

2020 Master Plan & Development Regulations Reexamination

Township of Holland



June 8, 2020

Adopted: July 13, 2020

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Hunterdon County, New Jersey

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Prepared by:



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Maser Project No. HLT-069

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

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I. INTRODUCTION

The Township of Holland is located in western Hunterdon County and encompasses roughly 24 square miles. Holland is primarily rural with a commercial crossroads at the intersection of Milford Warren Glen Road and Spring Mills Road. Light industrial development is also present, along the Delaware River. The Township does not have direct access to any highways or State routes. However, Exit 6 and 7 on Interstate 78 are nearby in the Borough of Bloomsbury. Moreover, drivers headed west on Interstate 78 can easily reach Holland Township via Exit 11 and traveling southwest on County Route 614 (Little York Pattenburg Road, which becomes Spring Mills Road in Holland). County Route 519 (Milford Warren Glen Road) traverses the Township in a north-south fashion, while Route 627 (Riegelsville Milford Road) parallels the Delaware River on the west side of the municipality. Finally, Route 631 (Little York Mt. Pleasant Road) forms a portion of the Township's eastern border.

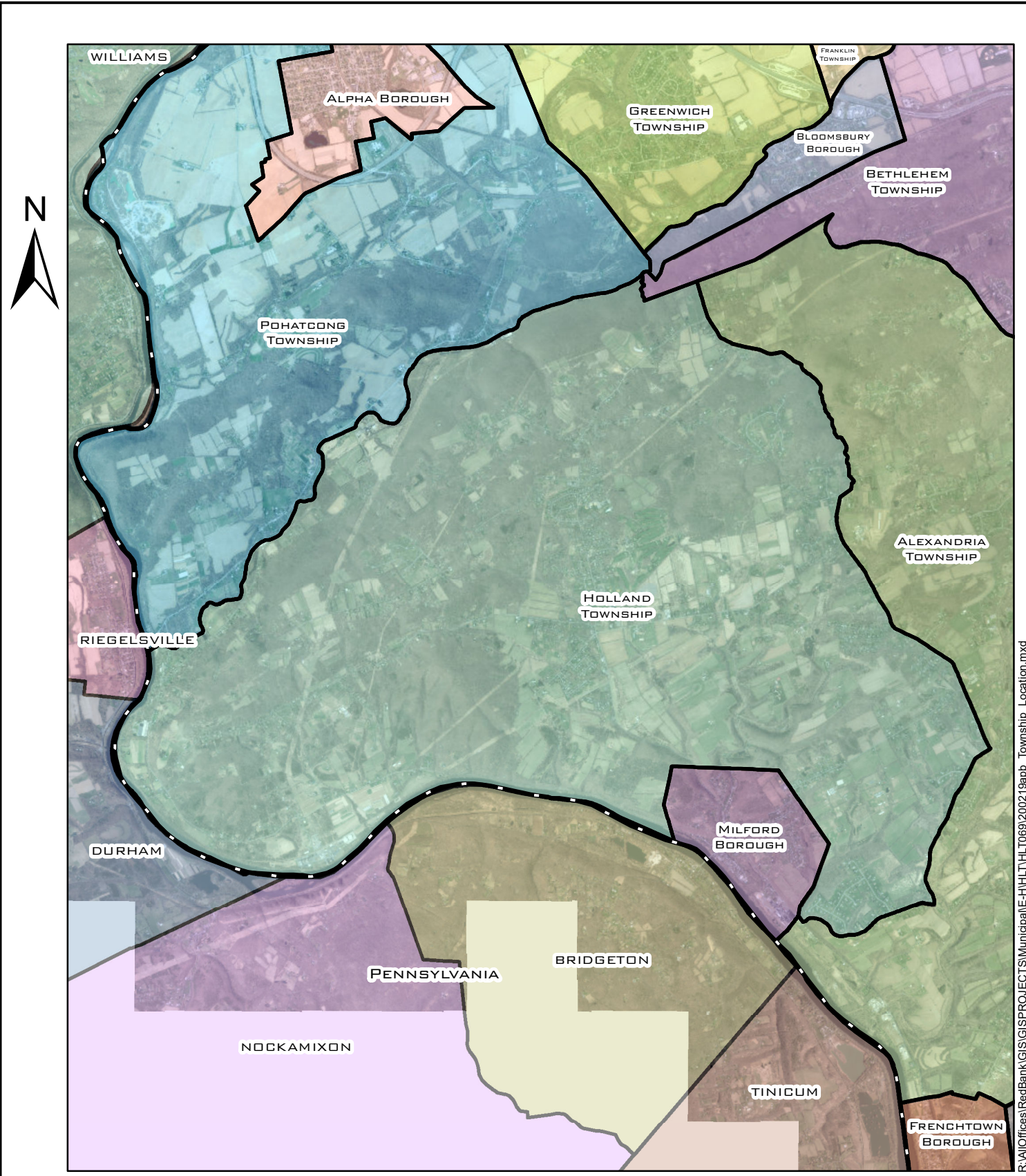
Holland is surrounded by Pohatcong, Bethlehem, and Alexandria Townships and the Borough of Milford in New Jersey. Much of the Township's southern border is located along the Delaware River, in-line with the Borough of Riegelsville, Durham Township, Nockamixon Township, and Bridgeton Township in Bucks County, Pennsylvania. See the map on page 5 for Holland's general location.

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55 D-1 et seq. (hereinafter "MLUL"), 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 Holland Master Plan conforms to the requirements of the MLUL 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 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.
- 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.



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0 3,000 6,000
 ─────────── Feet
 1 inch = 6,000 feet

**TOWNSHIP LOCATION
 AERIAL MAP**
 TOWNSHIP OF HOLLAND
 HUNTERDON COUNTY, NEW JERSEY

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 FEBRUARY 2020

- 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.

A review of Holland’s master planning documents reveals that the Township’s last reexamination report was adopted on September 12, 2011. However, the 2011 Reexamination Report specifically dealt with the Township’s compliance with the Highlands Regional Master Plan and did not fully address the five requirements of the MLUL.

Prior to that, the Township’s last full reexamination report was the 2007 Reexamination Report, which was adopted on or about January 18, 2007. Holland Township’s most recent Master Plan was adopted in 2001.

II. PROBLEMS & OBJECTIVES RELATED TO THE 2007 REEXAMINATION

This chapter of the 2020 Master Plan & Development Regulations Reexamination (hereinafter “2020 Reexamination”) report examines the major problems and objectives outlined in the 2007 Reexamination Report. Problems and objectives noted in 2007 are as follows:

1. It is recommended that the Land Use Plan Element of the Master Plan be amended to include the recommendation for the creation of a new VR-A district encompassing the Galloway Farm property and that the draft provisions for the VR-A district be finalized and presented to the Township Committee for adoption. Development of the VR-A zone in accordance with the proposed Ordinance will likely be delayed until the NJDEP has approved the Waste Water Management Plan and the amendment to the Areawide Water Quality Management Plan, as has construction of Phase I of the Huntington Knolls project, but at least the Township will have taken affirmative steps toward meeting its current and prospective affordable housing units.
2. It is recommended that the Township Committee adopt an amendment to the existing projected water budget requirements in the Land Use Ordinance so that there will be no confusion as to the ultimate use and disposition of lands used in the calculation of the projected water budget for a particular development.
3. It is recommended that the Township Committee adopt the Environmental Impact Assessment Ordinance and that the Planning Board review the model ordinances for Stream Corridor Preservation, Steep Slopes Protection, Well Head Protection and Woodland Retention that are included in Hunterdon County’s Environmental Toolbox. The models should be refined by the Planning Board to reflect Holland Township’s needs and eventually recommended for adoption by the Township Committee.
4. The Land Use Plan Element will need to be updated and amended consistent with the recommendations contained herein, subject to any modifications required to obtain the endorsement of the Highlands Council.

5. When COAH's revised Third Round Rules are adopted, the Township should prepare and adopt a new third round Housing Element and Fair Share Plan and petition COAH for substantive certification of these documents before whatever due date is established in the Rules.
6. The other Master Plan Elements that were prepared and adopted in 2001 should also be reviewed and updated. This is particularly important in the case of the Farmland Preservation Plan Element, since there have been changes in the priorities assigned to various farms. Moreover, considerable progress has been made toward implementing the Farmland Preservation Plan for the Township, as well as the Open Space Plan, and this progress should be acknowledged. The Master Plan Elements remaining to be prepared (Traffic Circulation, Community Facilities, Community Design and Conservation) should be completed, as well.
7. Drafts of various current planning maps are attached to this Reexamination Report. Adoption of any of these revised maps for incorporation into the Master Plan will require notice and a public hearing.

III. EXTENT THAT PROBLEMS & OBJECTIVES HAVE CHANGED SINCE 2007

This chapter of the report looks at the extent to which problems and objectives have been reduced or increased since 2007. The seven issues listed in Chapter II are summarized below, along with a 2020 status evaluation.

1. **VR-A Zone.** Create a new VR-A Zone on the Galloway Farm property.

Current Status: The Township adopted Ordinance 2007-18 on November 20, 2007, which created the VR-A, Village Residential-A District on Lot 47 in Block 10 and Lot 61 in Block 6. The VR-A District permits single-family dwellings and a planned unit residential development not to exceed 1.1 dwelling units per net acre. The Ordinance requires the planned unit development to be age-restricted to persons who are 55 years or older and that 40% of the units be affordable housing units. Since initial adoption, three amendments to the VR-A District regulations have been adopted in 2008 and in 2010.

2. **Water budget requirements.** Adopt an amendment to the existing projected water budget requirements to clearly calculate the projected water budget for new developments.

Current Status: The Clerk's office has no records indicating an amendment was adopted.

