

Noncontiguous clustering helps Delaware plan for growth

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Delaware Township in Hunterdon County is a unique central Jersey community in that its agricultural/historic landscape has not changed a great deal over the past three decades. Unlike surrounding towns, Delaware did not experience massive tract development during the building boom of the late 1900s. The predominant land uses are still agriculture and older, single-family homes on large properties, with clusters of small-lot residential development in a few historic nodes such as Sergeantsville and Rosemont.

Motivated by a desire to preserve its historic/agricultural character and to avoid attracting sprawling residential development, the town reexamined its zoning in the 1990s. Over the years, the Planning Board considered various land use strategies to achieve its goals, including an extensive investigation

of transfer of development rights, but never agreed on a solution. As time passed, Delaware also recognized a need to allow for smaller, more modest residential units to supplement the town's existing housing stock of higher-end properties, to eliminate concerns about exclusionary zoning. It sought a strategy that would permit, yet control, denser development. In 2009, the Township received an ANJEC Smart Growth Planning Grant to investigate the use of noncontiguous clustering to achieve these multiple goals.

Downzoning vs. density

Over the next three years, the town struggled mightily with issues of downzoning, farmland assessment and concerns over density, as well

as pressure from the New Jersey Department of Environmental Protection to achieve compliance with the State's



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wastewater management rules. The process finally came to a close in October 2011 when the Township Committee adopted several changes to the zoning ordinance that provide for a modest number of potential new housing units clustered on smaller lots, using one of two revised options: a hamlet development or open lands subdivision.

Open lands subdivisions have a minimum tract size of 24 acres, with 50 percent preserved as open space. The intent of this option is to promote the retention of large farm tracts, aggregate smaller farm parcels into contiguous farms, retain agricultural soils, and encourage soundness of subdivision layout to protect resources and recharge areas. Hamlets, which are limited to tracts of 100 acres or more, must comply with extensive design criteria, receive a density bonus and require an 82 percent set-aside restricted to agriculture or conservation use.

The unique feature of both options is that the required open space can, with limits, be provided offsite (that is, on noncontiguous parcels). For open lands subdivisions, noncontiguous lands can be used only for tracts greater than 75 acres. The offsite open land areas in both options must be a minimum of 30 contiguous acres, which is consistent with Delaware Township's objectives of retaining its agricultural industry and protecting water quality.

The Township's experience is a good illustration of perseverance and compromise at work. Many times, the process bogged down in controversy and chugged to a stop, and the project may have failed had there not been a grant reimbursement hanging in the balance, motivating the Planning Board and Township Committee to give it one more try. In the end, a solution was put in place that was less than many would have liked, yet a solid step in the right direction.