Highlands Initial Assessment Report

Township of Mount Olive
Morris County, New Jersey

DRAFT
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Prepared by the Mount Olive Township Planning Board

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I. EXECUTIVE SUMMARY

This report presents a general overview of the Highlands Regional Master Plan to determine the degree of changes necessary to the Township of Mount Olive’s Master Plan and land use regulations. The Regional Master Plan (RMP) is not an easy plan to summarize. It outlines 10 major policy areas structured around 66 Goals – “broad statements of intent”. These goals, in turn are further defined with 312 Policies – “a more detailed statement of direction” and 328 Objectives – “the specific, substantive requirements that will be used to measure implementation progress and plan conformance” as integral parts that must be understood in order to gauge the RMP’s full impact.

Some of the goals, objectives and policies will have a more significant impact upon the Township than others. At minimum Mount Olive will need to update and substantially revise the Land Use, Housing, Circulation, Community Facilities, Utility Service, Recreation, and Conservation plan elements of the 2003 Master Plan. New plan components will also be required. For example, a new municipal-level Water Use and Conservation Management Plan will be necessary along with a host of regulatory changes to implement its aims. In addition, conformance with the RMP will require the preparation and adoption of other such plans including, but not limited to, a Habitat Conservation and Management Plan, a Stream Corridor Protection and Restoration Plan, and a Forest Conservation and Mitigation Plan. An initial analysis of the RMP’s Natural Resources section which consists of seven distinct categories including forest resources, critical habitat and lake management, will require significant adjustments to the Township’s development regulations, at least for the 79 percent of the municipality situate in the Highlands Preservation Area.

This report offers an introduction in Section II followed by a description of Mount Olive within the Highlands Region in Sections III and IV. Plan conformance requirements and procedures are examined in Sections V through VII. The ten major policy areas along with selected goals, policies and objectives with a focus on Mount Olive are presented in Section VIII with concluding remarks in Section IX.

Several appendices are also provided for reference purposes. Appendix ‘A’ contains a matrix showing areas of consistency between the Township’s planning policies and development regulations and those of the RMP. This matrix departs somewhat from the model suggested by the Highlands Council in that it does not offer an “action required” comment field because, quite simply, virtually all of the goals, policies and objectives of the RMP will require revisions to varying degrees of the Township’s approach to land use planning and regulation, at least for the Preservation Area. The extent of such changes

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will be revealed as the conformance process unfolds in the months ahead. Appendices ‘B’ and ‘C’ contain documents relevant to certain issues raised in this report.

II. INTRODUCTION

The New Jersey Legislature enacted the Highlands Water Protection and Planning Act (N.J.S.A.13:20-1 et seq.) on August 10, 2004 placing 88 municipalities – including Mount Olive Township – within the Highlands Region. The Region consists of some 859,358 acres in northwest New Jersey and is divided between the Planning Area (444,399 acres) and the Preservation Area (414,959 acres). In August 2008 the Highlands Water and Planning Protection Council (Highlands Council) approved the 2008 Highlands Regional Master Plan leading to its formal adoption on September 8, 2008.

Municipalities located within the Preservation Area of the Highlands Region are required by the Highlands Act to “…submit to the council such revisions of the municipal master plan and development regulations, as applicable to the development and use of land in the preservation area, as may be necessary in order to conform them with the goals, requirements, and provisions of the regional master plan.” (N.J.S.A. 13:20-14) As such municipalities have until December 8, 2009 (15 months following formal adoption of the RMP) to satisfy the requirements of “basic plan conformance” which applies to the Preservation Area portion of Highlands Region municipalities.

This Initial Assessment Report is intended to compare the Township’s current Master Plan and development regulations to the RMP standards for basic plan conformance. The RMP describes this first stage as follows:

The purpose of the Initial Assessment Grant is to enable municipalities and counties to conduct an initial review of the policies and requirements of the RMP to determine the level of effort anticipated for the municipality or county to conform to the RMP. The Initial Municipal Assessment Grants will support an early and preliminary assessment on the part of the municipality and county and will not obligate them in any way to commit to Plan Conformance for the Planning Area in the future.  

III. MOUNT OLIVE’S PLACE IN THE HIGHLANDS REGION

Seventy-nine percent (15,865 acres) of Mount Olive Township lies within the Preservation Area. The remaining twenty-one percent (4,131 acres) falls within the Planning Area. The Preservation Area portion of Mount Olive encompasses the forested areas of the State park lands to the north, the developed commercial corridors along State highways 46 and 206 and virtually all of the western and southern portions of the
municipality. The Planning Area is located in two distinct areas: the northerly portion of Budd Lake including the R-4 residential district east of the lake, the Village Green shopping center and apartment complex, the International Trade Center and the retail mall known as ITC Crossings, and, in Flanders, the Clover Hill area encompassing the lands east of Route 206 including Clover Hill, Sutton Plaza shopping center, Flanders Crossing and most of Old Flanders. (Figure 1)

A comparison between Township planning documents (listed below) and the RMP reveals a similar concern for protecting the vital natural resources in place. It is the degree of regulatory control where the Township and the RMP must be reconciled and it is evident that changes to both the Township’s Master Plan and development regulations will be necessary.

