# **BOROUGH OF STOCKTON**

# LAND USE PLAN ELEMENT

# SEPTEMBER 2006

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#### **Executive Summary**

Stockton Borough is located in the southwest portion of Hunterdon County, nestled along the Delaware River. The Borough has a diverse history, and is enriched with scenic, cultural and environmental resources. Flanked by the Delaware River to the south and a sloping ridgeline to the north, the landscape identifies a development pattern that highlight's the Borough's rich historical link with the river. Forested and agricultural lands are intertwined among the Borough's neighborhoods, offering visitors and residents a strong sense of connection with a rural and natural landscape. Stockton's historic land use patterns have changed little since the post WW-II era, which endows the Borough with a quaint river front town character.

This Land Use Plan Element responds to the Municipal Land Use Law provisions for a Land Use Plan and sets forth update land use policies for the Borough of Stockton. The goals of the Land Use Plan emphasize protecting the Borough's unique character of a traditional village atmosphere and unique resources associated with the Delaware River. These goals include:

- Protect the health, safety and general welfare of Stockton Borough Residents
- Protect and maintain the existing variety of residential and non-residential opportunities in the Borough
- Protect and maintain the cultural and historic land use pattern in the Borough.
- Encourage and enhance Stockton as a cultural, commercial and tourism hub of the Delaware River towns.
- Protect and maintain natural systems and man-made infrastructure in the Borough
- Provide adequate community services and facilities for Borough residents
- Preserve and promote opportunities for agricultural and horticultural activities in the Borough.
- Provide for adequate affordable housing to meet local needs and obligations.

The Borough currently is comprised of 5 zoning districts, the Village Residential, Medium Density Residential, Low Density Residential, Commercial Residential District and the Public Lands District. These districts correspond with historic development patterns in the Borough and have remained unchanged for the past two decades. The Borough intends to preserve these districts through creative land use regulations that will allow for economic revitalization while maintaining the distinctive character of each district. Land use planning proposals include floor area ratio controls, building placement consistency, maximum building size limits, lot of record restrictions, historic district overlay areas, and economic revitalization, and parking and traffic management strategies. The combination of these efforts are intended to preserve the Borough's character while promoting appropriate uses in residential and non-residential areas.

Specific recommendation for the current zoning districts include:

#### R 1-40 District:

- Create an overlay that requires clustering and open space set asides for future development of large tracts of land
- Create a scenic viewshed management plan and regulations to protect the Route 29 scenic corridor
- Identify and designate historic structures and areas

#### R 1-15 District

• Apply development strategies that will complement the existing streetscape and architectural patterns of the district.

#### R 1-10 and Commercial Residential Districts

- Provide a range of regulatory controls aimed at retaining the essential form and scale of development consistent with existing patterns.
- Encourage a mix of residential and commercial uses in the Commercial Residential district that will reinforce the Borough's economic base.
- Encourage a variety of affordable housing options in the Commercial Residential District

This Land Use Plan identifies a series of land use planning proposals for future investigation that may apply to one more zoning districts or community protection and development objectives. These include:

- Floor Area Ration regulations
- Maximum building size regulations
- Building placement regulations
- Lot-of-record restrictions
- Historic district overlay
- Economic Revitalization strategies
- Traffic circulation and parking strategies
- FEMA and floodzone regulations
- Stormwater Management regulations

The use of a "toolbox" of land use regulations is recommended to enable the Borough to permit the evolution of a productive mix of uses while protecting the quality of life that Stockton's residents enjoy.

#### Introduction

The Municipal Land Use Plan describes the Land Use Plan Element of the Master Plan at N.J.S.A. 40:55D-28.b.(2):

A land use plan element (a) taking into account and stating its relationship to the statement provided for in paragraph (1)" (statement of goals and objectives) "hereof, and other master plan elements provided for in paragraphs (3) through (14) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands; (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes; and stating the relationship thereof to the existing and any proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.); and (d) including a statement of the standards of population density and development intensity recommended for the municipality;

This Land Use Plan Element responds to the Municipal Land Use Law provisions for a Land Use Plan and sets forth updated land use policies for the Borough of Stockton. This Land Use Plan is informed by two years of planning activities conducted by the Stockton Planning Board, including the development of a Natural Resources Inventory and a Conservation Plan Element of the Master Plan, which also included an updated statement of goals and objectives, which has been further refined as set forth below.

#### **Goals and Objectives**

The master plan is a statement of the desired evolution of a community and its contents should be guided by its goals. The goals and objectives, and the means by which they may be achieved, are also guided by the available resources and constraints present in the natural and built environments. The planning process is the method by which the Borough's vision of itself through the goals and objectives contained in a plan are realized over time. Effective land use planning is the primary means by which the master plan will be implemented. It seeks more than mere compatibility of uses in a spatial arrangement, which is functionally efficient. Planning is the process that provides the tools to fulfill the community's vision of its future.

#### **Goals of the Enabling Legislation**

The Municipal Land Use Law at N.J.S.A. 40:55D-2 sets forth the purposes of zoning in New Jersey. Local power to regulate land use comes from the Municipal Land Use Law (NJSA 40:55D-1 et. seq.). These powers are provided to municipalities to foster the following purposes:

- a. To encourage municipal action to guide the appropriate use of development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare;
- b. To secure safety from fire, flood, panic and other natural and manmade disasters:
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangements;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development of the particular site;
- 1. To encourage senior citizen community housing construction;

- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land; and
- n. To promote the utilization of renewable energy sources.
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling program.

The Stockton Borough Planning Board developed an updated statement of goals and objectives as part of the Master Plan update. Updated goals and objectives are set forth in the Conservation Plan Element that was prepared by the Board in 2005, and are supplemented below for this Land Use Plan. The M.L.U.L. purposes listed above were used by the Planning Board in the development of the goals and objective set forth in the Conservation Plan Element as well as in this plan. The Borough's goals and objectives are specifically tailored to Stockton's unique circumstances, including its geographic location, natural resource base, as well as the Borough's quaint, small town historic character and ambience as it has evolved over the last two centuries of existence as a Delaware River town.

#### **Master Plan Goals and Objectives**

- 1. Protect the health, safety and general welfare of Stockton Borough Residents
  - a. Protect against local and downstream flooding.
  - b. Encourage safe traffic and pedestrian patterns to ensure the safety of residents and visitors to the Borough.
  - c. Protect the local, regional and state water supply and quality.
- 2. Protect and maintain the existing variety of residential and non-residential opportunities in the Borough
  - a. Encourage a range of retail and service activities at a scale designed to meet the everyday needs of the residents of Stockton and the region.
  - b. Maintain a healthy balance of residential and non-residential uses in Stockton.
- 3. Protect and maintain the cultural and historic land use pattern in the Borough.
  - a. Preserve, protect and enhance the community's existing character.

