

**CONSISTENCY REVIEW REPORT**  
**PROPOSED SUBDIVISION**  
**BLOCK 10 LOT 12**  
**HOLLAND TOWNSHIP**  
**HUNTERDON COUNTY**  
**NEW JERSEY**

**JULY 4, 2002**

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## **PURPOSE OF REPORT**

The purpose of this report is to review the proposed preliminary subdivision plan for Block 10, Lot 12, currently before the Holland Township Planning Board, regarding its consistency with generally accepted principles of sound land use planning and ecological protection as well as local land use codes, ordinances and zoning, the Municipal Land Use Law and the State Development and Redevelopment Plan.

## **DISSCUSSION**

### **Municipal Master Plan, Zoning Map, and State Development and Redevelopment Plan – Consistency of Objectives**

One of the first priorities in conducting a review such as this is to examine the municipality's Master Plan and Zoning Map to obtain some feel for the Township's overall vision of its future. The contents of the Municipal Master Plan are of special importance since the aspirations outlined therein set the tone for any subsequent zoning. Because every community's long term sustainability and quality of life is highly dependent upon its supply of indigenous natural resources, and no community has an infinite supply of such resources, the provisions of N.J.S.A. 40:55D-28 (b) (2) and (3) (Copy attached) requiring a Land Use Plan Element and by implication, a Conservation Plan Element respectively, for all Master Plans is especially important. The lack of one or both of these elements can be disastrous.

Holland Township's latest version of its Municipal Master Plan adopted May 14, 2001 demonstrates the Township's recognition of its rural character as well as the inherent physical constraints of the underlying geophysical province within which it lies. Steep slopes, poorly yielding rock aquifers, poorly drained soils and shallow depth to bedrock are all cited as conditions of concern for large portions of the Township. Of special significance in the Master Plan is the concluding paragraph in

**the Physical Characteristics Section of the May 14, 2001 Master Plan revision which states:**

*“The physical characteristics of a rural community that is dependent primarily on individual, on-site septic systems for sewage disposal and on individual on-site wells for potable water are essential components of its capacity to accept development. While the ability of land to accommodate development is primarily related to the availability of potable water and the ability of the soil to treat sewage effluent, other factors such as the existence of steep slopes and wetlands, will impact how well development can be accommodated without adversely affecting the physical environment and ultimately depleting the ability of the land to sustain human activity.”*

**When one examines Holland Township’s current zoning map, it appears that the recommendations and concerns raised in the Municipal Master Plan, regarding the protection of the Township’s constrained natural resource infrastructure have been considered. In particular, the present zoning map shows a 5 acre (R-5) minimum lot size requirement for the largest portion of the Township, due in part, as the Master Plan states, because it “.....encompasses properties containing the most significant environmental constraints to development.”**

**Of special significance is the fact that the Township is now proposing to even increase the minimum lot size for this zone to 10 acres.**

**Finally, the latest version of the State Development and Redevelopment Plan (March 1, 2001 version) with which the Township Master Plan claims consistency, has placed almost all of the Township into the Rural / Environmentally Sensitive Planning Area 4B. These areas are intended to serve, as the State plan states: “...as the greensward for the larger region, and are not currently, nor are they intended to be urban or suburban in nature...”**

**The State Plan Policy Objectives for these 4B areas regarding land use is to, “Protect natural systems and environmentally sensitive features by guiding development into Centers and establishing Center boundaries and buffers and greenbelts around the boundaries.”**

The State Plan's Natural Resource Conservation Objective for these same areas is to, *“Protect and preserve large contiguous tracts and corridors of recreation, forest or other open space land that protects natural systems and sensitive natural resources, including endangered species, ground and surface water resources, wetlands systems, natural landscapes of exceptional value, critical slope areas.”*

All in all, when viewed collectively the latest version of the Township's Municipal Master Plan as adopted May 14, 2001, the present and proposed zoning and the March 1, 2001 version of the State Development and Redevelopment Plan all appear to have some consistency in either their assessments or objectives or both- which is that most of Holland Township is an especially sensitive area and special diligence needs to be paid to how it is developed. Therefore with this as a background, let us now look at the Block 10 Lot 12 site itself and its proposed plan of subdivision. It is here we begin to see some unraveling of all of these worthy plans and objectives.