- Chapter 400 – Land Use (Site Plan / Subdivision / Zoning)
- Master Plan: Land Use Plan Amendment: July 2007
- Natural Resource Inventory: October 2006
- Housing Plan Element / Fair Share Plan: October 2006 (revision pending)
- Stormwater Management Plan: March 2005
- Master Plan: Land Use Plan Amendment: December 2004
- Wastewater Management Plan (Draft): July 2003
- Master Plan and Master Plan Reexamination: December 2003
- Open Space Plan: June 2001

IV. LAND USE CAPABILITY ZONE MAP

The Land Use Capability Zone Map established in the RMP is designed to “…address the requirements of the Highlands Act and provide regional guidance for the implementation of the policies contained in the Regional Master Plan.” This Map creates what are known as “overlay zones” each having a number of policy objectives that will affect how the Township addresses the issue of consistency.

The largest overlay zone in Mount Olive is the Protection Zone which comprises approximately 11,785 acres or 59 percent of the Township. It applies to lands with both the Preservation and Planning Areas and covers much of the northern and western portions of the municipality. (Figure 1) As established by the RMP, this zone is described as follows:

The Protection Zone consists of high natural resource value lands that are important to maintaining water quality, water quantity and sensitive ecological resources and processes. Land acquisition is a high priority in

3. Ibid. Page 110.
4. Ibid. Pages 111-112.
the Protection Zone and development activities will be extremely limited; any development will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.

The next largest overlay zone is the **Existing Community Zone** with some 5,437 acres or 27 percent of the total land area. The ECZ is largely confined to the two Planning Areas however it also applies to selected locations in the Preservation Area e.g. residential neighborhoods north and west of the lake and nodes of development along both highways. The ECZ is defined as:

The Existing Community Zone consists of areas with regionally significant concentrated development signifying existing communities. These areas tend to have limited environmental constraints due to previous development patterns, and may have existing infrastructure that can support development and redevelopment provided that such development is compatible with the protection and character of the Highlands environment, at levels that are appropriate to maintain the character of established communities.

A subset of the Existing Community Zone is the **Existing Community Zone – Environmentally Constrained Sub-Zone** covering approximately 1,255 acres within the ECZ. The RMP describes this sub-zone as follows:

The Existing Community Zone – Environmentally Constrained Sub–Zone consists of significant contiguous Critical Habitat, steep slopes and forested lands within the Existing Community Zone that should be protected from further fragmentation. They serve as regional habitat ‘stepping stones’ to larger contiguous Critical habitat and forested areas. As such, they are not appropriate for significant development, and are best served by land preservation and protection. Development is subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.

A second subset of the Existing Community Zone is the **Lake Community Sub-Zone** which, as the name suggests, covers the area in proximity to the waters of Budd Lake. It affects some 314 acres or 1.5 percent of the Township and is defined as follows:

The Lake Community Sub-Zone consists of patterns of community development that are within the Existing Community Zone within 1,000 feet of lakes. The Highlands Council focused on lakes that are 10 acres or greater and delineated lake management areas consisting of an area of up to 1,000 feet (depending on the protection focus) from the lake shoreline.
in order to protect water quality, resource features, shoreline development recreation, scenic quality and community character. A future management area is planned, encompassing the full lake watershed, for protection of the lake water quality. This zone has unique policies to prevent degradation of water quality, and watershed pollution, harm to lake ecosystems, and promote natural aesthetic values within the Existing Community Zone.

Finally there is the **Conservation Zone** and its subset, the **Conservation Zone – Environmentally Constrained Sub-Zone** which occupy 163 acres (less than one percent) and 1,081 acres (5 percent), respectively. These are:

The Conservation Zone consists of areas with significant agricultural lands and interspersed with associated woodlands and environmental features that should be preserved when possible. Non-agricultural development activities will be limited in area and intensity due to infrastructure constraints and resource protection goals.

The Conservation Zone – Environmentally Constrained Sub-Zone consists of significant environmental features within the Conservation Zone that should be preserved and protected from non-agricultural development. Development activities will be limited and subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.

V. **PLAN CONFORMANCE**

The Highlands Act mandates that the Preservation Area of every Highlands municipality be brought into conformance with the “goals, requirements, and provisions” of the RMP (N.J.S.A. 13:20-14). The Highlands Act does not require conformance with respect to the Planning Area portion of a municipality; instead the option to do so remains with the municipality. And while there is the December 8, 2009 deadline for conformance regarding the Preservation Area, no timetable is imposed upon a municipality to make a decision regarding conformance for the Planning Area, commonly referred to as “opting in” but, for all practical purposes, such a decision will need to be considered this year as the Township moves to meet the December 8, 2009 deadline to submit its third round Housing Element and Fair Share Plan to COAH, as described in Section VI under the Module 3 heading.
VI. BASIC PLAN CONFORMANCE

Basic plan conformance will be conferred by the Highlands Council once the Township "...has satisfactorily completed all immediate mandatory conformance requirements."\(^5\) To do so the Township will utilize the Highlands module program to “…accomplish immediate mandatory conformance requirements at the outset of the process…” with “…more complex, long-term conformance tasks to be completed under a Council-approved Implementation Plan.”\(^6\) The Council has now provided this program with assigned target dates attached to each of the seven modules structured to complete this initial phase by December 8, 2009. Mount Olive has secured an initial $50,000 grant to complete this process and if necessary, will seek additional funding not to exceed $100,000 to complete this task. The modules that are the focus of our attention this year are as follows:

1. Current Municipal Conditions and Build-out Analysis
2. Land Use and Resource Capacity Analysis
3. Housing Element and Fair Share Plan
4. Environmental Resource Inventory
5. Highlands Master Plan Element
6. Highlands Regulations
7. Municipal Self Assessment, Implementation Plan and Petition

Modules 1 and 2

Modules 1 and 2 are designed to estimate the remaining development (and redevelopment) capacity within the Township based on existing zoning but adjusted to reflect the impact of the RMP policies. As of this report Module 1 has been completed and submitted to the Highlands Council for review.

