Delaware has the fourth most amount of total open space compared to other Hunterdon municipalities, with a total of 7,368.37 acres, which includes:¹⁰

- 116.75 acres of municipal parks and open spaces;
- 356.23 acres of County parks and open spaces;
- 1,165.18 acres of State parks and preserved open spaces;
- 23.8 acres of land owned by the Board of Education;
- 667.81 acres of non-profit conservation lands; and
- 5,038.52 acres of preserved farmland.

The *Parks and Open Space Strategic Plan* proposes a number of park and trail improvements within the County. However, none of the parks, trails, or trail easements are located within Delaware Township.

2021 Highlands Master Plan Element

On February 4, 2021, the Hunterdon County Planning Board adopted the County's *Highlands Master Plan Element*. The document was endorsed by the Board of County Commissioners on February 16, 2021. The *Highlands Master Plan Element* is broken into three sections, to provide an overview for the County's Highlands Plan Conformance. Section 1, Overview of Highlands Region, provides information on the County's resources, transportation, and community character within the Region. Section 2, Hunterdon County Plans and Land Development Standards, details the County's planning documents, policies, and goals and evaluates each for conformance with the *Highlands Regional Master Plan*. Finally, Section 3, Hunterdon County Highlands Goals, Objectives, and Implementation, provides goals and objectives to guide the County to obtaining Highlands Plan Conformance.¹¹

Delaware Township is not located in the Highlands Region, so this document is not applicable.

Municipal Changes

Since the 2012 Master Plan Reexamination was adopted, the following land use ordinances were reviewed and adopted:

- §230-114 Stormwater Management, updated on September 10, 2018, and then again on March 2, 2020.
- §230-29 Noncontiguous Cluster ordinance, adopted March 9, 2015.
- Home-based business ordinance, in various ZO places, Ord. 2019-01, February 25, 2019
- Home Occupations Ordinance, various locations within the Land Use Code, Ord. No. 2014-02, April 14, 2014

⁹ Hunterdon County Strategic Park and Open Space Plan 2018, pg. E-1. <https://www.co.hunterdon.nj.us/planning/Plans.html>

¹⁰ Ibid, Table 37, pg. III-30.

¹¹ Highlands Master Plan Element 2021. <https://www.co.hunterdon.nj.us/planning/Plans.html>

- Fees amendments, various locations, Ord No. 2015-12LU, adopted November 9, 2015
- §230-12, Cannabis ordinance 2021-05, June 14, 2021, only allowing delivery option

VI. Changes Recommended for the Master Plan or Development Regulations

This chapter of the 2022 Master Plan Reexamination looks at specific changes that are recommended for the Master Plan or existing development standards, which can include the underlying objectives, policies and standards. The following recommendations are made in no particular order.

1. While Ordinance #2008-12LU alleviated some of the past variance requests for accessory structures larger than 750 square feet, properties with three or more acres are still requesting accessory structures larger than 900 square feet. Therefore, it is recommended that the Planning Board examine a sliding scale for accessory structure size and setbacks for lots containing three or more acres. Additionally, the Township should consider design standards for larger accessory structures.
2. The Land Use Ordinance should broaden the range of permitted accessory uses in conjunction with a farm so that farmers can develop secondary and tertiary sources of income to support the farming operation.
3. Roughly 127 acres or less than 1 percent of Delaware Township's land area is zoned for commercial purposes. Commercial uses are permitted only in the C-1, V-1, and V-2 Zones. This means that many residents have to leave the Township for retail and personal services. The Planning Board should continue to explore expansion of commercial zones in appropriate locations that can handle additional traffic and parking.
4. The Planning Board recommends studying the zoning boundaries within Sergeantsville as compared to the sewer service area to determine if the V-1, V-3, or V-E Zone could be expanded or amended to match the underlying sewer service area.
5. The Planning Board recommends the preparation of a sidewalk audit to evaluate the locations and conditions of existing sidewalks within the Township. This could potentially take place as part of an update to the Township's Circulation Element.
6. The Planning Board recommends that it review annually its recommendations outlined in this report and the Master Plan to monitor progress in implementation or identify items for future recommendations.
7. The Planning Board recommends that the Township prepare a green building and environmental sustainability element.
8. The Planning Board recommends that the Township update its Master Plan to address the new requirements of the Municipal Land Use Law that require municipalities to evaluate climate-related vulnerabilities to land uses and community facilities.

9. The Planning Board recommends that the Township adopt an Electric Vehicle (EV) charging ordinance based on the model ordinance prepared by the New Jersey Department of Community Affairs.
10. The Planning Board recommends the preparation of a Historic Preservation Plan Element.
11. The Planning Board recommends the township update its targeted farm list to incorporate the recommendations identified in this report to an updated Farmland Preservation Plan Element.
12. The Planning Board recommends the comprehensive update of the Township's existing Master Plan and associated elements.
13. Consider amending the Township's use policies and other regulations for municipal parks, trails, and open space governing the use of all terrain vehicles (ATVs), electric bicycles (E-bikes), and other motorized vehicles to minimize damage to trails.

VII. Recommendations Concerning the Incorporation of Redevelopment Plans

There are no recommendations at this time to incorporate redevelopment plans into the Township of Delaware's Land Use Plan.

VIII. Recommendations Concerning Electric Vehicle Charging Infrastructure

As noted in the previous section, on July 9, 2021 Governor Murphy signed into law Senate Bill 3223 titled “An Act concerning electric vehicles supply equipment and make-ready parking spaces and amending and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.)” This law amends the MLUL’s definition of inherently beneficial to include electric vehicle charging infrastructure. It also amends the law to permit electric vehicle supply equipment as a permitted accessory use and structure in all zoning districts within a municipality and precludes variances. The law states that an application for the installation of electric vehicle supply equipment at an existing gas station, retail establishment, or any other existing building shall not be subject to site plan or other land use board review provided it does not violate any bulk requirements. Moreover, all applications involving five or more multi-family units must provide 15 percent of the parking spaces as “make-ready” spaces and install electric vehicle supply equipment in at least one-third of the 15 percent of “make-ready” spaces. For other uses where site plan approval is required, there are also requirements for parking lots containing certain numbers of spaces to provide “make-ready” and/or actual charging equipment. The act took effect immediately and any development applications filed after July 9, 2021 will be subject to these requirements.

While the above requirements will help to encourage the development of Electric Vehicle Charging Infrastructure as part of certain new developments, the Planning Board recommends that the Township consider Electric Vehicle Charging Infrastructure at the following public facilities:

- School
- Town Hall
- Police Department
- Parks
- Fire Department