- b. Manage growth to protect Stockton's historic character and the existing scale of neighborhoods and commercial areas.
- c. Encourage aesthetically pleasing design and construction techniques for context sensitive modifications to buildings.
- d. Identify and encourage the protection of architecturally and historically significant structures and districts.
- e. Protect and preserve scenic vistas.
- f. Coordinate change in the Borough with all appropriate local, State and Federal agencies and regulations.
- 4. Promote and enhance Stockton as a cultural, commercial and tourism hub of the Delaware River communities.
  - a. Manage change consistent with historic and existing development patterns
- 5. Protect and maintain natural systems and man-made infrastructure in the Borough
  - a. Limit population densities to protect and respect the capacities of natural systems and man-made infrastructure capabilities, and protect the local and regional quality of life.
  - b. Preserve, protect and improve the ecological integrity and balance of the Borough's surface waters and their impacts on the Delaware River.
  - c. Protect and maintain wildlife and plant habitats.
- 6. Provide adequate community services and facilities for Borough residents
  - a. Expand the range of community services to meet the needs of the Borough.
  - b. Enhance the supply of recreational opportunities and facilities available for use by residents of Stockton.
- 7. Preserve and promote opportunities for agricultural and horticultural activities in the Borough.
  - a. Preserve farmland capable soils for continued agricultural use.
  - b. Maintain agricultural and horticultural opportunities where possible in the Borough.
- 8. Provide for adequate affordable housing to meet local needs and obligations.

- a. Encourage the rehabilitation of housing units that may be now, or may become, substandard, especially to address the Borough's affordable housing obligation.
- b. Promote policies that limit any negative impact on community character.

#### Land Use Plan Element

#### **Existing Land Use**

Stockton Borough is comprised of 5 zoning districts (Figure 1). The residential districts in the Borough are the Village Residential, Medium Density Residential and Low Density Residential. The residential districts cover most of the Borough with a total of 257 acres or 66% of the land area. The Commercial Residential District is the only commercial district in the Borough and contains 39 acres, or 9%, of the land area. Finally, the Public Lands District covers 96 acres, or 25% of the land area in the Borough and is comprised of mainly preserved State lands associated with the D&R canal. The following is a summary of each district in the Borough.

#### Residential Districts

#### R 1-40 Low Density Residential

#### Background

The R 1-40 District is located in the northeasterly and northwesterly portions of the Borough bordering Delaware Township. The permitted uses in this district are single-family dwellings and accessory uses on a minimum lot size of 40,000 square feet. Permitted uses by special exception include churches and related facilities and swimming pools.

The majority of the land cover in the R 1-40 District is forested areas (52%), followed by urban areas (22%), agricultural (21%), wetlands (3%) and water (2%). The primary land use in the district is farmland, accounting for 35% of the land, and vacant, or undeveloped land, accounting for 32% for a total of 67% of the land in the R 1-40 undeveloped and farmland. This district represents that largest area of forests and agricultural land in the Borough and adds to the Borough's rural village character nestled between the Delaware River and the forested slopes beyond the village center. The development that has occurred in this district, primarily along Wilson Drive, Bridge Street, Hilltop Drive and Glenwood Lane is on larger lots averaging approximately one half acre. The remaining large parcels in this district are largely either preserved or actively farmed. A few parcels in the district remain vacant and undeveloped but contain environmental constraints such as steep slopes and wetlands.

#### **R 1-15 Medium Density Residential**

#### Background

There are two distinct areas classified as R 1-15 district in the Borough. The first is located in the west-central portion of the Borough, bounded by Woolverton Road, Old Prallsville Road and Route 523. The second is along Route 29 in the easterly portion of the Borough. The permitted uses in this district are detached one-family dwellings and their accessory uses with a minimum lot area of 15,000 square feet. Special exemptions permitted in the district include; churches and their related facilities, non-profit elementary and secondary day schools and swimming pools. Professional and medical offices are permitted subject to conditions.

The R 1-15 district is primarily residential in nature accounting for 62% of the land use. There are also pockets of farmland in the district (14.6%), as well as vacant land (14.3%). The R 1-15 acts as a transitional district between the more undeveloped R 1-40 district and the denser development of the Commercial residential and Village residential districts in the central portion of the Borough. In the easterly portion of the Borough, this R 1-15 District acts as a transitional area from the Village Residential District out to the less developed portions of the Borough and into Delaware Township along the scenic Route 29 Corridor. Lot sizes in this district are relatively smaller than those in the R 1-40, especially along Route 29, however, the R 1-15 District in the along Old Prallsville Road average just under an acre in size. With a minimum lot size of 15,000 square feet, there is the potential for additional subdivision and/or increased lot coverage.

#### R 1-10 Village Residential

The R 1-10 District is located in the central portion of the Borough in the areas of Route 29 and Church Street. The permitted uses in this district are detached one-family dwellings and their accessory uses with a minimum lot area of 10,000 square feet. Exemptions are the same as those in the R 1-15 district and include; churches and their related facilities, non-profit elementary and secondary day schools and swimming pools. Professional and medical offices are permitted subject to conditions.

The R 1-10 district primarily consists of residential uses totaling 72% of the land use. This district contains many of the more historic homes in the Borough and offers much of the overall character of Borough's history. The average lot size in this district is approximately one-quarter acre (11,000 sq. ft.), just surpassing the minimum lot area of 10,000 square feet for the district. For the most part, the development on these lots follow the historic development pattern of the Borough. The lot sizes do not lend themselves to substantial additional coverage or subdivisions, but do contain and opportunity for "tear-downs" and expansions of current structures. Potential new construction and rehabilitation should be contextually similar to the existing character of development in this district.

#### **Commercial Districts**

#### **CR Commercial Residential**

The CR District is located in the central portion of the Borough along Route 29. The permitted uses in the CR District include retail businesses, professional office, single-family residence, parking facilities and any accessory uses appropriate to the permitted uses on a minimum lot area of 5,000 square feet.

The CR district is primarily residential in nature (56%) but also contains most of the Borough's businesses with 22% of the district dedicated to commercial use. The CR District, much like the R 1-10 District, holds much of the historic character so often associated with Stockton Borough. Smaller lots sizes, averaging just over a quarter of an acre (17,000 sq. ft), and many original facades of the homes in this Borough contribute to the continuity of the Borough's identity. In the Village Residential District, many of the existing developed lots are the potentially targets for "tear downs", which is the demolition of existing buildings on lots for redevelopment; or for major rehabilitation and substantial additions, that have the potential to dramatically alter the historic character of the Borough.

#### Public Lands

The remainder of the Borough is designated open space included in the Public Lands land use category. These lands are primarily located along the Delaware River and Delaware & Raritan Canal. These lands are owned by either the Borough or the State and the permitted uses are those which reinforce public open space purposes as provided by either local ordinances or State regulations. In general, these lands are parkland for river front access and public recreation oriented along the D & R Canal Towpath. Another significant public land holding is the recent My Ben open space acquisition, consisting of 61 acres, which was funded through the Borough and the NJDEP Green Acres Program. This site is currently zoned R-1-40 and should be rezoned to the Public Lands category.