Module 3

Upon completion of the capacity analysis in Modules 1 and 2, a new Housing Element and Fair Share Plan (Module 3) will be prepared to meet a December 8, 2009 deadline for submission to COAH in accordance with the Resolution of Intent adopted by the Township. The new HE/FSP will offer modified third round affordable housing strategies in recognition of the adjusted growth projections resulting from the Highlands build-out analysis. Should Mount Olive elect to have the Planning Area as well as the Preservation Area conform to the RMP the lower growth projections shall be used. If the Township decides otherwise, COAH’s (presumably higher) growth projections must be the basis for calculating the third round affordable housing obligation.

\(^5\) Ibid. Page 368.
\(^6\) Ibid. Page 368.
Module 4

Module 4 will supplement the Township’s Natural Resource Inventory with a Highlands Environmental Resource Inventory which is designed to include data for the entire Region together with municipal-specific information and maps.

Module 5

The fifth module constitutes a Model Highlands Element for Municipal Master Plans. This “Element” actually comprises a series of elements intended to bring the Township’s Master Plan into conformance with the RMP. The elements are as follows:

1. Policies, Goals & Objectives
2. Land Use Plan
3. Housing Plan
4. Conservation Plan
5. Utilities Services Plan
6. Circulation Plan
7. Land Preservation and Land Stewardship Plan
8. Community Facilities Plan
9. Sustainable Economic Development Plan
10. Historic Preservation Plan
11. Development Transfer Plan (Optional)
12. Relationship of Master Plan to State/Regional/Local Plans

Module 6

Module 6 will provide assistance in updating and revising, where necessary, the Township’s land use regulations to be consistent with the RMP.

Module 7

The last of the modules for basic plan conformance, Module 7, will provide the basis for Mount Olive to prepare a Municipal Self Assessment Report to evaluate the status of basic plan conformance while also establishing an implementation schedule for the remaining tasks for full conformance.

VII. MUNICIPAL CONFORMANCE REQUIREMENTS

Conformance with the RMP is mandatory for the Preservation Area and applicable to the Planning Area should the Township decide to “opt in” as stated in the following excerpt:

Municipal and county conformance with the RMP (Plan Conformance) is the overall goal for implementation of the various elements of the RMP.
The Highlands Act establishes the requirements that all municipalities and counties for land in the Preservation Area bring their local plans and development regulations into conformance with the “goals, requirements, and provisions of the regional master plan.” For land in the Planning Area, voluntary conformance for municipalities and counties is also provided for in the Act, which outlines the benefits that shall accrue to those municipalities and counties that conform.\(^7\)

The RMP is structured around ten major policy areas each having goals, objectives and polices which in turn are linked to implementation strategies that will require Mount Olive to adjust its Master Plan and development regulations to varying degrees. Some of these have a greater priority for the basic plan conformance stage; others will come with full conformance next year. The ten major policy areas of the RMP are as follows:

A. Natural Resources  
B. Water Resources and Utilities  
C. Agricultural Resources  
D. Historic, Cultural, Agricultural, and Scenic Resource Protection  
E. Transportation  
F. Future Land Use  
G. Landowner Equity  
H. Sustainable Regional Economy  
I. Air Quality  
J. Local Participation

Mount Olive can expand upon its existing Master Plan and established regulations to address some of the above. Where new Master Plan Elements and site plan/subdivision regulations are needed, it is expected that the Highland Council will provide models to assist in meeting this obligation. Until that level of assistance is clarified, cost estimates to achieve full plan conformance are difficult to provide. With that in mind we know the following list of subjects will require attention pursuant to the Programs and Implementation sections of the RMP:

**Master Plan**

- Utility Services Element  
- Housing Element / Fair Share Plan  
- Historic Preservation Plan Element  
- Historic, Cultural, and Scenic Resource Protection Element  
- Circulation Plan Element (with emphasis on an assessment of local transportation improvement needs and safety concerns)

\(^7\) Ibid. Page 366.
Land Use Plan Element to identify development, redevelopment and brownfield opportunities

- Economic Plan Element
- Programs for community and neighborhood design that support a variety of housing options, mixed uses, redevelopment, adaptive re-use of historic sites and structures, and infill development

**Additional Studies/Plans**

- Forest Conservation and Mitigation Plan
- Stream Corridor Protection/Restoration Plan
- Critical Habitat Conservation and Management Program
- Water Use and Conservation Management Plan
- Land and Water Resource Planning and Management Programs
- Build-out Analysis (to be satisfied by Modules 1 & 2)

**Development Regulations**

- Carbonate Rock Area development ordinance and standards
- Septic System Maintenance programs and ordinances
- New or modified regulations for community and neighborhood design that support a variety of housing options, mixed uses, redevelopment, adaptive re-use of historic sites and structures, and infill development
- Shoreland Protection and Water Quality Management Tiers standards

**New Zoning**

- Special Environmental Zone (within Preservation Area)

**VIII. MOUNT OLIVE AND THE RMP: A COMPARISON**

The following information examines each of the ten major policy areas cited in Section VII and how they relate to Mount Olive Township with regard to plan conformance. As noted in Section I of this report the RMP lays out **Goals** – “broad statements of intent”; **Policies** – “a more detailed statement of direction”; and **Objectives** – “the specific, substantive requirements that will be used to measure implementation progress and plan conformance”\(^8\). Some policies have multiple objectives whereas others may have only one or in some cases, none. This section is not intended to analyze all of the 66 goals, 312 policies and 328 objectives set forth in Chapter 4 of the RMP; instead it highlights selections from each of the three categories to assist in understanding the RMP’s applicability to Mount Olive. As a point of information the number of goals, policies and

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\(^8\) Ibid. Page 137.
objectives for each category is provided with the topic heading. A matrix is also presented in Appendix A as a supplement to this section.