3. **Hunterdon County's Environmental Toolbox Ordinances.** Adopt a new Environmental Impact Assessment Ordinance and review the County's Stream Corridor Preservation, Steep Slopes Protection, Well Head Protection, and Woodland Retention model ordinances for adoption.

Current Status: The Township adopted Section 100-168.1 entitled Environmental Impact Assessment in 2007. Steep slopes and well head protection have been covered in the Highlands Land Use Ordinance, which is Chapter 101, adopted by the Township in 2017.

4. **Land Use Element.** Amend the Land Use Plan Element to be consistent with the recommendations of the 2007 Reexamination Report.

Current Status: The Land Use Element was not amended.

5. **Housing Element and Fair Share Plan.** Prepare a new Housing Element and Fair Share Plan once COAH's Third Round Rules are adopted.

Current Status: Holland adopted a new Housing Element and Fair Share Plan on May 25, 2010, which responded to COAH's 2008 Rules and a Memorandum of Understanding between COAH and the Highlands Council. COAH deemed the Township's petition complete on July 8, 2010 and held public comment through August 22, 2010. COAH did not approve or reject the petition as shortly thereafter it ceased to review Housing Element and Fair Share Plans.

6. **Master Plan Elements.** Review existing Master Plan Elements, including the Farmland Preservation and Open Space Plan Elements and prepare Traffic Circulation, Community Facilities, Community Design, and Conservation Plan Elements.

Current Status: On May 5, 2010 the Planning Board approved the 2010 Farmland Preservation Plan Element. The 100-plus page document provides a comprehensive review of the Township's agricultural land base, agricultural industry, the plan to preserve farmland, future preservation program and agricultural industry sustainability, retention and promotion. On 2018, the New Jersey Highlands Council provided grant funding to prepare a new Farmland Preservation Plan, but after reviewing the 2010 document, it was determined that only an update to certain facts and figures was needed. The overwhelming majority of the 2010 document remained valid and there was no need to waste finite resources and grant funding to reinvent the wheel. Therefore, the Highlands Council funded a Farmland Preservation Plan Update, which was adopted by the Planning Board on April 9, 2018. Since 2007 the Open Space Plan Element has not been revisited, but Holland has approached the Highlands Council to obtain a grant to create a new Open Space and Recreation Plan in 2020 or 2021. Additionally, the Township adopted a Highlands Environmental Resource Inventory (also called a Conservation Plan) in November of 2013. Holland has not prepared a Traffic Circulation, Community Facilities, or Community Design Element.

7. **Planning Maps.** Adopt the planning maps attached to the 2007 Reexamination Report to be incorporated into the Master Plan.

Current Status: The available versions of the 2007 Reexamination Report do not contain maps; therefore, it is unknown if they were adopted.

IV. EXTENT OF CHANGES IN POLICIES & OBJECTIVES FORMING THE BASIS OF THE 2007 REEXAMINATION REPORT

The third step in the reexamination process, known as Section "c", reviews 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 and changes in State, County, and municipal policies and objectives. Since the 2007 Reexamination Report, there have been several changes at the State, County, and Township level that impact the policies and objectives that form the basis of the Master Plan. The remainder of this Chapter is divided into four sections: Demographic Changes, State Changes, County Changes, and Township Changes.

DEMOGRAPHIC CHANGES

The sections below show historic trends and the most recent data from the Census Bureau provided in the 2013-2017 American Community Survey (hereinafter “ACS”) estimates.

POPULATION GROWTH

Historic population information since 1940 is readily available. Between 1950 and 1980, the Township gained 108 new residents each year, on average, or 3,252 over the 30-year period. The 1950s saw the most significant growth with over 1,150 new residents in the Township. Since 1980 the population has been increasing at a much slower rate with 299 new residents during the 1980s, 300 new residents during the 1990s, and only 99 new residents during the 2000s. However, the 2017 ACS estimates the population has decreased by 90 residents since 2010. See the table below for additional details.

POPULATION GROWTH			
Year	Population	Change	Percent
1940	1,150	---	---
1950	1,341	191	16.6%
1960	2,495	1,154	86.1%
1970	3,587	1,092	43.8%
1980	4,593	1,006	28.0%
1990	4,892	299	6.5%
2000	5,192	300	6.1%
2010	5,291	99	1.9%
2017	5,201	-90	-1.7%

Sources: 2010 Census table DP-1; 2017 American Community Survey (“ACS”) table DP05; <http://wd.dol.state.nj.us/labor/lpa/census/2kpub/njsdcp3.pdf>

The North Jersey Transportation Planning Authority (hereinafter “NJTPA”), which is the regional planning agency for northern New Jersey, projects in their “Plan 2045” long range plan that the Township will grow from 5,272 residents in 2015 to 5,633 residents by the year 2045.¹ In order for that to occur, Holland would need to gain 361 residents by 2045, which translates to 12 new residents annually. However, the 2017 ACS reported a population of 5,201, 71 less than what the NJTPA reported in 2015. Therefore, the Township would need to gain 432 residents by 2045, or 15.4 persons per year between 2017 and 2045. A population of 5,663 residents in 2045 is unlikely since the Township’s growth rate has been slowing since 1980 and very few new homes and subdivisions have been approved in the last ten years.

PERMANENT POPULATION PROJECTION			
Year	Population	Change	Percent
2000	5,192	---	---
2010	5,291	99	1.9%
2015	5,272	-19	-0.4%
2045	5,633	361	6.8%

Source: 2000 & 2010 Census table DP-1; NJTPA Population Forecast by County and Municipality 2015-2045

AGE DISTRIBUTION OF POPULATION

In 2017, one quarter of Holland’s population was estimated to be 60 years or older, while persons 19 years or younger comprised 23% of the population. Over 950 persons (18.4%) were between 45 and 54 years of age and 600 people (11.5%) were aged 55 to 64 years. The Township’s median age reflects the large number of middle-aged to elderly persons at 47.9 years. The table below shows the 2017 age distribution of Holland’s population.

POPULATION BY AGE COHORT		
Age	Total	Percent
Under 5 years	197	3.8%
5 to 9 years	275	5.3%
10 to 14 years	420	8.1%
15 to 19 years	305	5.9%
20 to 24 years	286	5.5%
25 to 34 years	330	6.3%
35 to 44 years	532	10.2%
45 to 54 years	958	18.4%
55 to 59 years	600	11.5%
60 to 64 years	316	6.1%
65 to 74 years	532	10.2%
75 to 84 years	343	6.6%
85 years and over	107	2.1%
Total	5,201	100.0%

Source: 2017 ACS table DP05

HOUSING OCCUPANCY & TENURE

Holland Township contained an estimated 2,213 housing units in 2017. Just over 87% of the housing units were occupied, while the remaining 12.9% were vacant. As shown in the table on the following page, occupied households were mostly owner-occupied (93%), while renter-occupied units totaled only 7%. There were six categories of vacant housing units, of which 153 units were “for sale” and 117 units were categorized as “other”.

HOUSING OCCUPANCY		
	Households	Percent
Occupied Total	1,927	87.1%
Owner Occupied	1,793	93.0%
Renter Occupied	134	7.0%
Vacant Total	286	12.9%
For rent	0	0.0%
Rented, not occupied	0	0.0%
For sale	153	53.5%
Sold, not occupied	11	3.8%
Seasonal	5	1.7%
Other	117	40.9%
Total	2,213	100.0%

Source: 2017 ACS tables DP04 & B25004

HOUSEHOLD SIZE

Holland had a total of 1,927 households in 2017, according to the ACS. Nearly 40% of those households were two-person households. Three- and four-person households comprised 36.6% of households, collectively, within the Township. Just over 16% were one-person households. Five-, six-, and seven-person households made up the rest of the households in Holland.

HOUSEHOLD SIZE		
Size	Total	Percent
1-person	310	16.1%
2-person	761	39.5%
3-person	357	18.5%
4-person	349	18.1%
5-person	127	6.6%
6-person	18	0.9%
7+ person	5	0.3%
Total	1,927	100.0%

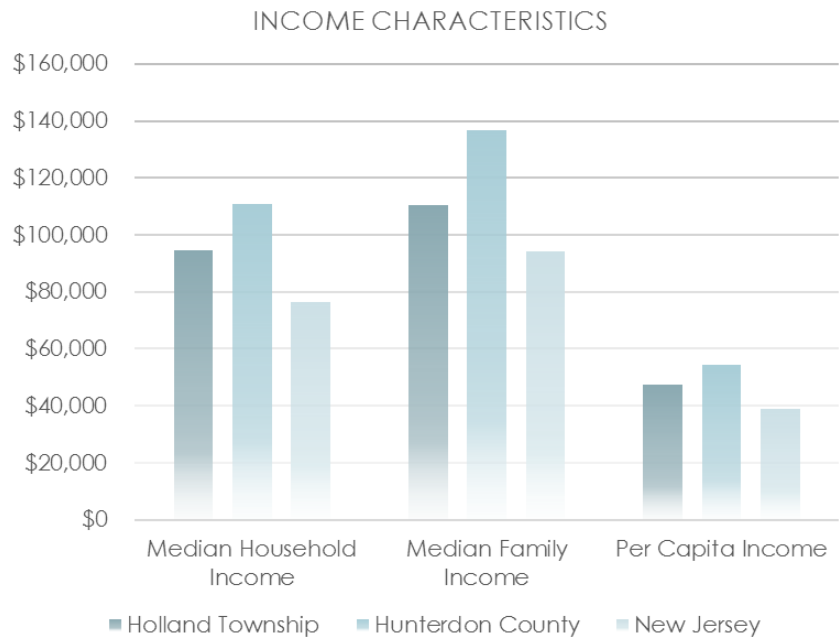
Source: 2017 ACS table B11016

HOUSEHOLD INCOME

Holland Township had a median household income of \$94,766 according to the 2017 ACS. This is over \$16,000 less than the reported median income of Hunterdon County, but approximately \$18,300 more than the State's median household income. The median family and per capita incomes follow the same trend with Holland having a median family income of \$110,278 and per capita income of \$47,244. Interestingly, the poverty rates of individuals and of families within the Township are less than that of both Hunterdon County and New Jersey. See the table and chart on the following page for additional details.