#### **Land Use Planning Proposals**

A primary objective of this Land Use Plan is to maintain the character of the Borough and to protect the unique character and quality of the Borough. Appropriate controls are needed to preserve the historic development pattern and scale of neighborhoods. One concern relates to the "tear-down" syndrome where smaller, older homes are replaced with larger new homes that may be out of scale with existing development. This can also be problematical if multiple small lots are combined for redevelopment with a larger structure. The following is a brief summary of some regulatory techniques that can address this concern, either separately or in combination.

Floor Area Ratio (FAR) - This technique limits the floor area permitted on a lot, and measures the sum of all floors of all buildings as a ratio of the lot area. Floor area ratio is a regulatory control that caries special significance, since only the Zoning Board can approve variances from this standard, and only by a super majority vote. With the joint Planning/Zoning Board in Stockton, the same body would review an application for relief from FAR standards, however the proofs involved for variance relief are beyond those required for a bulk variance, since FAR relief is treated very differently in the Municipal Land Use Law.

FAR is most frequently used in regulating non-residential land uses, although some municipalities have also used it to regulate residential use. It can be particularly invaluable in preventing the conversion of the character of historic villages by the introduction of large buildings that are out of scale with village form and frequently disregard historic architectural styles. In Stockton, the control could be used to preserve community character and the scale of buildings within neighborhoods, and preserve a range of housing choice by maintaining a relatively affordable housing choice.

Maximum Building Size - Another technique for avoiding the introduction of buildings that are out of scale with their surroundings is a control on overall building size. Where FAR regulates the amount of building that can be on any individual lot, it does not control the size of any individual buildings, but rather the floor area of all buildings on a lot. A maximum building size requirement, conversely, prevents buildings from becoming out of scale with their surroundings, when properly gauged to neighborhood character. (Neighborhood character is generally perceived along a linear processional experience. A drive down the street, observing the size and placement of homes on both sides of the street, reinforces our sense of neighborhood character.

Mixed-use village areas typically have a fabric which is also susceptible to damage by the removal and replacement of older and smaller buildings with new larger buildings. Yet, in many cases, prevailing zoning standards permit a building envelope, based on setbacks, coverage and other standards, which can accommodate substantially more development than the historic forms. Where older settlement areas tend to be incremental, with a series of smaller buildings combining to create a sense of place, modern architectural and design efficiencies often provoke larger buildings with disparate

architectural styles and institutional rather than individual appearances. The use of a maximum building size requirement can help to assure that when the floor area associated with a given area of land is established or modified, that the size of buildings can be reasonably related to the character that exists prior to the new construction. Of course, new construction will of necessity make changes in this character over time. However, this only makes it more important to prevent significant departures from neighborhood character.

Building Placement - Zoning regulations have typically required the placement of buildings within an "envelope" established by the minimum front, side and rear yards. Except for the limitations imposed by floor area or coverage controls, the building envelope may be "filled up" by the addition of the unused development rights that remain to be acted out. Frequently, desirable residential and mixed-use locations are affected by market forces which make it attractive to alter the prevailing character by capturing the additional development potential. However, it is frequently this real estate investment incentive that destroys or dramatically alters neighborhood character. In residential neighborhoods, where some homes have been built at the minimum front yard setback while others have been set substantially further back, the results can be a "front yard vs. back yard" arrangement. In this setting, one resident's front door faces another resident's accessory uses in the rear yard, which include pools, fences, dog runs and the wide variety of on lot recreation which is typical in residential zones. The new urbanist design approach requires that new dwellings be built at a comparable front yard setback, creating a relationship where front yards are fairly consistent across a block and rear yard areas are preserved throughout the neighborhood for those activities more appropriate to rear yards. The mandates of new urbanism attempt to dictate architectural styles and may require porches and specific types of fences or other details. However, the theory underpins design attempts to recreate neighborhood forms which have been found to be desirable and workable in the past. In fact this theory advances these strategies to replicate a sense of place such as that which exists and the Borough seeks to protect. In the era of increasingly large lots which include flag lots and other arrangements that could result from lot mergers, such as through lots (street to street), juxtapositions of formal and informal spaces will become more common.

Lot-of-Record Restrictions - One technique for preventing the consolidation of multiple lots and the tearing down of existing buildings ties the use permitted in any specific zone to a lot-of-record. That is, a parcel existing as of a certain date. Restrictions on the use of lots-of-record are intended to prevent the combination of lots into larger parcels for larger development opportunities. While the assembly of parcels is not universally undesirable, it generally has a negative impact on neighborhood character, as it results in fewer buildings of larger size. Use rights associated with a specific lot-of-record can acknowledge the level of existing development with appropriate controls on bulk and intensity, but can also penalize users of land which has been combined with other lots to form a development parcel. Such penalties may limit permitted floor area, total building coverage, total impervious coverage and setbacks, and require landscaping designed to minimize the intrusiveness of new development.

#### **Historic District Overlay**

This Land Use Plan calls for the development of a historic district overlay to protect the existing built environment that has evolved during the Borough's development over the prior two centuries. A Recommended Historic Investigation Area (Figure 2) has been identified as a base area of study for implementing a Historic Overlay District. Stockton Borough is endowed with a wealth of older buildings, many of which with historic character, that establish Stockton's essential character. The historic district overlay could include a series of incentive-based architectural performance standards that will permit increases in lot coverage, and possibly even reduced front yard setbacks when residential development includes architectural designs that complement and are substantially consistent with the original architectural style of existing buildings. Landscaped treatments such as property line hedges, landscaped gardens and walkways constructed of brick, stone, pavers and the like.

The Historic District Overlay should be designated in conformity with the Municipal Land Use Law requirements to inventory historic sites and districts in accordance with US Secretary of Interior Standards for such designations in order that a the Borough may establish a historic preservation commission for review of development applications. An architectural review procedure should be established for new development in the historic district overlay to manage changes consistent with the existing historic fabric of the Borough.

The requirements of the historic preservation district will have to be weighed against individual property owner's interests to reasonably expand their dwelling and conduct routine maintenance on their property. An approach which utilizes a threshold of development and redevelopment triggering architectural review should be considered. For example, a project which expands the floor area of a building in the overlay by 10% or less could be exempt from architectural review. Projects involving the substantial rehabilitation or reconstruction of a building should be subject to the architectural review procedures. However, this plan calls any ordinance standards that may be developed to incorporate flexibility, leniency and innovation in the application of architectural review criteria so that the process is one which protects community character, but it is not one which a local homeowner finds onerous and obstructive to reasonable changes, such as expansions and renovation to meet the needs of a growing family.

#### **Economic Revitalization Strategies**

The Borough's downtown commercial area can be characterized as being in somewhat of a transitional state in the recent past. There have been changes in the nature and extent of commercial uses, and certain buildings have changed uses in response to economic changes and new commercial development in the region. The Planning Board believes that the Borough could benefit from a coordinated planning approach to revitalization of the downtown.