A. Natural Resources

The natural resources analysis in the Highlands RMP is exhaustive and covers a wide variety of environmental constraints and ecological systems. The key resource categories set forth in the RMP are as follows:

1. Forest Resources
2. Open Waters and Riparian Areas
3. Steep Slopes
4. Critical Habitat
5. Land Preservation and Stewardship
6. Carbonate Rock (Karst) Topography
7. Lake Management

To varying degrees the Township’s Master Plan, Natural Resources Inventory and development regulations recognize a number of the natural resources contained in the RMP which will facilitate the modifications required to achieve Plan conformance. Others are entirely new concepts resulting from the RMP e.g. Prime Groundwater Recharge and Lake Management. The seven categories comprising Natural Resources are as follows:

(1) Forest Resources
   3 goals / 16 policies / 23 objectives

The Highlands RMP goals for forest resources are to protect and enhance current forest areas and align forest regulations throughout the Region. As seen on the Forest Resource Areas Maps (Figure 2), the majority of the Township falls within this classification. RMP Policy 1A2 states:

To limit development in the Forest Resource Area in the Preservation Area in order to protect and enhance forest resources, forest ecosystem integrity, Critical Habitat, and the quantity and quality of water resources.

With 79 percent of the Township situate in the Preservation Area within which the vast majority is classified as a High Integrity Forest Resource Area the ability to incorporate the goals and policy objectives of the RMP will require significant analysis of the Township’s Master Plan and existing zoning and other regulatory controls such as those set forth in Chapter 400, §400-75 concerning the removal and replanting of trees and forestry management plans.
The various objectives set forth in Part 1, Chapter 4 of the RMP will significantly impact future development or redevelopment opportunities within the Forest Resource Area. For example, Objective 1A2b would “...limit the permissible uses within the Forest Resource Area to maintenance of pre-existing uses and restoration of impaired forest areas...” Any relief from such strict standards will require, at minimum, a forest mitigation plan. The Highlands Council is expected to provide a model municipal tree ordinance and assistance in preparing a Forest Conservation and Mitigation Plan which Mount Olive will utilize in updating its Master Plan and zoning regulations.

If Mount Olive does decide to bring the Planning Area portion of the municipality into conformance it will need to make the necessary adjustments to implement the RMP policies and objectives specific to the Planning Area such as 1B1 wherein it states:

To provide resource management guidance to encourage sustainable forest management, restoration, improved ecological health, carbon sequestration, and stewardship practices on public and private lands in the Forest Resource Areas within the Protection Zone and the Conservation Zone in the Planning Area.

(2) Open Waters and Riparian Areas

The goals and policies for open water and riparian areas in the RMP relate to the protection, restoration and enhancement of water resource areas. Highlands open waters include “…springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial (excluding swimming pools), located wholly or partially within the boundaries of the Highlands Region.” The RMP places a “high priority” on municipal action to develop and implement a Stream Corridor Protection/Restoration Plan to provide the desired level of protection, although it would appear that NJDEP will exercise the primary control in such matters through the Stormwater Management Rules, Flood Hazard Area Rules, and Freshwater Wetlands Rules as noted in the RMP.

Mount Olive has regulations in place (§400-83) since 1999 to restrict disturbance within 100 feet of a stream corridor. The ordinance standards will require modification to be consistent with current state regulations. The Township’s 2006 NRI provides substantial documentation of surface waters within the municipality thereby addressing the initial objectives of the RMP. Clarification should be sought from the Highlands Council to determine how the implementation of Objectives 1D4b (pertaining to the Preservation Area) and 1D4d (pertaining to the Planning Area) will affect existing property owners,

9. Ibid. Page 141.
both residential and nonresidential, who may be interested in expansion of a home or business.

(3) Steep Slopes

1 goal / 11 policies / 3 objectives

Mount Olive’s Land Use Ordinance, §400-40, restricts the amount of disturbance to slopes in the 15-to-24 percent range and limits disturbance of slopes 25 percent or greater to driveways and streets. In accordance with the more restrictive classifications regarding slopes in the RMP, the Township will need to update its ordinance. Conformance with the RMP will require a mapped inventory of the Steep Slope Protection Area which can be achieved with minor modifications to the Slope Analysis mapping in the Township’s NRI. If the regulations established in N.J.A.C. 7:38-3.8 will apply, it should be a relatively straightforward process to incorporate same into the Township land use code.

It appears that the standards set forth in Policies 1E1 through 1E11 will apply to the Planning Area if the Township elects to opt-in. These standards are more stringent than those currently in place in Mount Olive therefore the impact on future development within the Planning Area will need to be evaluated.

(4) Critical Habitat

2 goals / 11 policies / 12 objectives

Habitats for rare, threatened and endangered plant and animal species of the Highlands Region cover much of the municipality as mapped by the RMP (Figure 3). The goals and policies in the critical habitat section of the RMP relate to the protection and enhancement of habitat areas and regulatory measures to protect such resources. Specifically, the RMP will require that human encroachment into critical habitat areas be prohibited or not further expanded. Policy 1F2 states:

To prohibit through Plan Conformance, local development review and Highlands Project Review the direct impact of new human development or expansion or increased intensity of existing development within Critical Habitat.