INCOME CHARACTERISTICS			
Income Type	Holland Township	Hunterdon County	New Jersey
Median Household Income	\$94,766	\$110,969	\$76,475
Median Family Income	\$110,278	\$136,895	\$94,337
Per Capita Income	\$47,244	\$54,200	\$39,069
Poverty Status (Percent of People)	4.2%	4.5%	10.7%
Poverty Status (Percent of Families)	2.5%	2.7%	7.9%

Source: 2017 ACS table DP03



LAND USE

The Township of Holland is developed primarily with residential and farmland uses, which gives the Township its rural character. According to the New Jersey Department of Community Affairs, the Township contained 2,478 parcels in 2018. A total of 1,864 parcels (75.2%) were classified as residential with a total value of nearly \$525 million. In addition, there was one apartment parcel and 175 farm homestead parcels. Therefore, 2,040 parcels, or 82.3% of the parcels in the Township, were residential parcels in 2018 and were valued at over \$590 million. Farmland parcels totaled 265 parcels, while there were 27 commercial parcels, and seven industrial parcels. Surprisingly, 139 parcels, or 5.6%, were vacant. The table on the following page summarizes the various land use categories.

LAND USE (2018)				
Land Use Class	# of Parcels	Percentage	Total Value	Percentage
Vacant	139	5.61%	\$7,665,900	0.50%
Residential	1,864	75.22%	\$524,938,100	71.30%
Apartment	1	0.04%	\$429,300	0.20%
Farm Homestead	175	7.06%	\$64,907,400	20.10%
Farmland	265	10.69%	\$2,733,430	0.80%
Commercial	27	1.09%	\$14,447,811	6.70%
Industrial	7	0.28%	\$10,448,100	0.40%
Total	2,478	100%	\$625,570,041	100%

Source: http://www.nj.gov/dca/divisions/dlgs/resources/property_tax.html

STATE CHANGES

The following sections detail the major policy changes and new rules that have been implemented since the 2007 Reexamination Report was adopted.

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 Super Storm Sandy. The Commission is revising the document to incorporate disaster planning goals considering Super Storm 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.²

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.
- 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.³

COMPLETE STREETS

The New Jersey Department of Transportation (hereinafter “NJDOT”) finalized a Complete Streets policy in December of 2009. The policy requires that future roadway improvement projects that are federally or state funded will include safe accommodations for all users, which includes bicyclists, pedestrians, transit users, and the mobility-impaired. The purpose of the policy is “to create and implement a Complete Streets Policy in New Jersey through the planning, design, construction, maintenance, and operation of new and retrofit transportation facilities within public rights of way that are federally or state funded, including projects processed or administered through the Department’s Capital Program.” In December of 2012 the NJDOT issued [A Guide to Creating a Complete Street Implementation Plan](#). This was followed in 2017 by a [Complete Streets Design Guide](#). The 178-page Guide is divided into four chapters and provides guidance on the planning and design process and a lengthy toolbox for implementing complete streets. The final chapter provides street typologies. The document provides helpful information and tips for both practitioners and citizens.⁴

Most recently (July 2019), NJDOT released a [Complete & Green Streets for All Model Complete Streets Policy & Guide](#) report. This report indicates that 160 communities have adopted a complete streets policy via resolution.⁵ The document is described as a “one-stop resource for adopting and implementing Complete Streets policies and practices.” This document describes green streets as streets that “use green infrastructure practices installed within the public right-of-way to manage stormwater while preserving the primary function of a street as a conduit for vehicles, pedestrians, bicyclists, and transit riders.”⁶

MEDICAL MARIJUANA

On January 18, 2010 Governor Corzine signed into law Senate Bill Number 119 titled “New Jersey Compassionate Use Medical Marijuana Act”. This law permits the use of medical cannabis for persons with certain conditions. The law permits entities to operate as alternative treatment centers, which are a dispensary for the medical cannabis.

SOLAR AND IMPERVIOUS

On April 22, 2010 Governor Christie signed into law Senate Bill Number 921 titled “An Act concerning solar panels and impervious surfaces and amending and supplementing various part of the statutory law.” The law exempts solar plans from impervious surface or impervious coverage calculations.

TIME OF DECISION

On May 5, 2010 Governor Christie signed into law Senate Bill Number 82, titled “An Act concerning the review and approval of applications for development and supplementing P.L. 1975, c.291.” This new law repealed the “time of decision” rule. Previously, municipalities could make zoning changes prior to a formal decision on a development application. For example, if a property owner filed a development application to build a multi-family residential building in a zoning district that permitted such uses on the date the application was filed, the municipality could amend its zoning to prohibit such multi-family use while the application was pending. This would require the

application to either amend its application or seek a use variance. The new law (P.L. 2010, c. 9) requires that those development regulations that are in effect on the date of submission of an application for development shall govern the review of that application. Any provisions of an ordinance, except those relating to health and public safety, that are adopted after the date of submission are not applicable to that application. The law went into effect on May 5, 2011.

It should be noted, however, that what constitutes an “application for development” was recently before the State Supreme Court in *Dunbar Homes, Inc. v. Zoning Board of Adjustment of Franklin Township* (233 N.J. 546, 563 (2018)), where the Court found that a complete application must be submitted to receive protection under the development regulations in effect at the time.

HIGHLANDS COUNCIL APPROVAL OF TOWNSHIP PETITION

On May 19, 2011 the Highlands Council approved Holland’s Petition for Plan Conformance via Resolution 2011-15. Holland contains 1,973 acres in the Preservation Area and 13,352 acres in the Planning Area. The Resolution requires the Township to perform ongoing tasks to align Holland’s planning and policy documents with the Highlands Regional Master Plan.

NEW JERSEY ENERGY MASTER PLAN

In 2011 the State of New Jersey published an update to the 2008 Energy Master Plan. The purpose of the document is to outline the vision for the use, management and development of energy in New Jersey over the next ten years. The document has five goals:

- Drive down the cost of energy for all customers.
- Promote a diverse portfolio of new, clean, in-State generation.
- Reward energy efficiency and energy conservation and reduce peak demand.
- Capitalize on emerging technologies for transportation power production.
- Maintain support for the renewable energy portfolio standard of 22.5% energy from renewable sources by 2021.⁷

WIND FACILITIES ON LANDFILLS

On December 14, 2011 Governor Christie signed into law Senate Bill Number 2126 titled “An Act concerning solar energy and wind energy and supplementing P.L.1979, c.111.” This law amended the Municipal Land Use Law (hereinafter “MLUL”) to permit a wind energy generation facility or structure constructed and operated on the site of any landfill or closed resource extraction operation to be a permitted use within every municipality outside of the Pinelands Area.

MASTER PLAN REEXAMINATION REQUIREMENTS

On May 4, 2011 Governor Christie signed into law Assembly Bill Number 3272 titled “An Act concerning municipal land use planning, and amending the Municipal Land Use Law, P.L.1975, c.291.” This law changed the requirement to provide for a general reexamination of the master plan from every six years to every ten years.

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.

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. Consistent with its past history of voluntary compliance, Northvale was proactive and filed its Declaratory Judgment Complaint on July 6, 2015.

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). This obligation is commonly referred to as the Gap Need.

See page 29 for a description of Holland’s response to the March 2015 decision.

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 effect 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.

COUNTY CHANGES

Since the adoption of the 2007 [Reexamination Report](#), Hunterdon County has adopted the following documents:

2007 GROWTH MANAGEMENT PLAN

In December of 2007, Hunterdon County adopted the Growth Management Plan (hereinafter “GMP”) which provides a profile of the County’s various elements such as natural resources, land use, transportation, economic development, population, and housing. The Plan projects the County’s build-out using three different models and makes recommendations to control the growth of the County. This Plan does not make recommendations for specific municipalities, rather general guidelines are presented to help guide growth.

Chapter Three of the GMP presents three steps for municipalities to take. Step 1 discusses establishing community goals and vision of the entire community in order to identify and create planning changes such as land use ordinances, community design plans or form-based zoning. The County conducted a County-wide survey in 2003 along with multiple public meetings to establish community values and design ideas. This “visioning” process yielded the conclusion that Hunterdon County residents believe it is critical to preserve the rural character of the County. Step 2 is called “Balancing the Preservation of Rural Character with Population Growth” and discusses land use management to accommodate growth without being detrimental to the rural character of the County. This step includes land preservation by choosing a zoning strategy such as a Transfer of Development Rights program or clustering, practicing green design by prioritizing environmental features, implementing green design along roadways, and historic preservation. Finally step 3 entitled “Fostering Innovative Planning and Design”, discusses multiple techniques to implement good planning into communities with various values, characters, and ideas.

The three steps presented in the GMP provide examples and techniques to guide development in Hunterdon County municipalities. No specific direction or development technique was noted for Holland Township.