Changes in the commercial district include the departure of a full service grocery store and conversion to boutique tourism-based uses, the major renovation of a building for new real-estate offices, and changes at Stockton's local landmark, the Stockton Inn, which has undergone a series of changes in ownership and brief closings. Some changes have been subtle and some changes have underscored the need for a revitalization strategy that responds to Stockton's unique downtown assets, regional location and the challenges posed by Stockton's historic development patterns that give the Borough its unique charm.

One approach to planning for commercial revitalization may be the preparation of an Economic Revitalization Subplan element of the Land Use Plan, which could involve the participation of major stakeholders such as local businesspersons representing existing commercial enterprises, the chamber of commerce, local officials and representatives from the Delaware and Raritan Canal Commission. The purpose of the diverse stakeholder approach is to coordinate, economic interests, local community character and neighborhood protection goals with local tourism impacts associated with increased economic activity in the Borough. The objective would be to bring renewed economic vitality to the commercial district, upon which the Borough relies for diversification of the local tax ratable base.

#### **Traffic Circulation and Parking Strategies**

#### Pedestrian Safety

Downtown traffic has long been an issue for residents and regional traffic through the Borough remains at consistently high levels. Traffic impacts should be expected to continue and even increase over time as efforts for economic revitalization bring increased commercial activity and tourism to the Borough. A traffic analysis prepared by the Borough identifies the need for raised pedestrian crossings on Route 29 at the elementary School and at the Prallsville Mill. The Borough endorses these recommendations and the governing body should pursue funding for these improvements. Funding opportunities for construction of raised pedestrian crossings should be sought from the New Jersey Department of Transportation since both of the proposed pedestrian crossings identified are located within the Route 29 right-of-way.

#### **Bridge Street Improvements**

In the event that the Delaware River Joint Bridge Commission relinquishes jurisdiction over Bridge Street in the near future, the Borough will be awarded funding by the Bridge Commission as part of assigning jurisdiction of the road to the Borough. A capital improvement plan should be prepared for road and streetscape improvements along Bridge Street, including drainage, curbs and sidewalks, road resurfacing, landscaping, street lighting, street furniture, etc. The capital improvement program should prioritize needed improvements so that when funding is received from the Bridge Commission, the Borough can proceed with construction projects in a coordinated manner. The capital improvement program can be used as the basis for future public funding requests to County, State and Federal agencies.

#### State Route 29

Portions of Route 29, from Trenton to Frenchtown, have been designated a scenic byway along the Delaware River. The National Scenic Byway Program could serve to enhance the attractiveness of funding from the State on an ongoing basis. Pedestrian and roadway improvements responding to Stockton's local needs, such as sidewalks, street lights, shade tree plantings, will likely be a multi-year undertaking and many local needs arise from Stockton's popularity as a tourist destination along the Delaware River. The Borough's capital improvement program should include specific improvements needed for Route 29 as a scenic byway to help obtain future funding assistance available from the State such as Transportation Enhancement Act of the 21<sup>st</sup> Century (TEA-21), and NJDOT Local Aid.

#### **Parking**

Parking remains a shortage and will continue to be a problem as commercial/economic activity increases. The Borough has identified the need to stripe parking along South Railroad Avenue to maximize parking efficiency and increase the number of spaces available for public parking. On the north side of Bridge Street, the Borough should examine North Railroad Avenue to determine whether there is sufficient room along that road for parallel parking or angled parking along the west side of that road to increase parking in proximity to Borough's downtown commercial destinations. Parking along North Railroad Avenue could increase the amount of local parking available for the commercial district. A one-way circulation designation should be examined to determine whether such an approach could help free up space along local roads for more on-street parking. NJDOT restrictions against designating one-way roads that exit onto State highways are believed to limit the Borough's options in this regard. Nevertheless, the Borough should engage in a dialogue with the NJDOT to identify the potential for oneway road designations and whether the DOT will grant waivers to the Borough from the policy in certain situations that may serve to alleviate downtown crowding caused by the State Highway and the Center Bridge Pennsylvania traffic, which are both regional influences that result in traffic and parking problems in the Borough.

#### Federal Emergency Management Agency (FEMA) and Floodzone Regulations

Record level floods in 2005 and 2006, have highlighted the critical need for the Borough to develop proactive strategies for dealing with new development and redevelopment within the floodplain areas of Stockton (Figure 3). According to Federal Emergency Management Agency (FEMA) floodplain development regulations, dwellings requiring more than 48% reconstruction and new construction have to now be raised above the floodplain. This has resulted in homes being constructed on piers. In the absence of architecturally sensitive designs, raised structures on piers above ground level are inconsistent with traditional and historic architectural styles that establish Stockton's essential character, charm and unique identity.

The Borough should identify and summarize FEMA floodplain regulations and assess their potential impact on the historic character of Stockton. This would be a beneficial project not only for local officials but also for educating the public as to FEMA regulations and the impacts on future rehabilitation of structures.

The requirement to raise buildings in accordance with floodplain regulations has a potentially negative impact on existing neighborhoods and could have the cumulative effect over time of transforming the visual environment in the Borough. Strategies will have to be developed to guide new development in such a way that community character is protected and enhanced when changes to buildings are undertaken in accordance with floodplain development regulations. For example, many of the NJ shore communities, which are subject to coastal floodplain development regulations, have been developing in accordance with floodplain regulations and new buildings have been constructed with enclosed spaces around the perimeter of the building at the ground, which appear as though these areas are integral to the building itself. In accordance with FEMA regulations, these enclosed ground floor areas are actually 'break-away' enclosures built in conformance with floodplain development regulations. Although this may add expense to the development of new or rehabilitated homes, this construction technique may serve to ease the visual impact of new development built according to floodplain development regulations. Local ordinance building height limits may require adjustment when buildings are raised to ensure that the raised buildings can retain traditional roof angles as residents seek to maximize usable floor area in the their homes.

The Borough should determine whether the FEMA regulations include special exemptions or other allowances for historic sites and districts that may permit reconstruction of older buildings in the Borough without having to be raised on piers.

#### **Stormwater Management Regulations**

New Jersey adopted new stormwater management regulations in conformity with the provisions of the Federal Clean Water Act. The New Jersey regulations require municipalities to adopt stormwater management plans and ordinances in conformity with state minimum standards for stormwater quality and quantity on development. Stockton, this requires the adoption of a stormwater management plan and an ordinance. According to the new state regulations, there are specific minimum mandatory standards that apply to development that result in one acre or more of land disturbance or development of, or an increase of one-quarter of an acre or more of impervious coverage. Under this regulatory scheme, smaller development projects would not be required to mitigate increases in impervious coverage or land disturbance. In Stockton, the lack of stormwater management regulations that apply to smaller developments could have negative impacts on surface water quality, particularly since most of the development that the Borough should expect to occur in the future will result in incremental increases in stormwater runoff. This plan calls for a class of regulated development below the minimum state mandated thresholds. The Borough should develop and adopt a stormwater management ordinance that identifies specific requirements for minor development projects for development that does not meet the definition of "major development" under the Stormwater Management Rule (N.J.A.C. 7:8).