The goals also require an inventory and mapping of critical area, regulatory measures for the protection of habitat and the preparation of a Habitat Conservation and Management Plan. Objective 1F5e sets forth the parameters for this Plan as follows:

The Critical Habitat Conservation and Management Plan shall include a GIS or map-series Critical Habitat Overlay District for inclusion in municipal master plans to identify Critical Habitat that highlights:
Habitat in need of protection from fragmentation and other anthropogenic impacts;
- Habitat critical to maintaining wildlife and plant populations; and
- Habitat that serves other essential ecosystem functions, including, but not limited to, carbon sequestration and ground water recharge.

Mount Olive’s NRI provides a good foundation for this requirement.

(5) **Land Preservation and Stewardship**

3 goals / 12 policies / 13 objectives

Some of the objectives in this section are relatively easy to satisfy. In Mount Olive, State parkland combined with an energetic open space acquisition plan as reflected in the Township’s **Open Space Plan (2001)** correspond to the RMP’s goals for land preservation and stewardship. Mount Olive through its Open Space Committee and Environmental Commission has created and kept current the preserved and open space inventory as envisioned by the RMP.

Another aspect of the RMP’s objectives with regard to land preservation is more challenging and contentious. It concerns the call to “…identify and designate a Special Environmental Zone in the Preservation Area where development shall not occur…” as stated in Policy 1H7. Objective 1H7c is even more specific:

Require through Plan Conformance, local development review, Highlands Project Review, and the NJDEP review under N.J.A.C. 7:38 that development shall not occur within a Special Environmental Zone. In any Special Environmental Zone, any exemption identified through Policy 7F1 or waiver issued under the Highlands Act under Policy 7G1 or 7G2 shall be conditioned upon a determination that the State or local government unit has exhausted all means for the permanent preservation of these lands through use of preservation tools including, but not limited to, fee simple acquisition, easement acquisition, and TDR. (Emphasis added.)

This reflects the requirement found in the Highlands Act which calls for “…zones within the preservation area where development shall not occur in order to protect water resources and environmentally sensitive lands…” (N.J.S.A. 13:20-12a.) It appears that this designation applies to approximately 275 acres of land in the northern portion of the Township and of this total, 107 acres is already in public ownership (NJDEP, Block 800, Lot 6).
(6) Carbonate Rock (Karst) Topography

1 goal / 4 policies / 6 objectives

The Township does not have specific regulations addressing carbonate rock geology. Carbonate rock areas in Mount Olive are identified along the Musconetcong River at the municipality’s northern boundary and encompassing virtually all of the southeast section of the Township including the commercial and industrial properties west of Rt. 206 which are in the Preservation Area and Clover Hill, Old Flanders, the County golf course and Marveland Farms, all within the Planning Area. (Figure 4) Marveland Farms is classified as an Existing Community Zone in the RMP and was rezoned in 2008 to allow higher density residential development serviced by the Clover Hill sanitary sewerage plant. The Township will need to address the policy objectives of the RMP on this matter.

(7) Lake Management

2 goals/14 policies/9 objectives

The Lake Management area, as outlined in the RMP, is intended to protect lake ecosystems from further damage and to restore and enhance lakes that have been degraded. The larger water bodies created through mining operations north of Waterloo Valley Road fall under this classification but it is the impact of the Lake Management sub-zone surrounding the waters of Budd Lake that will have the greatest impact.

In order to implement the Objectives and Policies of this sub-zone to the Existing Community Zone, adjustments will be needed to the residential zoning adjacent to Budd Lake and the commercial zoning along the affected portion of Rt. 46. Clarification is needed concerning the water bodies in the Mining district which do not appear as part of the Lake Community sub-zone on the Land Use Capability Map but are so identified on other Highlands mapping.

B. Water Resources and Water Utilities

The various subsets under the general category of Water Resources and Water Utilities seek to establish “...a method for determining available water for human use by each subwatershed (HUC14).”10 This requires the preparation, adoption and implementation of a Water Use and Conservation Plan which, for Mount Olive, will constitute a new type of planning effort and one that will greatly influence how new development will occur in the Township in light of the water deficit condition affecting most of the municipality as discussed below.

10. Ibid. Page 159
Four primary areas of concern to be addressed are water availability, replenishment of water sources, water quality, and the linkage of new potable water and sanitary sewerage facilities to “sustainable” development.

(1) Water Resource Availability

The first set of goals and policies relating to water resources call for “…a method for determining available water for human use by each subwatershed (HUC14)…” (hydrologic unit code). There are ten HUC14 areas in Mount Olive and are addressed in Section 2.15 of the Township’s NRI. A HUC14 is defined as follows:

HUC14 subwatershed means a delineated areas within which water drains to a particular receiving surface water body (e.g., a watershed), which is identified by a 14 digit number, or Hydrologic Unit Code (HUC). The HUCs were developed by the USGS. In the Regional Master Plan (RMP), the term HUC14 correlates to a subwatershed. A subwatershed is a subdrainage area within a watershed. The only difference between watershed and subwatershed is scale.11

The vast majority of Mount Olive is located in a water deficient area (Figure 5) with only a relatively small area encompassing the State park land and mining district shown to be in a positive condition. The majority of the Township falls within the deficient range of negative 0.99 to 0.10 million gallons per day. Clover Hill and the northwest section of the Township have the highest deficit with a rating of negative 7.10 to 1.0 million gallons per day. The RMP attempts to address this situation in part with the requirement that municipal plan conformance include the adoption by each municipality of a Water Use and Conservation Management Plan. Among its aims, this Plan, in accordance with Objective 2B8c will be designed to:

- ensure efficient use of water through water conservation and Low Impact Development Best Management Practices;
- avoid the creation of new deficits in Net Water Availability;
- reduce or manage consumptive and depletive uses of ground and surfaces waters
- ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas within each HUC14 subwatershed; and
- provide detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits

This is obviously a major undertaking. Clarification will be required with regard to how the **Water Use and Conservation Management Plan** will be applied to lands in the Planning Area where HUC14’s cross over from the Preservation Area.