2008 FARMLAND PRESERVATION PLAN

Adopted in 2008, the Farmland Preservation Plan addresses the County’s desire to combat development pressure and decline of active farmers. According to the Plan, Holland Township has 14 preserved farmland properties totaling 1,235.97 acres.⁸ These farms were preserved through the Hunterdon County Easement Program, State Agriculture Development Committee donation or a Municipal Planning Incentive Grant (hereinafter “PIG”) program. The Plan lists targeted farms for the County’s PIG program. Within Holland there are 22 farms on 29 parcels, totaling 2,103.23 acres, on the County’s targeted farm list:

- Block 2, Lot 4 – 86.34 acres
- Block 5, Lot 6 – 76.48 acres
- Block 6, Lot 48 – 52 acres
- Block 6, Lot 60 – 180 acres
- Block 9, Lot 20 and Block 14, Lot 2 – 96 acres
- Block 10, Lot 43 – 97 acres
- Block 11, Lot 2 – 116.73 acres
- Block 14, Lot 38 – 40.05 acres
- Block 15, Lots 1 and 1.02 – 58 acres
- Block 15, Lot 2 – 112.4 acres
- Block 15, Lot 6 and Block 16, Lot 16 – 98 acres
- Block 15, Lot 7 – 135 acres
- Block 16, Lot 19 – 54 acres
- Block 17, Lot 24 and Block 25, Lot 30 – 151 acres
- Block 17, Lot 19 – 104 acres
- Block 21, Lot 4 – 48.8 acres
- Block 22, Lot 58 – 87.9 acres
- Block 25, Lot 28 – 59.56 acres
- Block 25, Lot 34 – 70.3 acres
- Block 25, Lot 45 – 50 acres
- Block 25, Lot 60 – 203 acres
- Block 26, Lots 17.01, 19, and 20 – 44.7 acres

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”.⁹ 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”.¹⁰ 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 Holland.

2018 ECONOMIC IMPACT OF TOURISM IN HUNTERDON COUNTY STUDY

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 Holland-specific recommendations were noted in the report.

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 its rural or scenic-rural landscape”.¹¹ The Open Space Plan provides an inventory of improved and unimproved parkland, recreational facilities, and educational programs.

The Plan found that Holland has a total of roughly 4,683 acres of open space including:¹²

- 328 acres of municipal parks and open spaces;
- 483 acres of County parks and open spaces;
- 978 acres of State parks and preserved open spaces;
- 33 acres of land owned by the Board of Education;
- 52 acres of private open space;
- 170 acres of non-profit lands; and
- 2,639 acres of preserved farmland.

There is currently one improved County-owned recreation facility in Holland Township, the Musconetcong Gorge Preserve. This 501-acre Preserve offers hiking and nature trails, scenic vistas, and hunting. The Plan also indicates additional land in Holland could be acquired and provide additional open space along the Delaware River, Musconetcong River, and the Musconetcong Mountain Preserves.

The terminus of the Highlands Trail is located in the Village of Riegelsville in Holland. The Highlands trail is a 150-mile trail that traverses the Highlands Region via established trails or roadways. A new trail is proposed through Lebanon and Clinton Townships, which would connect to the Musconetcong Mountain Trail in Holland.

MUNICIPAL CHANGES

Since the adoption of the 2007 [Reexamination Report](#), Holland has adopted several master plan documents, updated its zoning map, and modified its Land Use Ordinance. The Township has also opted into the Highlands Region for the Preservation and Planning Areas and adopted several documents towards achieving Highlands Plan Conformance. These changes are noted in the following sections. Finally, there is a section regarding the Township's compliance with stormwater management regulations.

2007 COMPREHENSIVE FARMLAND PRESERVATION PLAN & MASTER PLAN FARMLAND PRESERVATION PLAN ELEMENT

Adopted in December in 2007, the Township's Farmland Preservation Plan identified the Township's farm properties and areas of significant agricultural lands, reviewed the Township's plans and ordinances supporting agricultural businesses, and identified target farms to preserve. According to the Plan, Holland had a total of 6,827 acres of land in agricultural use, including harvested cropland, permanent pasture and pasture croplands, and woodlands. In order to identify farmland to be preserved, the Township was divided into four project areas, the Bunn Valley (Area 1), Holland Station (Area 2), Hawks Schoolhouse (Area 3), and Musconetcong (Area 4). The Municipal Agricultural Advisory Committee estimated a preservation goal of approximately 250 acres per year, or 2,500 acres over ten years. A list of targeted farms was presented, which included 23 farms totaling 2,090 acres. These farms were divided into a timeline of acquisition with five farms totaling 297 acres to be acquired in the first year, ten farms totaling 1,131 acres to be acquired within five years and six farms totaling 524 acres to be acquired over a ten-year period. A Farmland Preservation Plan Element was also adopted at this time, implementing the guidelines presented in the Comprehensive Farmland Preservation Plan.

2007 NATURAL RESOURCE INVENTORY

In March of 2007, the Township adopted a Natural Resource Inventory (hereinafter "NRI"). The NRI identifies significant environmental resources, including physiography, topography, and geology, soils, ground water, surface water, biological resources, open space and farmland, historic resources, etc. The Goal of the NRI, which is stated on page 2, states, "The goal of the NRI is to provide a planning tool containing resource information, data and maps that can be used as part of the Master Plan, as a reference when reviewing development proposals, and as a guide in other Township activities in order to better protect the Township's natural resources and the overall health and welfare of the community". Within each resource section, there are maps and data tables describing the location and extent of the environmental resources.

2009 PETITION FOR PLAN CONFORMANCE

On December 1, 2009, the Township Committee adopted a resolution petitioning the Highlands Council for plan conformance for the Planning and Preservation Areas.

2010 ORDINANCE AMENDMENTS

In March of 2010, the Township adopted Attachments 1 through 12 to the Land Use Ordinance. These attachments concern bulk schedules, lot averaging, water demand, Environmental Impact Statements, etc.

2010 FARMLAND PRESERVATION PLAN ELEMENT AND COMPREHENSIVE FARMLAND PRESERVATION PLAN

In May of 2010, the Township adopted a Comprehensive Farmland Preservation Plan and Farmland Preservation Plan Element. This Plan provides additional data to evaluate the existing farmland in the Township and identify target farms to preserve. The Plan used the same project areas identified in the 2007 Comprehensive Farmland Preservation Plan. The Plan indicates the Township had 6,969 acres of assessed farmland in 2007, including harvested cropland, permanent pasture and pasture croplands, and woodlands. The Plan reports that 2,012 acres of the Township's farmland has been preserved between 2001 and 2010. The Plan reinforces the preservation goal in the 2007 Comprehensive Farmland Preservation Plan of 250 acres preserved per year, for a total of 2,500 acres over 10 years. Finally, the Plan identifies 37 farmland parcels to be preserved, totaling 1,911.68 acres.

2010 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

On May 25, 2010, the Township Planning Board adopted the Township's 2010 Third Round Housing Element and Fair Share Plan (hereinafter "2010 HEFSP"), which was subsequently endorsed by the Township Committee on June 1, 2010. The 2010 HEFSP addresses the Township's constitutional obligation to provide affordable housing for the Third Round of the Council on Affordable Housing's (hereinafter "COAH") rules. According to COAH's Third Round rules, the Township's Third Round Affordable Housing Obligation included a 17-unit Prior Round Obligation, a 25-unit Rehabilitation Obligation, and a 41-unit Third Round Growth Share Obligation. However, the Highlands Council prepared a Municipal Build-Out Analysis for Holland, which found the full build-out potential for the Township to be 262 dwelling units, which included 258 units in the Highlands Planning Area and four units in the Highlands Preservation Area. Based on the Highlands Council build-out results the Township's COAH obligation for the Third Round Growth Share was 53 affordable units, assuming 20% of the units will be affordable. The Highlands Build-Out Analysis resulted in a higher Third Round Obligation than the COAH's. Therefore, the Township utilized the 41-unit Third Round Growth Share Obligation calculated by COAH.

The 2010 HEFSP presents the mechanisms that will be utilized to address the Township's affordable housing obligation. The Township's Rehabilitation Obligation will be addressed by two owner-occupied units which were rehabilitated in 2005 and 2006 and through its housing rehabilitation program.

The Township's 17-unit Prior Round Obligation will be addressed by a four-unit Regional Contribution Agreement with the City of Lambertville, an accessory apartment program with seven accessory apartments already created, and three family rental units to be constructed by Jiovino at Huntington Knolls, plus three bonus credits for the units. Finally, the 41-unit Third Round Growth Share Obligation, which was reduced to 37 units by exclusions permitted by COAH for previously approved Second Round sites, will be addressed through the following mechanisms:

- Thirteen family rental units to be created at Huntington Knolls plus eight bonus credits;
- Six special needs bedrooms at Huntington Knolls;
- Six family rental units in the VR-A zone plus 1 rental bonus; and
- Three accessory apartment units in existing residential dwellings.

Therefore, the Township's 2010 HEFSP fully addressed Holland's Third Round Growth Share Obligation.

2011 HIGHLANDS MASTER PLAN REEXAMINATION REPORT

In September of 2011, the Township adopted a Master Plan Reexamination Report, which examined the Township's Master Plan and ordinances specifically for consistency with the Highlands Regional Master Plan. The following problems and objectives were identified in relation to the adoption of the Highlands Act and Regional Master Plan:

- a. To continue to recognize, give consideration to, and to take action on the planning goals and objectives contained in the Township's 2007 Periodic Reexamination Report as amended through January 18, 2007 and presented in Section I on pages 8 through 11.
- b. To promote the Highlands Preservation and Planning Area Goals as identified in the Township's New Jersey Highlands and Holland Township "Initial Assessment Grant Report", dated March 3, 2009.
- c. To recognize that Major Highlands development must comply with a series of very stringent environmental standards governing septic system densities, impervious surfaces, open waters buffers, flood hazard areas, steep slopes, upland forests, historic and archaeological areas, rare, threatened or endangered plant and animal species, and unique or irreplaceable land types including vernal habitats and ecological communities.
- d. To acknowledge the need to manage growth in ways that respects the Township's rural and sensitive environmental context.
- e. To receive the benefit of a potential reduction in affordable housing obligations if the Township's Master Plan conforms with to the Highlands Regional Master Plan.
- f. To recognize the need to amend the Land Development Ordinance to establish requirements for clean renewable energy systems that can be utilized effectively and without detriment to adjoining properties.