#### **Residential Site Improvement Standards (RSIS)**

The Residential Site Improvement Standards Act (N.J.S.A. 40:55D-40.1 et seq.) was adopted by the Legislature and signed into law in January 1997. The act was largely

based on the work found in the Model Subdivision and Site Plan Ordinance, NJDCA, 1987. The act authorized the establishment within the Department of Community Affairs a Committee charged with the responsibility of developing uniform standards that would be adhered to by municipalities in approving residential site improvements. These standards have been approved by the Commissioner of Community Affairs and been adopted in the New Jersey Administrative Code (N.J.A.C. 5:21-1-8).

The code covers a number of features such as water supply, sanitary sewers, stormwater management and streets and parking. The standards require that the reviewing agency ensure the proper use of the standards before approval of any site plan or subdivision. The Borough should coordinate with the Borough Engineer to ensure that the standards are being adequately adhered to and any construction is in accordance with the State Regulations.

#### **Recommendations for Zoning Districts**

#### R 1-40 Low Density Residential

For the R-1-40 Low Density Residential district, there are two primary land use objectives of this plan, which may be best implemented through an overlay, including (1) requiring clustering and open space set-asides in connection with future development of any large tract of land and (2) scenic viewshed management, as perceived from Route 29 and the Delaware River. This plan calls for the implementation of a mandatory minimum 50% open space set aside in connection with future subdivision as well as a clustered arrangement of residential development.

Scenic viewshed management within the R-140 district will involve requiring appropriate setbacks from changes in terrain to place new development away from the Route 29 scenic corridor. This requirement would require placement of new structures away from the edge of steep slopes in such a manner that a 'towering' effect is avoided when new development occurs in areas located above the state highway corridor.

Another scenic viewshed management objective is to require landscape buffering between new development and locations along Route 29, the tow path and the Delaware River from which new development could be viewed. Undisturbed wooded and vegetated areas and open areas should be maintained where they exist. Where development could result in changes to scenic viewsheds, the Borough should require landscaping to effectively screen visual impacts of new development from scenic viewshed areas. Scenic viewshed areas should be mapped incorporating hillsides, ridgelines where they may exist, and changes in slope where new development is likely to impact the visual integrity of scenic areas. Scenic areas should be designated.

The Borough should consider whether new development that is effectively shielded from view should be entitled to receive a density bonus, when open space arrangements are increased above the mandatory 50% minimum open space set aside.

An area of concern within the R 1-40 includes the lands upon which the Woolverton Inn is situated. The Woolverton Inn is an extraordinarily scenic site perched above the Delaware River, adjacent to preserved farmland, however the site itself is not preserved. The 1792 stone manor house includes guestrooms for visitors to the area and may be worthy of preservation and historic designation. The Borough is not aware of any changes to the site in the near future, however increased development pressure in the area could conceivably result in a future plan for another form of development of the site. Any future development of the site should seek to protect the scenic views of the site as viewed from CR 523 and Woolverton Road.

#### **R 1-15 Medium Density Residential**

The R 1-15 District is designated along Route 29 in the easterly portion of the Borough and in the west-central area of the Borough bound by CR 523, Woolverton Road, and Old Prallsville Road. Though the two areas are distinctly different from one another, they are both characterized by their stable land use patterns. New development in this district should be required to conform to architectural standards to complement existing streetscapes and neighborhoods.

#### R 1-10 Village Residential & CR Commercial Residential

The R 1-10 and the CR Commercial Residential districts establish the core area of the Borough, and will require careful management if Stockton's essential character is to be protected in the future. The two zones are primarily developed with older attractive buildings that contribute heavily to the Borough's charm and unique ambiance.

A range of regulatory controls such as, but not limited to, floor area ratio, maximum building size, lot of record restrictions, and building placement requirements should be examined for application in this zone. Ordinance standards should seek to retain the essential form and scale of development in this section of the Borough, and should seek to limit changes to the maximum extent achievable.

Because of the historic development pattern and large number of buildings in these two zoning districts, this area of the Borough should be considered for designation of an historic district overlay zone, as described above. Reductions in impervious coverage should be considered were possible. However, where historic architectural design objectives take precedence, the Borough should permit changes that reinforce the historic integrity of the Borough.

It is the policy of this land use plan to maintain a mix of commercial and residential uses in the CR zone, and provide nonresidential uses that will reinforce the Borough's economic tourism base. Affordable housing such as residential apartments above existing businesses or affordable dwellings incorporated into commercial/nonresidential site plans should be required in the CR zone to respond to the Borough's affordable housing obligation.

Permitted uses in the CR zone should also be examined. While many of the uses remain consistent with the historic and future development of the Borough, one use, Hospitals and Clinics, for example, are no longer appropriate to the land use pattern in the CR zone. The Borough should consider removing this use and altering the language to include professional medical offices. This type of professional office is more in scale with the current pattern of neighborhood development than larger medical facilities that may allow overnight or long term medical care that may burden parking and traffic in the Borough.

#### **Residential Zoning District Proposed Changes**

Development in Stockton Borough has remained relatively unchanged, however current district boundaries reveal that changes should be made to more appropriately reflect current development patters. The R-1-10 District currently divides a portion of Mill Street at the easterly end and extends north through development on the northerly side if State Route 29. The Borough should adjust this district boundary to reflect the current type of development located on Mill Street and Route 29. To that end, it is proposed that the R-1-10 boundary be changed to extend to the end of Mill Street on the easterly side then follow north to the edge of residential development on State Route 29 (Figure 4). The second proposed change concerns Block 5, Lot 17 in the northwester portion of the Borough by the Towpath. This lot has limited access, which is limited to access through adjoining lots. Due to the compromised access situation, the potential to develop the lot as a commercial use would be difficult burdensome to adjoining properties to allow access. The proposed zoning would change the current designation from Community Residential to Low Density Residential (R-1-40). Finally, as stated earlier, the My Ben Tract which has been permanently preserved, should be removed from the R-1-40 District and placed in the Public Lands District. These changes will bring these portions of the Borough up to date and consistent with the type of development that has occurred.

#### **Public Lands**

The Borough's Public Lands designation refers to the extensive D&R Canal lands that transect the Borough from east to west. This designation should be extended to the 'My Ben' area, which has been preserved through the efforts of the Borough, State and Hunterdon Land Trust Alliance.

#### **Airports and Airport Safety Zones**

There are no existing or and proposed airports, or boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983 within the Borough of Stockton.

#### **Regional Relationships**

#### **State Plan**

The State Planning Act (NJSA 52:18A-196 et seq.) includes a finding that as the nation's most densely populated state, New Jersey requires coordinated State, local and regional planning in order to conserve its natural resources. The New Jersey State Development and Redevelopment Plan (SDRP), adopted in March of 2001 by the State Planning Commission, sets forth State policy and management objectives for various portions of the State. A core concept in the SDRP is the establishment or redevelopment of "centers" (villages, towns, cities) and the preservation of the "environs" (low density areas outside centers).