(2) **Protection of Water Resources Quantity**  
3 goals / 10 policies / 16 objectives

The RMP promotes the monitoring and assessment of ground water recharge and net water availability in the Township and by HUC14 watershed. As indicated above, the RMP calls for Low Impact Development, Best Management Practices, and technical guidelines to maximize the protection of Prime Groundwater Recharge Areas. As part of Plan Conformance Objective 2D3 requires controls in master plans and development regulations for this purpose and Policy 2D4 states:

To apply standards through Plan Conformance, local development review and Highlands Project Review to protect, restore and enhance the functionality and the water resource value of Prime Ground Water Recharge Areas by restricting development and uses of land within a Prime Ground Water Recharge Area that reduce natural ground water recharge volumes or may directly or indirectly contribute to or result in water quality degradation.

The Township contains a patchwork of Prime Groundwater Recharge Areas (PGWRA) with the greatest concentration in the northwest area of the municipality (Figure 6). Other affected areas include the 57 acre BASF West site with preliminary site plan approval for 700,000 square feet of office space, much of the Canal Site in the FTZ-4 zone, most of the Morris Chase residential subdivision presently under construction and the entire R-6 Age-Restricted Residential zone district where a residential development consisting of 269 units including 54 low and moderate income units received preliminary site plan approval in 2008. Clarification from the Highlands Council on the impact of the new regulatory controls on sites with site plan or subdivision approval is required.

It is noted that Objective 2D4d would limit development of a site located in a PGWRA to no more than 15 percent, consequently the Township should evaluate the impact on such areas. It is likely that a 15 percent cap will seriously limit development opportunities, certainly within affected properties in the nonresidential zone districts.

(3) **Water Quality**  
3 goals / 19 policies / 23 objectives

The goals and policies in this section relate to providing protection to surface and groundwater sources through land use controls and to provide restoration and
enhancement of water supply areas. In addition, the RMP calls for enhanced protection around water supply wells as indicated in Policy 2H2 which states:

To develop and implement, through Plan Conformance, local development review and Highlands Project Review, resource protection measures to protect and enhance ground water and water supply resources within Wellhead Protection Areas consistent with the source water assessments for each water supply source.

Objective 2H5a calls for inclusion of wellhead protection measures in both the Master Plan and development regulations. The Township does not currently have provisions for the protection wellhead areas although the 2003 Master Plan did recommend such controls and the current NRI provides extensive detail on this subject.

The goals and policies in this section of the RMP will limit new or expanded potable water and sanitary sewer systems in the Preservation Area (Policy 2I1) but does allow for these utilities to serve areas designated as a Highlands Redevelopment Area (Policy 2I2).

With regard to the Planning Area, the various policies and objectives in this section of the RMP call for severe restrictions for new water and sanitary sewer facilities in the Protection, Conservation and Environmentally-Constrained Sub-Zones. It is not clear if such restrictions are intended to apply if the Township does not opt-in but it is clear that NJDEP will apply the policies of the Land Use Capability Map in its decision-making process for new permits in accordance with the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38-1.1 [g]) which states in part:

“…for all decisions in or affecting the planning area or the preservation area, the Department shall give great consideration and weight to the RMP, to be incorporated by reference…., when adopted by the Highlands Council.” (Emphasis added.)

Mount Olive will need to be attentive to current efforts by Morris County planning officials to establish a county-wide Wastewater Management Plan to ensure consistency with the RMP in accordance with Policy 2K3 and the related objectives. Policy 2K3 reads as follows:

To provide adequate, appropriate, efficient and cost-effective wastewater management to all development in the Highlands Region, through Plan Conformance, local development review, and Highlands Project Review.
C. **Agricultural Resources**  
5 goals / 24 policies / 12 objectives

The goals and policies of the RMP for agricultural resources seek to preserve agricultural land and retain the viability of the agricultural industry. The RMP objectives are intended to provide incentives and funding opportunities to preserve agriculture, encourage best management practices and enhance the resources of the Highlands. To achieve these ends the policies emphasize support for farmland preservation activities, classify agricultural soils as a critical resource and warn against reducing the loss of agricultural areas through inappropriate development. Recommended methods to accomplish these aims are Transfer Development Rights (TDR), mandatory cluster provisions or conservation design techniques. In addition, the RMP seeks to minimize construction of non-agricultural development inducing water and wastewater infrastructure in the Agricultural Resource Areas and to protect and enhance surface and ground water quality.

While there are active farms in Mount Olive, primarily concentrated west of Sand Shore Road / Wolfe Road, the municipality does not have any designated Agricultural Resource Areas and the RMP’s Conservation Zone occupies 163 acres or less than one percent of the total land area in the Township. Accordingly, Mount Olive may seek a waiver from the requirement to prepare and adopt an **Agriculture Retention/Farmland Preservation Plan**. Nonetheless the Township’s 2003 Master Plan recognizes the importance of agriculture in the enumerated Goals and Objectives as indicated in the following goal statement:

> Continue to encourage farmland preservation through such measures as the Farmland Preservation Program and by creative application of the transfer of development credits to channel development of non-agricultural land. Maximize preservation efforts by concentrating preserved areas in order to increase opportunities for funding.\(^{12}\)

Mount Olive also has a ‘Right-To-Farm’ ordinance in place since 1997 (Chapter 400, Article VIII).