This Reexamination Report recommended the Township amend underlying objectives, policies, and standards to conform to the Highlands Preservation/Planning Area Master Plan Element, that an Environmental Resource Inventory component of the Master Plan be adopted, adopt regulations to allow for major solar energy facilities to be located in the Township's industrial zones, and regulations to permit small wind and solar energy systems as accessory uses to permitted uses in all zones.

2011 REFERRAL ORDINANCE

On September 21, 2011, the Township adopted Ordinance 2011-15, which requires, before an application is deemed complete, the applicant to be referred to the Highlands Council to determine if the application is subject to the Highlands Land Use Ordinance.

2013 HIGHLANDS MASTER PLAN ELEMENT

The Township of Holland prepared and adopted a Highlands Master Plan Element in November of 2013 to demonstrate conformance with the Highlands Regional Master Plan for the land use and future development in the Highlands Preservation and Planning Areas in the Township. This Plan embraced the goals of the Preservation and Planning Areas. The Preservation Area has nine goals, while the Planning Area has ten. Multiple elements are included in the Highlands Master Plan Element, a Land Use Plan, Housing Plan, Conservation Plan, Utility Services Plan, Circulation Plan, Land Preservation and Land Stewardship Plan, Agricultural Retention/Farmland Preservation Plan, Community Facilities Plan, Sustainable Economic Development Plan, Historic Preservation Plan, and a Development Transfer Plan. However, all these elements are Highlands-specific.

2013 HIGHLANDS ENVIRONMENTAL RESOURCE INVENTORY

Adopted in November of 2013, the Environmental Resource Inventory (hereinafter “ERI”) identifies the natural and cultural resources within Holland. An ERI is necessary to bring the Township’s planning documents into conformance with the Highlands Regional Master Plan. Topics discussed in the ERI include the Highlands Region and Land Use Capability Zones, forest resources, Highlands open waters and riparian areas, steep slope protection areas, critical habitats, land preservation and stewardship, carbonate rock areas, and many others. The ERI also provides a framework to support new resource protection requirements in the Land Use Ordinance.

2017 HIGHLANDS LAND USE ORDINANCE

Adopted on November 8, 2017, Ordinance 2017-12 entitled “Land Use Ordinance, Highlands”, provides separate land development requirements above and beyond the Township’s Land Use Ordinance. The Highlands Land Use Ordinance is only triggered when more than three new homes are proposed, one or more acre of land is disturbed, impervious coverage is increased by one-quarter of an acre or more, or a site fails to meet one of the exemptions. The Land Use Ordinance, Highlands is located in Chapter 101 of the Township’s Code.

2017 ZONING MAP

In 2017 the Township adopted a new Zoning Map that incorporated the Highlands Land Use Capability Zones.

2018 FARMLAND PRESERVATION PLAN UPDATE

In 2018, the Township adopted an update to the 2010 Farmland Preservation Plan Element. The Plan Update indicates the Township has preserved a total 2,346 acres of farmland as of September of 2017 through various programs. According to the data, 519 acres have been preserved since 2010. The Plan Update sets a new preservation goal of approximately 215 acres per year, with 706.6 acres preserved in one year, 1,618.5 acres preserved in five years, and 2,145.3 acres preserved in ten years. Appendix C lists the Target Farms for preservation. A total of 46 parcels, totaling 2,145.2 acres are included in this list.

STORMWATER REGULATION

Enacted on February 2, 2004, New Jersey’s Stormwater Management Program, comprised of two separate Rules (N.J.A.C. 7:8 and 7:14A), establishes a framework for addressing water quality impacts associated with existing and future stormwater discharges. Together with the new Flood Hazard Control Act Rules (N.J.A.C. 7:13) they provide for Category One (C1) Water Protection including a 300-foot Special Water Resource Protection Area or buffer for new major development adjacent to all C1 waters and upstream tributaries of C1 waters within the same HUC-14 sub-watershed. These regulations have implications in Holland Township as developments within the Milford Creek, Hakihokake Creek, Musconetcong River and Delaware River watersheds and their tributaries which comprise C1 waterways within the Township’s five (5) HUC 14 sub-watersheds will be evaluated to ensure compliance with the sensitive Category One designation.

The Township has complied with the 2004 rule changes as follows:

1. Preparing a Stormwater Management Plan – this Plan has had several revisions since the original March 2005 Plan, with a last revision date of February 2019.

2. Preparing and adopting a Stormwater Control Ordinance – this Ordinance was adopted on March 21, 2006 as Chapter 100-Part 3 - Stormwater Management, of the Township’s Land Use Ordinance and most recently amended on August 21, 2018.
3. Obtaining a Municipal Stormwater Regulation Program (MS4) Permit from the State of New Jersey and addressing the Statewide Basic Requirements (SBR’s) in that permit on a recurring basis, which includes filing an annual report with the State Department of Environmental Protection. The Statewide Basic Requirements have been addressed through adoption of model Stormwater Ordinances, which are available online at the Township’s Ordinance website at <https://ecode360.com/HO1127>. Note that Applicants proposing development in the Township are responsible for complying with the Township’s Stormwater Ordinances.
4. Reviewing development applications for compliance with the adopted Stormwater Control Ordinance where applicable. Applications are reviewed on an on-going basis for compliance with the Stormwater Management Ordinance. The Applicant is required to comply with State requirements and obtain the required permits.

As part of the Master Plan Reexamination report process, the Stormwater Management Plan and Storm Water Control Ordinances adopted in 2019 and 2018 respectively have been reviewed. Based upon that review, the current Stormwater Management Plan and Stormwater Control Ordinances have been determined to be adequate by the Township. As a result, no changes to the Stormwater Management Plan or Stormwater Control Ordinances are being recommended in this Reexamination report.¹³

V. CHANGES RECOMMENDED FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS

This chapter of the 2020 Reexamination looks at specific changes that are recommended for the Master Plan and existing development standards, which includes the underlying objectives, policies, and standards. The remainder of this chapter is divided into five sections. The first provides amended goals and objectives to guide the Master Plan. Section two makes recommendations regarding future master plan elements. The third section reviews Chapter 100 and makes recommendations for changes and amendments. The fourth section reviews the 2009 to 2018 year-end Zoning Board reports. Finally, the fifth section analyzes recent technologies and land uses and how the Sub-committee recommends handling these new issues.

GOALS

This section is divided into two parts – current goals and proposed goals.

CURRENT GOALS

The Township’s master planning goals are currently guided by the 2001 Master Plan, which contains 17 land use-related goals. The existing goals are as follows:

1. To direct potential growth into a Village Center while maintaining the rural character of the rest of the Township, thereby promoting Statewide objectives for agricultural land retention, open space preservation, conservation of historic sites and districts, and protection of watersheds and river corridors.
2. To preserve, protect, restore and enhance the outstanding natural resources in the Township, including rare and endangered species, forests, steep slopes, flood plains, headwaters and wetlands.

3. To make certain that the level of development which is permitted to occur in Holland Township is appropriate considering environmental factors such as ground water quality and supply, surface water quality, septic suitability of soils, steep slopes, wetlands, flood plains, forests and wildlife habitats and also considering the availability of infrastructure and character of existing development. The capacity of the public utilities serving the proposed Village Center and the density and intensity of the existing development surrounding it should be the basis for determining the density and intensity of new development that is supportable within the proposed Village Center.
4. To encourage, wherever feasible, the concentration of residential development so that a maximum amount of land can be left free for agriculture or conservation to help meet the need for agricultural land within the region and to protect environmentally sensitive areas, such as headwaters, flood plains, wetlands, steep slopes, forests, unique wildlife habitats and scenic vistas from excessive development.
5. To maintain consistency with the policies expressed in the adopted State Development and Redevelopment Plan with respect to the State's Rural and Environmentally Sensitive Planning Areas.
6. To implement the policies expressed in the Hunterdon County Growth Management Plan and future County Master Plans.
7. To implement Wild and Scenic River Management Plan policies with respect to the Musconetcong and Delaware Rivers.
8. To provide realistic opportunities for addressing Holland Township's low and moderate income housing obligations as recommended in the Township's adopted Housing Element and Fair Share Plan and in a manner appropriate to the Township's designations in the State Plan.
9. To provide an opportunity for senior citizens and special needs housing to be constructed within the designated Center.
10. To retain the Township's industrial development and provide for a limited amount of new commercial development to occur within the Village Center in accordance with the highest standards of site design to ensure that such development will have a positive impact on the community and the environment while also providing necessary services and amenities.
11. To take specific steps to preserve and enhance the Township's historic hamlets for their scenic, historic and social value, recognizing that both the type and scale of new development in or near the environs of these places will affect their integrity.
12. To make certain that the subdivision and site plan improvements required of developers match the Township's long-range goals for the development of various areas within the Township.
13. To make certain that public services and roadway improvements are appropriate to the level of growth planned for the municipality.
14. To promote a desirable visual environment through creative development techniques and good civic design and arrangements and, in particular, to preserve scenic vistas along roadways and ensure that all future development is consistent with the guidelines in the Community Design Handbook published by the Hunterdon County Planning Board.

15. To encourage the development of appropriate riverfront recreational uses that are compatible with the preservation of the natural and cultural qualities of the Musconetcong and Delaware Rivers while respecting private property and the historic character of the existing hamlets along these rivers.
16. To preserve and protect the character of archeological sites and historic structures, districts, sites and landscapes throughout the Township.
17. To maintain and, where possible, improve water quality in the Musconetcong and Delaware Rivers and their tributaries.