The State Plan Policy Map (see Figure 5) shows that Stockton is characterized by Planning Areas 4B, 5 and State Park. This is consistent with the rural village character and the critical environmental resources that prevail through the Borough.

The State Plan sets a number of goals and policy objectives for the Planning Areas in Stockton, indicated below.

#### PA-4B (Rural/Environmentally Sensitive Planning Area)

The lands classified under Planning Area 4 contain one or more environmentally sensitive feature. Therefore, the classification listed under Planning Area 4 still applies but consideration for a valuable ecosystem must be considered. The intent for this area is the same as Planning Area 4:

- revitalize cities and towns:
- accommodate growth in Centers;
- promote a viable agricultural industry;
- protect the character of existing, stable communities; and
- confine programmed sewers and public water services to Centers.

The policy objectives for Planning Area 4B should follow those listed under PA5 in the next section. The delineation criteria for this planning area are that it must satisfy the requirements under Planning Area 4 but also meet the criteria for Planning Area 5. The intent for Planning Area 4B is:

- Protect environmental resources through the protection of large contiguous areas of land;
- Accommodate growth in Centers;
- Protect the character of existing stable communities;
- Confine programmed sewers and public water services to Centers; and
- Revitalize cities and towns.

<u>Land Use</u>: Protect natural systems and environmentally sensitive features by guiding development and redevelopment into Centers and establishing Center Boundaries and

buffers and greenbelts around these boundaries. Maintain open space networks, critical habitat and large contiguous tracts of land in the Environs by a variety of land use techniques. Development and redevelopment should use creative land use and design techniques to ensure that it does not exceed the capacity of natural and infrastructure systems and protects areas where public investments in open space preservation have been made. Development and redevelopment in the Environs should maintain and enhance the natural resources and character of the area.

<u>Economic Development</u>: Support appropriate recreational and natural resource-based activities in the Environs and locate economic development opportunities that are responsive to the needs of the surrounding region and the travel and tourism industry in Centers. Any economic development in the Environs should be planned and located to maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.

<u>Transportation</u>: Maintain and enhance a transportation system that protects the Environs from scattered and piecemeal development and links Centers to each other within and between Planning Areas. Encourage alternatives to the single-occupancy vehicle whenever feasible. Accommodate the seasonal demands of travel and tourism that support recreational and natural resource-based activities. In Centers, emphasize the use of public transportation systems and alternatives to private cars where appropriate and feasible and maximize circulation and mobility options throughout.

<u>Natural Resource Conservation</u>: 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, wetland systems, natural landscapes of exceptional value, critical slope areas, scenic vistas and other significant environmentally sensitive features.

<u>Redevelopment</u>: Encourage environmentally appropriate redevelopment in existing Centers and existing developed areas that have the potential to become Centers or in ways that support Center-based development to accommodate growth that would otherwise occur in the Environs. Redevelop with intensities sufficient to support transit, a range of uses broad enough to encourage activity beyond the traditional workday, efficient use of infrastructure, and physical design features that enhance public safety, encourage pedestrian activity and reduce dependency on the automobile to attract growth otherwise planned for the Environs.

<u>Historic Preservation</u>: Encourage the preservation and adaptive reuse of historic or significant buildings, Historic and Cultural Sites, neighborhoods and districts in ways that will not compromise either the historic resource or the ability for a Center to develop or redevelop. Outside Centers, coordinate historic preservation needs with open space preservation efforts. Coordinate historic preservation with tourism efforts.

#### PA-5 (Environmentally Sensitive Planning Area)

Planning Area 5 is representative of lands which contain critical environmental features and habitats including contiguous forests, unique geologic features, wetlands and other ecosystems. The delineation of PA-5 in Stockton corresponds to the land area in between the Delaware River and the Delaware and Raritan Canal, primarily along Mill Street, and portions of Ferry and Bridge Street. The intent of PA-5 in the State Plan is:

- accommodate growth in Centers;
- protect the character of existing stable communities;
- confine programmed sewers and public water services to Centers; and,
- revitalize cities and towns.

The State Plan recommends balancing the capacity of the land with planned development. Protection should be extended to special resources, especially those identified in this NRI. The specific policy objectives for PA-5 pertinent to this Land Use Plan were highlighted under the previous section for PA-4B.

During 2004 municipalities in the region came together in an effort to protect the Delaware River, a shared natural resource. The municipalities acted through coordinated efforts to designate the Delaware River a Special Resource Area in the State Development and Redevelopment Plan (SDRP). During the Cross-Acceptance III SDRP process, Stockton Borough, Lambertville City, Frenchtown Borough, Delaware, Alexandria and Holland Townships passed resolutions endorsing the designation of the Delaware River as a Critical Resource Area, however at this time no formal action has been taken by the State.

#### **County Planning**

The Hunterdon County Planning Board is the body responsible for planning initiatives at the County level. With the assistance of the County Planning Board staff, they prepare and adopt studies which identify and discuss issues of regional planning significance. In addition, the County Planning Board analyzes municipal planning policy in order to determine the degree of consistency with regional plans, both State and County.

The last Master Plan prepared for Hunterdon County was adopted in 1987. Since that time, the County has embarked on a process to adopt a "Hunterdon County Smart Growth Strategic Plan," involving the public and municipalities in the formulation of general strategies.

The Guiding Principles of the County Plan provide support for conservation policies and environmental protection which are applicable to Stockton Borough. Listed below the relevant guiding principles are specific planning objectives<sup>1</sup>.

<sup>&</sup>lt;sup>1</sup> "Draft Guiding Principles for "Creating Quality Communities Together", Hunterdon County Planning Board, June, 2003, pgs 3-8.

#### 1. Protect Natural Systems

- Protect natural systems and maximize their ability to maintain water supply and quality;
- Provide flood control
- Promote energy conservation and the use of alternative energy technologies that minimize air pollution
- Restore the ecological integrity, scenic and recreational value of damaged river and stream corridors, wetlands, forests and other natural systems
- Identify, prioritize and coordinate the preservation of adequate amounts and types of natural and undeveloped lands needed to sustain water supply and natural habitats with the implementation of open space, parks, recreation, agricultural, watershed management and historic preservation goals.
- Preserve a variety of natural landscapes, ecosystems and topographic features throughout all areas of the county to make their benefits more widespread.
- Protect and enhance biodiversity by preserving natural habitats of suitable size and type to sustain existing threatened and endangered species; and by employing humane methods for dealing with species imbalance
- Enforce compliance with local, state and federal environmental regulations, and strengthen monitoring and enforcement programs