#### **Block 10, Lot 12 Design**

The applicant proposes a 16 lot residential subdivision of a 90 plus acre parcel known as Block 10, Lot 12 in the R-5 District which requires a minimum lot size of 5 acres. The Holland Township Land Use Code (Chapter 100) provides 3 options for subdivision design in the R-5 District – conventional layout, lot averaging and cluster development. The applicant has chosen the lot averaging scheme as specified in Section 100-47 of the Township Code. Section 100-47-B of the Township Land Use Code reiterates the reasons why it established the minimum 5 acre lot size in the first place;

*“The minimum requirements for development in the R-5 District are based, in part, on the planning objective of preserving agriculture and the fact that physical and environmental limitations prevalent throughout the district dictate low density development. These limitations include steep slopes, adverse soil and bedrock conditions, septic effluent disposal limitations and limited groundwater yield.”*

Section 100-47 (B) also recognizes, “...that these conditions throughout the district may vary and that there may be areas within the district where physical and environmental conditions would permit a lot to be smaller than ordinarily required.”

Your attention is directed particularly to the in part reference to agriculture quoted in Section 100-47 (B) above, which would appear to indicate that while preserving agriculture is an objective of lot averaging it is in fact the physical and environmental limitations that are of paramount concern. Consequently the logical assumption would be that if Block 10 Lot 12 is permitted to use lot averaging the tract must not be severely constrained by any physical and environmental limitations set forth under Section 100-47 (B). We know this not to be the case. Steep slopes, septic effluent disposal limitations and limited groundwater yields are present to the extent that either lot averaging should not be allowed or that a much more rigorous physical evaluation of the site be conducted prior to granting approval. When we add in the presence of trout production Category One waters and the potential to substantially reduce critical low flow stream discharges and to usurp groundwater from existing downstream wells and to pollute or damage stream quality and biota, it is even more evident that more pre-approval investigation is warranted.

Furthermore it is important to note that lot averaging may only be used, “*if approved by the approving authority*”. The normal practice in such a situation would be for the applicant to approach the planning board with both a proposed conventional lot layout and a lot averaging design layout so that the board has the opportunity to carefully weigh what design meets the objectives of their local Master Plan and other regional goals as well as the best interests of the Township’s citizens. A review of the official file provided to the public by the Township shows no documentation that a submission as described above was ever made or that the Board officially approved or sanctioned the lot averaging design for the subject property.

## CONCLUSIONS

- 1) **Cluster development or ecologically based land use design should be utilized in the design of the layout of lots on Block 10, Lot 12.**

Unlike lot averaging, residential cluster development can provide significantly more opportunity to adequately protect, not only agricultural land, but protect large stands of unbroken woodland, protect stream corridors, protect archeologic and historic sites, protect areas of significant groundwater discharge, protect surface water quality and prevent excess stormwater runoff onto adjacent properties and adjoining waterways. It is important to note that lot size averaging is quickly being discarded as a design guide, simply because it has been found to provide little if any, benefit to the community. Cluster type development on the other hand is appearing with greater regularity as a recommended practice in various codes, ordinances, regulations and reference and guidance manuals. Even the Residential Site Improvement Standards under N.J.A.C. 5:21-7.5 encourages design engineers to , “...coordinate structural detention requirements with nonstructural practices, such as cluster land-use development.”

Even the Township’s own Land Use Code would seem to call the Planning Board to approve cluster development over lot averaging:

*“The use of residential cluster development shall be designed to meet or promote one or more of the following objectives: preservation or protection of agricultural land; preservation of scenic vistas along roadways; protection of large stands of trees; protection of stream corridors; protection of archeologic or historic sites or structures and protection of environmentally sensitive lands. Where the approving authority finds that one or more of such objectives are met or promoted by the design of the subdivision, it may permit residential cluster development...”*

- 2) **Due to the acknowledged limited supply of ground water in the vicinity of Block 12, lot 10 it is recommended that a Pumped Test procedure as outlined in the Township Land Use Code in Appendix D be conducted on the site,**

**preferably for each lot, and that a Water Supply Budget and other information as specified in Section 100-35 H (1) thru (5) and Section (I) be supplied to the Planning Board before approval.**

**Section 100-54 (D) of the Township's Land Use Code requires that all of the above information shall be supplied to the approving authority when the projected water supply demand would be in excess of twenty-five (25) gallons per minute (GPM). A well yield of at least 6 gallons per minute is usually needed for home use. For a subdivision this size the RSIS suggests a peak hourly rate in gallons per minute to be around 5.0. Such demands exceed the established threshold of 25 GPM.**