PROPOSED GOALS

The Master Plan Sub-committee reviewed the existing goals guiding land use and master planning within the Township. Some goals were related to defunct policies, while others are no longer relevant. After careful analysis and thorough discussion, the Master Plan Sub-committee recommends the following goals to guide master planning and land use within Holland.

1. To direct potential growth into the Highlands Existing Community Zone while maintaining the rural character of the rest of the Township, thereby simultaneously promoting Township and Highlands Council objectives for agricultural land retention, open space preservation, conservation of historic sites and districts, and protection of watersheds and river corridors.
2. To preserve, protect, restore and enhance the outstanding natural resources in the Township, including rare and endangered species, forests, steep slopes, flood plains, headwaters and wetlands.
3. To make certain that the level of development which is permitted to occur in Holland Township is appropriate considering environmental factors such as ground water quality and supply, surface water quality, septic suitability of soils, steep slopes, wetlands, flood plains, forests and wildlife habitats and also considering the availability of infrastructure and character of existing development. The capacity of the public utilities serving the Existing Community Zone should be the basis for determining the density and intensity of new development that is supportable within said Zone.
4. To encourage, wherever feasible, the concentration of residential development so that a maximum amount of land can be left free for agriculture or conservation to help meet the need for agricultural land within the region and to protect environmentally sensitive areas, such as headwaters, flood plains, wetlands, steep slopes, forests, unique wildlife habitats and scenic vistas from excessive development.
5. To encourage the development and redevelopment of the Township's existing industrial zones and confirm contaminated sites are remediated in conformance with the Department of Environmental Protection's standards.
6. To uphold the purposes and intent of the New Jersey Municipal Land Use Law.
7. To implement Wild and Scenic River Management Plan policies with respect to the Musconetcong and Delaware Rivers.
8. To provide realistic opportunities in water and sewer service areas to create affordable housing that recognizes Holland's environmental resources and their limitation and strategically utilizes the finite remaining water and sewer capacity.
9. To provide an opportunity for senior citizens and special needs housing to be constructed within the Highlands Existing Community Zone.

10. To take specific steps to preserve and enhance the Township's historic hamlets (Mt. Joy, Amsterdam, Little York, Mt. Pleasant, and Spring Mills) for their scenic, historic and social value, recognizing that both the type and scale of new development in or near the environs of these places will affect their integrity.
11. To promote a desirable visual environment through creative development techniques and good civic design and arrangements and, in particular, to preserve scenic vistas along roadways and ensure that all future development is consistent with the guidelines in the Community Design Handbook published by the Hunterdon County Planning Board.
<https://www.co.hunterdon.nj.us/pdf/hcpb/CommunityDesignBook.pdf>
12. To encourage the development of appropriate riverfront recreational uses that are compatible with the preservation of the natural and cultural qualities of the Musconetcong and Delaware Rivers while respecting private property and the historic character of the existing hamlets along these rivers.
13. To preserve and protect the character of archeological sites and historic structures, districts, sites and landscapes throughout the Township.
14. To maintain and, where possible, improve water quality in the Musconetcong and Delaware Rivers and their tributaries.
15. To continue Highlands Plan Conformance activities to advance the environmental goals of the Township's Master Planning documents.
16. To preserve land in a manner that preserves contiguous forest and agricultural lands.
17. To protect and enhance the local agricultural economy and promote the economic viability of agriculture as an industry through farmland preservation.
18. To enhance opportunities for agri-tourism, community-supported agriculture, farmers markets, and farm-to-table businesses.

MASTER PLAN ELEMENTS

This section of the 2020 Reexamination makes suggestions for master plan elements that should be drafted over the next ten years.

MUNICIPAL STORMWATER MANAGEMENT PLAN

A Stormwater Management Plan, dated February 2019, has been prepared. The report discusses the goals of the plan, development impacts on stormwater runoff, riparian buffers, water quality, design and performance standards, non-structural stormwater management strategies, and a mitigation plan. The text is supplemented with tables, figures, and maps.

Under the Municipal Land Use Law, a Stormwater Management Plan is considered a component of a Utility Service Plan Element. A Utility Service Plan Element analyzes the need for and shows the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities, and including any storm water management plan. Therefore, the Planning Board believes it would be appropriate to schedule the plan for a public hearing and adopt it as a component of the Utility Service Plan Element.

WATER USE AND CONSERVATION MANAGEMENT PLAN

The Township received grant funding from the Highlands Council to prepare a Water Use and Conservation Management Plan (hereinafter “WUCMP”) in 2015. This document advances one of the highest priority objectives in the Highlands Regional Master Plan, which is to protect, restore, and enhance water resources. The technical research was conducted by CDMSmith, who worked with a sub-committee of Township officials and professionals to draft the WUCMP. A draft of the report has been prepared, which covers a variety of topics, including, but not limited to:

- Water sources and uses
- Net water availability
- Water conservation and deficit mitigation strategies
- Funding opportunities
- Water conservation, deficit reduction and elimination strategies
- Monitoring and annual water use
- Annual program implementation plan

According to the report, Holland is situated in five HUC14 subwatersheds. Holland has a leadership role to play in only three of the five, because the Township is the biggest user. In the other two, other municipalities are the biggest users, so they are the leaders. Two of the three subwatersheds where Holland is the leader are in deficit. Six strategies are recommended to reduce the deficit:

- Community outreach for water conservation programs
- Development of irrigation ordinance to limit excess irrigation
- Stormwater ordinance or improving an existing stormwater ordinance that promotes recharge and/or infiltration within the subwatershed beyond the typical minimum standards
- Drip irrigation
- Low flow fixtures
- Promotion of intelligent irrigation system design

The draft WUCMP would fit into Holland’s overall master plan under the conservation plan element (Environmental Resource Inventory). In fact, the document could become a sub-element to the 2013 Highlands Environmental Resource Inventory. Once the document is finalized, it would be appropriate to schedule the plan for a public hearing and adopt it as one of the many “chapters” of the larger master plan.

HOUSING ELEMENT & FAIR SHARE PLAN

The Township received grant funding from the Highlands Council in 2018 to prepare an updated HEFSP. The 2010 HEFSP was drafted and adopted before the 2017 New Jersey Supreme Court decision that ruled municipalities are responsible for obligations purportedly accruing during the so-called “gap period,” the period of time between 1999 and 2015. The gap period obligation was then added to the prospective need obligation, creating a Third Round Obligation spanning from 1999 to 2025. The Township is currently drafting a new HEFSP to comply with the 2017 Supreme Court decision.

OPEN SPACE & RECREATION PLAN ELEMENT

Holland has expressed interest to the Highlands Council for grant funding to prepare a new Open Space & Recreation Plan Element (hereinafter “OSRP”). The Township’s last OSRP was adopted in 2004. The Township is now interested in creating trails and trail connections. This aspiration aligns with the goal of the New York-New Jersey Trail Conference to create a 150-mile long Highlands Trail.

The Highlands Trail, when completed, will span from the Connecticut border to the Delaware River at Riegelsville, Pennsylvania. The trail currently begins in New York State, crosses into Passaic County and travels in a southwest direction through Morris, Warren, and Hunterdon County. The trail winds through Holland Township along the northern border before crossing the river and terminating in Riegelsville. The trail between Cyphers Road to the Pennsylvania border is mostly located on roads. The goal is to place the trail through available public land. Additional information on the trail section within Holland can be found here: <https://www.nynjtc.org/book/ht-nj-9-rt-173-dennis-road>

AGRI-TOURISM PLAN

Agri-tourism combines agriculture and tourism to offer rural experiences to urban residents and economic diversification to farmers. Agri-tourism can include, but is not limited to, u-pick operations, farm stays, harvest festivals, cooking classes, wine tasting, etc. Agriculture is the economic engine of Holland as the Township has preserved over 2,000 acres of land. The governing body desires to promote existing farms and farming activities by drafting an agri-tourism plan that builds on Holland’s existing agricultural assets and offers an action plan to enhance the viability of agriculture within the community. Moreover, the plan should recognize nearby assets that are outside of Holland, but act as a draw to the area, creating the ability for tourist day trips with multiple stops. One example is Villa Millagro, a winery in Pohatcong, just 0.3 miles north of the Holland border along the Delaware River.

LAND USE PLAN ELEMENT

The 2007 Reexamination Report recommended amending the Land Use Plan Element to be consistent with the recommendations of the report. Unfortunately, the Land Use Plan Element was not updated. However, the Land Use Plan Element should be amended after the adoption of this 2020 Reexamination report and the adoption of the new HEFSP referred to on page 30.

TRAFFIC CIRCULATION, COMMUNITY FACILITIES, & CONSERVATION PLAN ELEMENTS

The 2007 Reexamination Report recommended the preparation of a Traffic Circulation and Community Facilities Plan Element. If funding becomes available, the Township would recommend the Planning Board prepare these Master Plan Elements.

LAND USE ORDINANCE REVIEW

The Master Plan Reexamination Sub-committee has reviewed Chapter 100, entitled “Land Use”. The Sub-committee finds that the regulations and standards contained in Chapter 100 are, except for the items outlined below, adequate and suitable. However, Chapter 100 has some missing definitions and vague requirements. The following recommendations are made regarding Chapter 100.

100-4 BOUNDARIES, ZONING MAP

- Section 100-3 identifies a FL Flood Hazard District. However, the zoning map on www.ecode360.com does not list or illustrate a FL Flood Hazard District. Section 100-4 indicates the boundaries of the Flood Hazard District are in a report and accompanying map, however, those documents are not attached to the Ordinance. Furthermore, the Zoning Map does not illustrate the FL District. The Sub-committee recommends that instead of referring to an accompanying map, the Ordinance should refer to FEMA and/or the FIRM maps.