#### 2. Reduce the Environmental Impacts of Development

- Repair and maintain wastewater collection and treatment facilities
- Utilize water recycling and other conservation strategies to enhance water supply and minimize drought impacts
- Incorporate water-quality technologies into the design of storm water management facilities; and retrofit existing facilities to include water quality controls where needed
- Utilize site design, building and landscape materials and land development practices that facilitate groundwater recharge; enhance surface and ground water quality; minimize downstream impacts; and preserve critical habitats, wetlands and other environmentally sensitive features
- Expand septic management and well-testing programs in areas served by on-site wastewater systems and residential wells
- Encourage energy efficient community and building design, and the use of alternative energy technologies
- Apply "best management practices" to minimize non-point source pollution, noise, flooding, traffic congestion and other adverse impacts of development
- Implement policies and technologies that reduce spills of toxic and hazardous substances during transport, transfer, use, storage and

- processing, in order to prevent risks to public health and the environment; and reduce emergency response and cleanup costs
- Promote and facilitate the clean up of contaminated "brownfield" sites; make cleanup of sites that are a threat to public health and the environment the top priority
- Address the impact of airports, including noise, air pollution, safety concerns and traffic generation
- Prevent unhealthy build-up of heat and air pollution in developed areas by integrating natural systems and landscaping, advancing "green building" technologies, using alternative energy options and minimizing traffic congestion
- 3. Preserve the Beauty and Function of the County's Scenic Corridors and Major Highways
  - Preserve views of significant topographic features, natural, rural and historic landscapes and landmarks

"The Hunterdon County Parks, Recreation and Open Space Master Plan Update", completed in December of 2000, also provides broad support for the environment and conservation strategies. Of particular note is the goal to protect the critical environmental resources of the County, including critical environmental features delineated in the State Development and Redevelopment Plan (SDRP), preserving floodplains and facilitating flood protection projects, and promotion of regional solutions to stormwater management and water quality protection.

#### **Lower Delaware River Management Plan**

The National Wild and Scenic Rivers System prepared the "Lower Delaware River Management Plan" in 1997. The plan summarizes the extensive resources associated with the lower Delaware River, the River Management Plan, and the eligibility and suitability of the study segments for National Wild and Scenic River designation. In 2000, the portion of the Delaware River that runs through Stockton, was designated as a National Wild and Scenic River. The National Wild and Scenic Rivers Program is designed to provide river protection through the combined efforts of private landowners and other citizens, river related organizations, and all levels of government. Each designated river receives permanent protection from federally licensed or assisted dams, diversions, channelizations, and other water resource projects that would have direct and adverse effects on the river's free-flowing condition or outstanding resources.

The Goals outlined in the Plan are as follows:

Goal 1: Water Quality

Maintain existing water quality in the Delaware River and its tributaries from measurably degrading and improve it where practical.

#### Goal 2: Natural Resources

Preserve and protect the river's outstanding natural resources, including rare and endangered plant and animal species, river islands, steep slopes and buffer areas in the river corridor and along the tributaries.

#### Goal 3: Historic Resources

Preserve and protect the character of historic structures, districts and sites, including landscapes, in the river corridor.

#### Goal 4: Recreation

Encourage recreational use of the river corridor that has a low environmental and social impact and is compatible with public safety, the protection of private property and with the preservation of natural and cultural qualities of the river corridor.

#### Goal 5: Economic Development

Identify principles for minimizing the adverse impact of development within the river corridor.

#### Goal 6: Open Space Preservation

Preserve open space as a means of maximizing the health of the ecosystem, preserving scenic values, and minimizing the impact of new development in the river corridor.

Stockton Borough strives to protect and preserve the Delaware River corridor. Through Stormwater management, protection of historic resources and recreational opportunities with State Park Lands, the Borough continues its commitment to the river corridor.

#### **Delaware and Raritan Canal Commission**

Another influencing regulatory program for Stockton is the D&R Canal Commission. The commission administers a land-use regulatory program within Stockton Borough in areas where new development could have drainage, visual or other ecological impact on the Canal Park. Major projects (those that involve an acre or more of impervious surface as of 1980) must meet the D&R Commission standards for managing storm water runoff.

If a project of any size is proposed for that area that is within 1,000 feet of the canal (Figure 6), it is reviewed for its visual impact on the park. Further, the Commission reviews large projects that are within a mile of the park for their traffic impact, and the Commission requires the preservation of corridors along the major streams that enter the park. Stockton works closely with the D&R canal commission on development projects and will continue to do so into the future.

# The Delaware River Basin Commission (DRBC) adopted Special Protection Waters (SPW) regulations - 1992

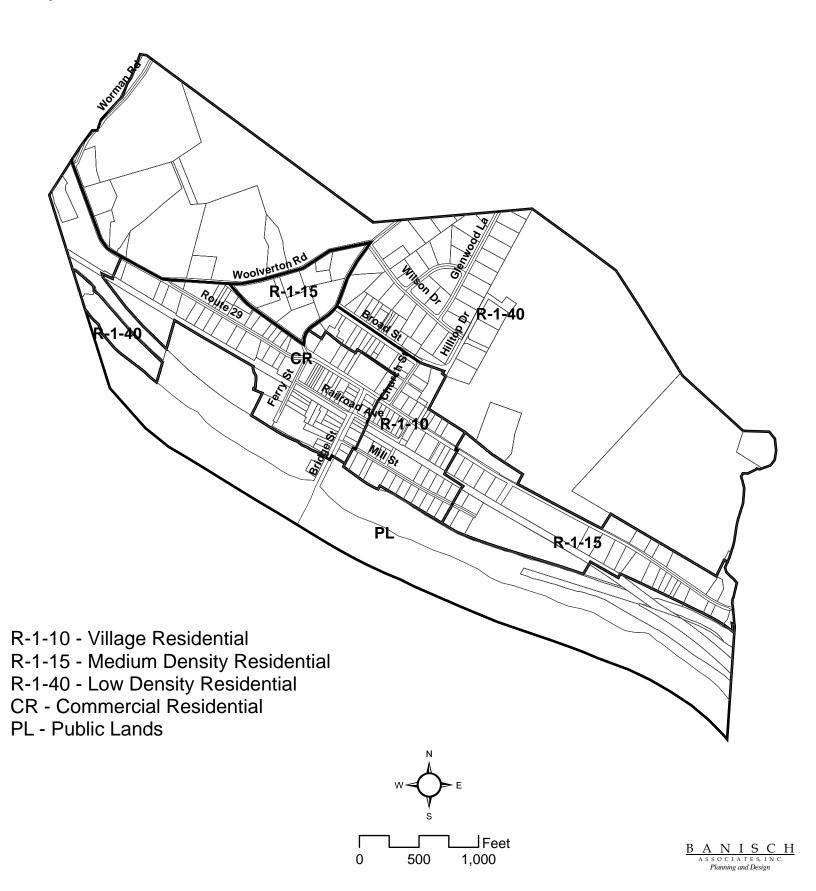
The DRBC adopted the SPW Regulation in 1992 as a means to protect existing high water quality in applicable areas of the Delaware River Basin considered "to have exceptionally high scenic, recreational, ecological and/or water supply values." The regulations discourage direct discharges of wastewater to the designated waterways, stipulating that no new or expanded wastewater discharges shall be permitted in waters classified as SPW until all non-discharge/load reduction alternatives have been fully evaluated and rejected because of technical and/or financial infeasibility.