D. **Historic Cultural, Archaeological and Scenic Resources**  
3 goals / 18 policies / 11 objectives

The Highlands RMP identifies the value of historic sites, cultural resources and scenic vistas. The RMP encourages the preservation and conservation of such resources. The 2003 Master Plan included the following in its Goals and Objectives:

---

Create an historic preservation advisory group to inventory architecturally and historically significant properties within the Township, and to explore the potential for establishing preservation guidelines.\textsuperscript{13}

We note that the Model Highlands Element for Municipal Master Plans (March 2009) includes a Historic Preservation Plan which Mount Olive will utilize to satisfy its own 2003 Master Plan recommendation, cited above, and the objectives of the RMP.

E. **Transportation**

5 goals / 25 policies / 13 objectives

The goals and objectives of the RMP for transportation networks encourage multi-model systems that provide for safe and adequate travel that will not result in a detriment to the Highlands region, its environment or the communities within. Through its ongoing efforts to have sidewalks installed along Route 46 via grants and as part of the site plan approval process, Mount Olive is in concert with Policy 5A4 which calls for “…safe and efficient pedestrian connections including features such as sidewalks…”.

Mount Olive will update its Circulation Plan component of the 2003 Master Plan to be consistent with the Circulation Plan provided in the Model Highlands Element for Municipal Master Plans (March 2009).

F. **Future Land Use**

The RMP divides the category of Future Land Use into the following subsets:

- Land Use Capability Zones
  
  6 goals / 22 policies / 13 objectives

- RMP Updates, Map Adjustments and local build out analyses
  
  1 goal / 4 policies / 6 objectives

- Regional guidance for development and redevelopment
  
  2 goals / 12 policies / 14 objectives

- Redevelopment
  
  4 goals / 8 policies / 8 objectives

- Smart growth
  
  1 goal / 6 policies / 24 objectives

- Housing and community facilities

\textsuperscript{13} Ibid. Page 47.
The goals, policies and objectives in each subset will very likely require modifications to the Township’s Master Plan and development regulations. In particular the Township will want to consider potential growth opportunities through the redevelopment components of the RMP. In addition, other areas of concern are those concerning new growth in the Existing Community Zone, the need for map adjustments to the Land Use Capability Map, smart growth and housing. For example, Goal 6F calls for:

Support of compact development, mixed use development and redevelopment and maximization of water, wastewater and transit infrastructure investments for future use of land and development with the Existing Community Zone.

With respect to redevelopment Goals 6J and 6L are, respectively:

Accommodation of regional growth and development needs through the reuse and redevelopment of previously developed areas, including brownfields, grayfields, and underutilized sites.

Conforming municipalities and counties consider development, redevelopment and brownfield opportunities in their master plans.

To this end, the Township has identified several locations within the Preservation Area which lend themselves to the redevelopment policies set forth in the RMP that the Township. The Existing Community Zone encompassing the industrial district on the southerly side of Gold Mine Road is one such area. Properties along Route 46 in the Lake Management Zone and along the Rt. 206 corridor in Flanders are other potential locations. Mount Olive will examine the prospects for seeking redevelopment area designation in accordance with the standards of the Highlands Act and the RMP as part of the Plan Conformance process (Module 5).

Goal 6G concerns the RMP’s Land Use Capability Map and the need to have continuous updates and improvements. Mount Olive has already sought and been granted a map correction by the Highlands Council to reclassify the former landfill site known as Combe Fill North from ECZ – Environmentally Constrained to ECZ. This change is very important because under the more restrictive Environmentally Constrained category NJDEP made it clear that the former landfill would not qualify for inclusion within a sanitary sewer service area, consequently redevelopment of this brownfield site would be put in jeopardy. (Appendix B provides specific details on this matter.)
A preliminary analysis of the Land Use Capability Zone Map indicates that additional map corrections may be in order particularly with regard to the designation of ECZ-Environmentally Constrained along Highways 46 and 206.

Mount Olive will also need to review its Land Use Plan Element and its site plan and subdivision regulations to determine the extent of modifications necessary to implement the Smart Growth polices and objectives such as the following:

Objective 6N1b: Implement flexible site development review programs that allow for adjustments such as reduction of minimum setbacks, modification of uniform road frontage requirements, increase in maximum permitted height or allowing non-contiguous clustering of development entitlements where necessary to mitigate or eliminate adverse impacts on Highlands natural resources.

Mount Olive’s land use regulations permits non-contiguous clustering and in fact a major residential subdivision known as Oak Hill I and II consisting of 103 homes utilized this option in 1994 to preserve a 51 acre tract of farmland.

Finally, with regard to housing, the Township is prepared to submit its third round Housing Element and Fair Share Plan to COAH for substantive certification pursuant to the December 8, 2009 deadline.

G. Landowner Equity

The Highlands RMP highlights several goals and policies to address land owner equity issues for areas were land development potential has been reduced. The RMP seeks to offset these effects through Transfer of Development Rights, Highlands Development Credit opportunities and introducing innovative design guidelines to allow for development with minimal impacts to the environment. At this time it is not entirely clear how the Highlands TDR program will be structured and, more importantly, how it will operate therefore the Township cannot ascertain how conformance on this aspect of the RMP will be implemented.