100-6 DEFINITIONS

- Child care center is not defined but is mandated by the Municipal Land Use Law (hereinafter “MLUL”) as a permitted use. The definition should be added to Chapter 100.
- Family daycare is not defined but is mandated by the MLUL as a permitted use. The definition should be added to Chapter 100.
- Height of Buildings is defined to measure height from the average elevation of the ground, but it is unclear if the elevation is pre- or post-disturbance or grading. The Sub-committee recommends amending the definition to state post-disturbance grade.
- The definition of Lot Width appears to be missing a word. Additionally, the definition is confusing. The Sub-committee recommends simplifying the definition. A potential new definition could be:

The horizontal distance between the side lines of a lot measured along a straight line parallel to the front lot line. Said measurement shall occur at the minimum required front setback line.

- “Manufacture of light machinery” is listed as a permitted use in the Limited Industrial Park District, but not defined. The definition should be added to Chapter 100.
- “Warehousing” is listed as a permitted use in the Limited Industrial Park District, but not defined. The definition should be added to Chapter 100.
- “Retail sales” are permitted in the COM District but are not defined. The definition should be added to Chapter 100.
- “Business and professional offices” are permitted in the COM District but are not defined. The definition should be added to Chapter 100.
- Specific types of personal services are noted in the code, but personal service is not mentioned. A definition for personal service should be added to Chapter 100.
- “Drive-in food stand” is permitted in the COM Zone, but not defined. The definition should be added to Chapter 100.

100-12 ACCESSORY BUILDINGS

- This section indicates that the height limitations do not apply to barns, silos or churches. Therefore, it could be misconstrued that within the R-5 and R-1 District a garage or shed could be 35 feet tall. The Sub-committee recommends clarifying the text to state that accessory structures other than barns and silos shall be limited to 18 feet in height.

100-11 CORNER LOTS

- This section notes that a corner lot has two front yards. However, it does not indicate what the remaining interior yards are. One would assume that the two remaining interior yards are rear yards, but this should be clarified. Potential amendments could allow the Applicant to select which remaining yard is a side yard and a rear yard; specify that the remaining interior yards are rear yards; or indicate that the yard opposite the shorter front yard is the rear yard and the remaining interior yard is a side yard.

100-14 OFF-STREET PARKING

- This section requires that where lights from vehicles within an off-street parking area shine into the windows of a residence, the area shall be screened. The text should be clarified to require screening of adjacent residences, not a residence on the subject site.

100-21 PERMITTED USES (IND DISTRICT)

- Solar energy facility (major/commercial) is listed as a permitted principal use, but the text states “subject to meeting all of the following requirements”, which reads like a conditional use. The text seems to indicate the use is conditionally permitted. The Sub-committee has reviewed this and agrees that the Ordinance should be clarified to indicate that a solar energy facility, both major and commercial, is a conditionally permitted use.
- Currently, warehousing is a permitted use within the Limited Industrial District. There are three Limited Industrial District areas within the Township, all of which are located along the river. Warehousing is a growing industry both in New Jersey and the United States. As online shopping, mail-order subscriptions, and grocery home delivery services increase, the demand for warehouse space intensifies. While the Sub-committee believes Holland is ill-suited for large warehousing complexes (e.g. 500,000+ square feet), they are cognizant that a smaller warehouse (e.g. 50,000 or 70,000 square feet) serving the “last mile” portion of the delivery process could find the Township desirable. The warehouse use itself is not of concern to the Sub-committee, so much as the associated truck traffic. Many of Holland’s roads are narrow and unable to withstand daily tractor-trailer traffic. Therefore, the Sub-committee recommends removing warehousing as a permitted use and instead allowing it as a conditional use (under Section 100-22.1). Potential conditions could include:
 - Maximum square footage of facility
 - Maximum number of loading docks
 - Submission of a traffic impact analysis
 - Designation of specific truck routes
 - Require off-site traffic improvements directly related to the proposed use (e.g. intersection improvements, roadway widening, etc.) to be paid for by the Applicant
 - Require loading doors to be located on the side and/or rear of the building
 - Mandate all inventory be stored indoors

100-22 ACCESSORY USES (IND DISTRICT)

- Exterior storage is a permitted accessory use so long as it is screened. However, the Township may want to limit outdoor storage areas, so they do not become the dominant use of a site. The Sub-committee has reviewed this section of the Ordinance and agrees that a cap should be added to the text. A potential threshold could be the limitation of outdoor storage to no more than 75% of the existing building footprint.

100-27 HEIGHT, COVERAGE, & FLOOR AREA RATIO (IND DISTRICT)

- Sub-section B states “not more than 55% of the lot area shall be covered by structures and paved surfaces”. A crafty applicant could try to misconstrue this and indicate they are using a non-paved surface to avoid the 55% limitation. The Sub-committee recommends changing “paved surfaces” to “impervious surfaces” to eliminate this potential loophole.

100-31 SIGNS (IND DISTRICT)

- Sub-section B indicates the sign can only advertise the “name, products and trademark, design or seal of an industry”. This would appear to prohibit a phone number on the sign. Additionally, the word “industry” appears to indicate that only industrial uses can have a freestanding sign. It is recommended that Sub-section B should be rewritten to indicate that a sign can only advertise the use on the site.
- Sub-section D permits walls signs to be 100 square feet or 5% of the façade area or whichever is greater. If a warehouse is constructed, it could be over 200 feet long and 50 feet tall. This would translate to a façade of 10,000 square feet. Multiplying that by 5% would result in a potential sign of 500 square feet. The Planning Board should note that a standard billboard is around 670 square feet. The Sub-committee has reviewed this and recommends the Board consider restricting wall sign size to approximately 200 square feet.
- On larger sites that include industrial, warehouse or manufacturing uses, smaller directional signs are customary to assist in directing deliveries, site navigation, etc. The Ordinance should be amended to add a definition for directional signs and permit them as necessary on-site for safety purposes. The number of signs could be at the discretion of the Board based on applicant testimony.

100-36E(2)(B) WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

- Sentence states “officer or institutional use”. This should be corrected to state “office”.

100-43 PERMITTED USES (RESIDENTIAL DISTRICTS)

- Family daycare is a permitted use in all residential zones per the MLUL. Section 100-43 should be amended to permit family daycare as a principal use.

100-47 MODIFICATIONS, LOT AVERAGING

- In 2017 the Township adopted Ordinance 2017-12, the Highlands Land Use Ordinance, which comprises the totality of Chapter 101. Any residential development of three or more units will trigger an applicant to abide by both Chapter 100 and Chapter 101. Once triggered, lot size will be guided by the Highlands Land Use Ordinance and depend on the Land Use Capability Zone the tract is in (see Section 101-21) and any potential for clustering (see Section 101-41). Therefore, Section 100-47 can be deleted, as the regulations under Chapter 101 will supersede Chapter 100.

100-47.1 MODIFICATIONS, CLUSTERING

- In 2017 the Township adopted Ordinance 2017-12, the Highlands Land Use Ordinance, which comprises the totality of Chapter 101. Any residential development of three or more units will trigger an applicant to abide by both Chapter 100 and Chapter 101. Once triggered, potential lot clustering would be guided by the Highlands Land Use Ordinance, not the Township’s Ordinance. Therefore, Section 100-47 can be deleted, as the regulations under Chapter 101 will supersede Chapter 100.

100-48 PERMITTED USES (VILLAGE RESIDENTIAL DISTRICT)

- As residential uses are permitted, family daycare must also be permitted in this zone. Section 100-48 should be amended to permit family daycare as a principal use.

100-50.1 PERMITTED USES (VILLAGE RESIDENTIAL A DISTRICT)

- As residential uses are permitted, family daycare must also be permitted in this zone. Section 100-50.1 should be amended to permit family daycare as a principal use.

100-51D. COMMERCIAL GREENHOUSES AND NURSERIES

- Commercial greenhouses and nurseries are conditionally permitted use and one of the conditions is that they must be accessible from a collector or arterial roadway. A search of the code reveals no list of collector or arterial streets within the Township. A potential definition of collector street could be “a street that collects traffic from local streets and connects with arterials”. An arterial could be defined as “a street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from collectors”. However, it may be easier to simply limit the use to County roads.

100-51E. SUBSIDIZED ACCESSORY APARTMENTS

- This section refers to affordable housing units. The term “subsidized” is misleading. It is recommended that the term “subsidized” be changed to “affordable”.
- The term “Housing Administrator” is utilized in this section. This should be amended to “Administrative Agent”, which is the proper term.
- Units should be available for both moderate- and low-income households. The Ordinance only lists low-income and should be amended to note both moderate- and low-income households.

100-53 OFF-STREET PARKING

- The Ordinance indicates one off-street parking space shall be provided for each unit. This standard should be amended to reflect the Residential Site Improvement Standards for residential units within the Township.
- There are no parking requirements for retail or personal services even though those uses are permitted in the R-1, R-5, and VR Districts. The Ordinance should be amended to include standards. For retail this could be one space per 300 square feet and for personal service it could be one space per 250 square feet.

ARTICLE X (MFR DISTRICT)

- There are no parking standards for the permitted uses in this zone. The text should be amended to refer to the Residential Site Improvement Standards for required parking.

100-74 PERMITTED USES (COMMERCIAL DISTRICT)

- Personal services are not permitted in this zone, however they are complimentary to the other permitted uses. Section 100-74 should be amended to permit personal services as a principal use.
- Exercise facilities including, but not limited to yoga and kickboxing should be permitted in the Commercial District. Additionally, instructional uses, such as martial arts, music, dance, etc. should be permitted principal uses.