The portion of the Delaware that runs through Stockton Borough is currently temporarily protected under this regulation through 2006, however the Borough has sought with other Delaware River towns to have the designation permanently extended through this region.

#### Summary

The Stockton Borough Land Use Plan has been prepared in response to the requirements of the M.L.U.L. and locally identified land use goals, objectives and challenges. The Stockton Planning Board's planning objective has been to vertically integrate Stockton's Land Use Plan with State, County and regional plans and policies in order to establish a high level of consistency among plans and policies at all levels of government.

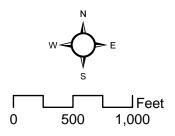
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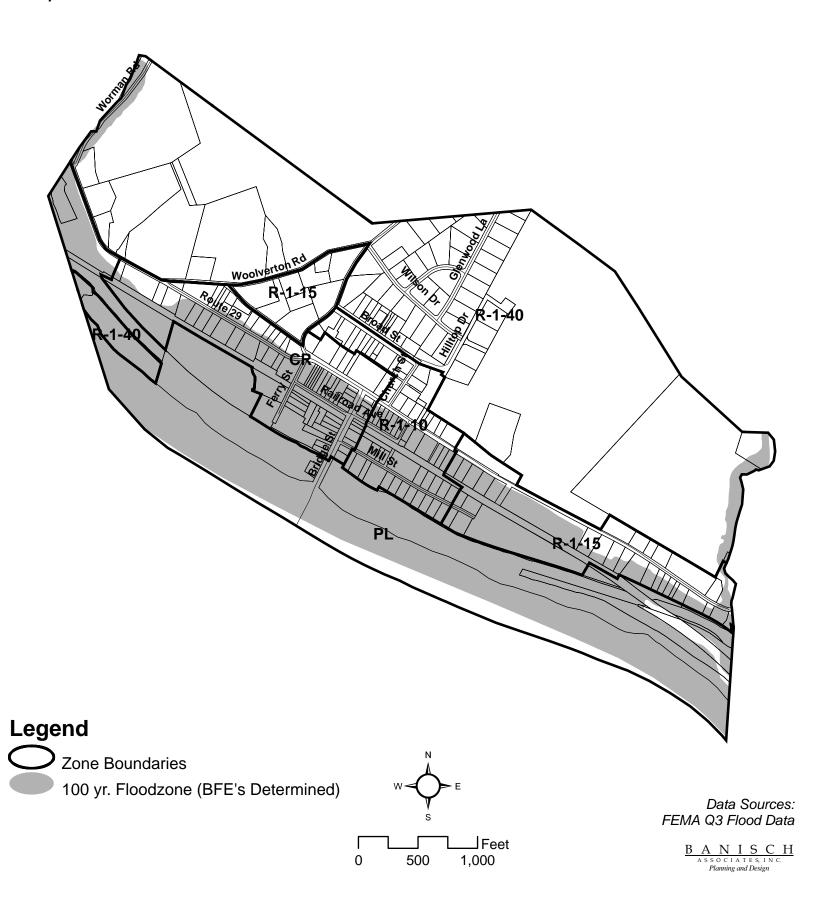


Recommended Historic Investigation Area

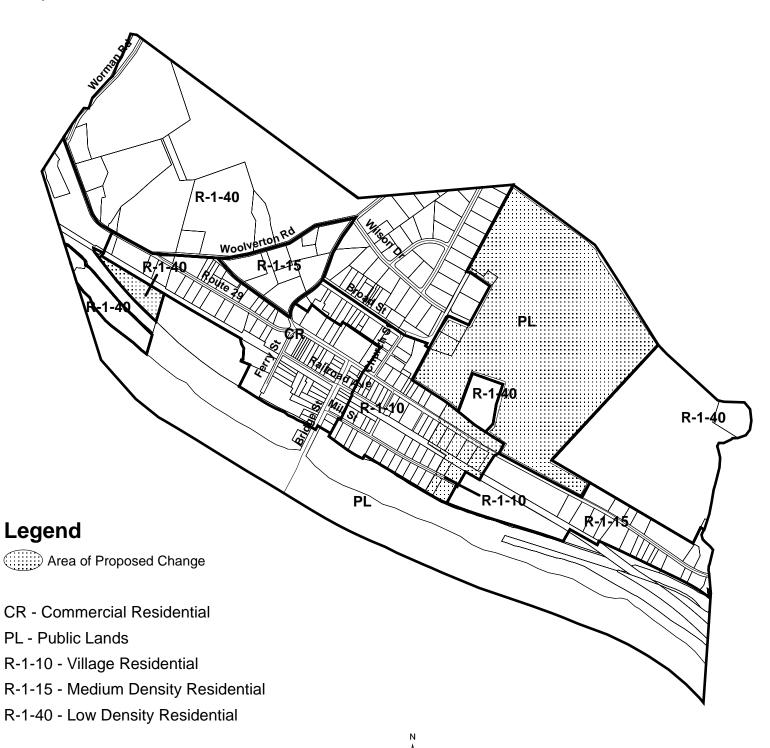




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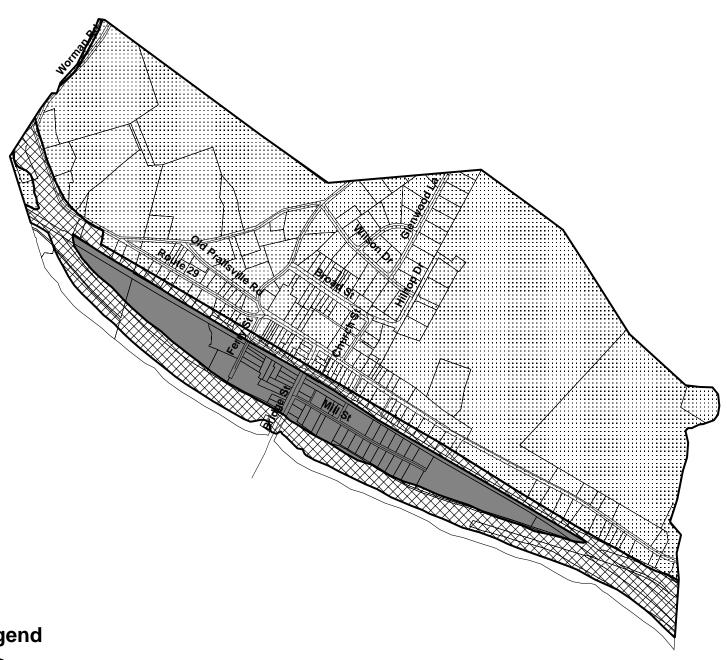


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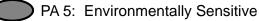
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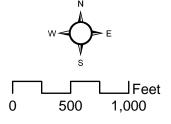


Legend



PA 4B: Rural Environmentally Sensitive

State Park





# **Delaware and Raritan Canal Commission Review Zones**

Figure 6

Borough of Stockton Hunterdon County, NJ

September 2006