100-78 SETBACKS (COMMERCIAL DISTRICT)

- A minimum front yard setback of 100 feet is required. This is quite large and makes retail sales difficult as the store is so far away from the street. The Township should consider reducing the front yard setback to 50 or 60 feet. The Sub-committee has reviewed this recommendation and suggest Holland amend the code from 100 to 50 feet.

100-85 PARKING REGULATIONS (COMMERCIAL DISTRICT)

- Restaurants are required to provide one parking space for each employee during the maximum shift and one additional space for each 50 square feet of floor area or one space for each two seats. This formula penalizes restaurants for the kitchen space, which has already been considered with the requirement for employee parking. The Ordinance should be amended to remove the square footage requirement or limit it to the dining area portion of the restaurant.
- Retail and banking have changed dramatically over the past ten years. If there is a 2,500 square foot retail store with 2 employees during the maximum shift, the building would be required to have 15 parking spaces under the current code requirements. It is highly unlikely that there would be 13 customers shopping in the store simultaneously. Section 100-85 should be amended to amend the retail requirement to one space for each 300 square feet.

100-87 SIGNS (COMMERCIAL DISTRICT)

- The Ordinance indicates a sign can only advertise the name of the establishment or its products. As written, the text appears to prohibit a logo or phone number. It is recommended that Section 100-87 be amended to indicate that a sign can only advertise the use on the site.
- Uses within this zone are only permitted wall signs, but the structures are required to be 100 feet away from the center line of the street. This setback requirement will likely trigger the request for larger wall signs or freestanding signs. The Township should consider allowing a property owner the ability to construct a monument sign near the street, for greater visibility instead of a wall sign. This would provide property owners with flexibility in making decisions regarding signage. By permitting the option of a monument sign and the ability to construct a new building closer to the street (see recommendation under 100-78) it provides business owners with more options to adequately advertise their business.

100-88 LOADING AND SOLID WASTE DISPOSAL REQUIREMENTS (COMMERCIAL DISTRICT)

- There is no requirement for the screening of trash areas. Potential requirements could include trash areas to be in the side or rear yard, enclosed by solid fencing or masonry so as to obscure the view of the trash receptacles to a height of six feet, and gates to be durable and solid.

100-89 LIGHTING (COMMERCIAL DISTRICT)

- This section provides no maximum footcandles at the property line. This is of concern, especially for adjacent residential property owners, in the case of glare, glow, light spillage, etc. The Township should amend Section 100-89 to limit the maximum footcandle value to 0.5 where non-residential properties abut residential lots. Additionally, language regarding the prohibition of glare on adjacent properties should be added.
- There is no maximum height limit for light fixtures. This Section should be amended to limit light fixture height to 20 feet to be in keeping with the Township's character.

100-91.2 PERMITTED USES (PSV DISTRICT)

- The development that has been approved for this zone is no longer age-restricted. The Township should amend the code to reflect this policy change and the existing site plan approvals.

100-112 ACCESSORY SHEDS

- Section 100-112 permits sheds with a maximum gross floor area of 150 square feet to be in any required side or rear yard on the lot, so long as it is at least 10 feet away from the lot line. However, there is no limit on the shed height. The text should be amended to add a shed height limitation of 15 feet to ensure a cunning homeowner doesn't try to construct a two-story shed.

ARTICLE XXIII DESIGN AND PERFORMANCE STANDARDS

- Most towns provide a general lighting section under design standards. The Ordinance does not provide lighting standards or limitations for all the zones. The Township should consider consolidating all lighting requirements within this Article and creating minimums and maximums for all the zoning districts.
- Many towns provide a general landscaping section under designs standards. This would cover landscaping on a site, buffering, parking areas, etc. For example, there appears to be no requirements for landscaping within a parking area. Landscaping is beneficial in parking lots to enhance aesthetics and reduce the heat island effect. The Township should consider adding a general landscaping section to this Article.
- Section 100-177K discusses shade trees but does not indicate when they are triggered. Shade trees should be required along all public roads for any subdivision or site plan application. The Ordinance should also require native shade tree species.

MISCELLANEOUS

- The 2007 Reexamination recommended the adoption of a new Environmental Impact Assessment Ordinance and review of the County's Stream Corridor Preservation, Steep Slopes Protection, Well Head Protection, and Woodland Retention model ordinances for potential adoption.

YEAR-END ZONING BOARD REPORTS

To determine if there are any issues with the ordinance, the year-end reports of the Board of Adjustment were reviewed for 2009 to 2018. This ten-year review provides a snapshot of the types of applications filed before Holland's Board of Adjustment and what relief the Board granted. This review assists in determining if there are any patterns or planning issues.

We have reviewed the ten year-end reports; nine of the ten reports contain no recommendations for the Township Committee. The 2014 Annual Report did recommend that the Township Committee investigate whether or not the Land Use Ordinance pertaining to cell towers (Article VI) conflicts with the Federal Telecommunications Act of 1996. This matter was forwarded from the Committee to the Planning Board for review. It is unknown what action the Planning Board took.

The requests for variances have fluctuated over the years and in some cases has been similar. However, there is no consistent pattern in the relief requested.

RECENT TECHNOLOGIES & LAND USES

There are six new technologies and/or land uses that have emerged since the 2007 Reexamination Report. They include solar, wind, digital signs, legalized marijuana, and Airbnb. The Township adopted ordinances for solar and wind energy systems initially in 2010 and amended those ordinances in 2012. These ordinances were reviewed, and Holland has provided detailed and thorough standards to guide both solar and wind facilities. The four

remaining technologies/land uses are not addressed in the Land Use Ordinance and are studied in the following sections.

DIGITAL SIGNS

Chapter 100 makes no mention of digital signs. Therefore, it is unclear if they are permitted or prohibited. The Sub-committee discussed this topic and agree that digital signs should be clearly prohibited in Chapter 100.

MARIJUANA

The State of New Jersey legalized medical marijuana in 2010. As of February 2020, there are seven dispensaries within the State, with six additional sites selected to open new dispensaries. The State requested applications for new Alternative Treatment Centers in 2019, but the process is currently stayed by the Superior Court of New Jersey, Appellate Division. There are over 70,000 patients in the program.¹⁴

In addition to medical marijuana there has been discussion of legalizing recreational marijuana. Is it unclear if recreational marijuana will ever be legalized. With that said, Holland believes that medical marijuana-related establishments should be prohibited in residential zones. Dispensaries should be limited to commercial and industrial zones, while the growth and extraction/processing should be restricted to specific zones. The Planning Board should work with the Township Committee to draft standards to guide medical marijuana-related uses.

Furthermore, the Township is urged to revisit this topic if and/or when recreational marijuana is permitted as revisions to the codebook may be necessary to be in compliance with the newly adopted State statutes.

AIRBNB

Some communities in New Jersey are receiving complaints from residents regarding adjacent property owners renting their home on internet websites, such as Airbnb. Typical complaints include noise, excess parking, large group gatherings, etc. Holland has not received such objections and does not believe the rental of homes on internet sites is an issue at the present. (As of May 28, 2020, there are no homes listed within Holland on www.airbnb.com or www.homeaway.com.)

VI. RECOMMENDATIONS CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS

Although the Township has not, to date, adopted any redevelopment plans, it remains alert to the opportunities afforded by redevelopment. There are several former mills along the river that may be potential candidates. Site contamination, sewage treatment, and water supply will be hurdles to overcome if redevelopment occurs.

VII. PUBLIC ELECTRIC VEHICLE INFRASTRUCTURE

Presently, there are no electric vehicle charging stations within the Township. The Green Team has discussed applying for a grant to install an electric vehicle charge station but hasn't done so to date. They believe that if a charging station were to be installed within the Township, it would be appropriate to locate it at the Riegel Ridge Community Center. However, the Township has no issue if a business seeks to install an electric vehicle charging station on private property. Holland does not believe it is necessary to draft an ordinance to address charging stations, instead each facility should be handled on a case by case basis.

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¹[https://www.njtpa.org/planning/plan-2045-\(1\)/demographic-appendix.aspx](https://www.njtpa.org/planning/plan-2045-(1)/demographic-appendix.aspx)

² <https://nj.gov/state/planning/assets/docs/publications/192-draft-final-ssp.pdf>, page 20, accessed March 3, 2020.

³ <https://nj.gov/state/planning/assets/docs/publications/192-draft-final-ssp.pdf>, pages 28-30, accessed March 3, 2020.

⁴ https://www.state.nj.us/transportation/eng/completestreets/pdf/NJCS_DesignGuide.pdf, accessed August 12, 2019.

⁵ https://www.state.nj.us/transportation/eng/completestreets/pdf/CS_Model_Policy_2019.pdf, accessed August 12, 2019, page 2.

⁶ https://www.state.nj.us/transportation/eng/completestreets/pdf/CS_Model_Policy_2019.pdf, accessed August 12, 2019, page 5.

⁷ https://www.nj.gov/emp/docs/pdf/2011_Final_Energy_Master_Plan.pdf, page 1.

⁸ Note that this total includes a 35.17 acre preserved farm located in Franklin and Raritan Townships.

⁹ Hunterdon County Comprehensive Development Strategy, pg. 12.

¹⁰ Ibid.

¹¹ Hunterdon County Strategic Park and Open Space Plan 2018, pg. E-1.

¹² Ibid, Table 37, pg. III-30.

¹³ Information in the Stormwater Regulation section is from Adam Wisniewski, P.E. via email on February 27, 2020.

¹⁴ <https://www.nj.gov/health/medicalmarijuana/>, accessed February 26, 2020.