Mount Olive may wish to explore the option of creating one or more “receiving” zones for the TDR program and utilize Highlands grant funding to conduct such a study. Such areas would be restricted to the two sections of the municipality situate within the Planning Area.

Some of the policies concerning TDR do raise concerns particularly in the Township’s deliberations regarding opting in. For example, Policy 7E6 will add to the cost of new development by requiring the purchase of Highlands Development Credits (HDC) where
a zoning change provides greater density or “more intense development”. This could present serious complications with efforts to create “inclusionary zoning” in accordance with COAH’s third round rules (N.J.A.C. 5:97-6.4). On a related note, the RMP should provide greater clarity with respect to what constitutes “more intense development”. Policy 7E6 reads as follows:

After the date of Highlands Council determination of conformance, any municipal action that results in a density increase or change of use with more intense development will require a project applicant to secure HDC’s prior to municipal approval.

Another policy deserves clarification as well. It is Policy 7E5 which states:

The Highlands Council shall seek legislation that requires the payment of a fee to the Highlands Development Credit Bank for any increases in density or intensity of development beyond the allowable development yield as of the effective date of the act, where that development relies on a potable water source located in the Highlands Region and the development is situated in any municipality other than a conforming municipality. (Emphasis added.)

The question here is whether Mount Olive would be considered a “conforming municipality” if it chose not to conform with respect to the Planning Area.

H. Sustainable Economic Development

5 goals / 15 policies / 13 objectives

The RMP requires the preparation and adoption of an Economic Plan Element that will provide strategies for achieving sustainable economic development consistent with the Highlands Plan. One policy, 8A6, calls for conforming municipalities to adopt an economic plan element “…that provides strategies for achieving sustainable and appropriate economic development consistent with local desire and identifies any development, redevelopment, and brownfield opportunities.” Done properly, this type of Plan needs a rather sophisticated fiscal analysis particularly with regard to the TDR policies cited above and the requirements set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-173 through 163). This will be difficult to do so at the municipal level without financial and perhaps technical assistance from the Highlands Council.

I. Air Quality

1 goal / 6 policies / 1 objective

Policy 9A3 encourages “…land use development and redevelopment practices that promote center-based growth and mixed-use development and offer alternative modes of
transportation as a means to reduce automobile dependency…” Mount Olive’s continuing effort to have the State Plan Policy Map changed from Planning Area 5 to Planning Area 2 for the Budd Lake portion of the municipality that also falls under the Planning Area of the Highlands Region is consistent with this aim. (See Appendix C.)

J. Local Participation

1 goal / 5 policies / 6 objectives

The Highlands RMP relies on local participation and continual updates for the overall long term viability of the Plan. The Township encourages an open and transparent process and will coordinate with the Highlands Council to ensure broad public participation and the participation of local government.

IX. CONCLUSION

Mount Olive will follow the seven modules established by the Highlands Council to satisfy basic plan conformance. This Initial Assessment Report is intended to assist the Township in its efforts to address the other issues identified in this report including the very important question regarding future growth projections that will form the basis for the revised Housing Element and Fair Share Plan to be submitted to COAH no later than December 8, 2009. To that end it is advisable for the Township to undertake a concentrated study of the opting-in question. Timelines, scope of work outlines and budgets should be established with regard to the many Master Plan and ordinance modifications called for by the RMP.
## APPENDIX A

### MOUNT OLIVE TOWNSHIP INITIAL ASSESSMENT REPORT: SUMMARY FINDINGS

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(1) Stormwater Management Plan 2005
(2) Draft Wastewater Management Plan 2003
VIA FIRST CLASS MAIL

Chuck McGroarty, PP, AICP
Barrosi Associates, INC.
111 Main Street
Flemington, NJ 08822

Re: Mount Olive Township RMP Update Request
Block 4100, Lot 10; A.K.A. Combe Fill North

Dear Mr. McGroarty:

On behalf of the New Jersey Highlands Water Protection and Planning Council (Highlands Council), I write in response to the above referenced request. The Highlands Council is in receipt of your letter dated, January 15, 2009, and supporting documentation that was submitted on behalf of Mount Olive Township. The information provided confirms the current and existing conditions of a majority of the subject parcel and is sufficient for a Regional Master Plan (RMP) Update.

The RMP Updates Program is designed to facilitate and coordinate the exchange of “new, corrected or updated factual information and verification by the Highlands Council.” Highlands Regional Master Plan, Policy 6A2 & 6G1, see Chapter 6, Part 1, Subpart B. The purpose of the program is to ensure that the RMP reflects the most current data for use during Plan Conformance. For a municipality or county to receive an RMP Update, the information or data submitted must satisfy the Highlands Council’s Digital Submission Standards set forth in the RMP, and then must be verified by the Highlands Council. Only factual information, where appropriately documented and verified, may be updated by the Highlands Council.

Under the RMP’s Land Use Capability Zone Map, the subject parcel is classified as Existing Community Zone – Environmentally Constrained (see attached Land Use Capability Zone Map for Mount Olive Township). The Highlands Council’s GIS-based model, Land Use Analysis Decision Support System (LANDS), initially found a majority of the subject parcel to be inconsistent with the criteria for the Protection Zone and the Existing Community Zone. This occurred because a majority of this parcel had been classified by NJDEP 2002 Land Use Land Cover Classification Code as “Barren” (7000 Series). Given this classification as Barren under the land use land cover data, LANDS classified the subject parcel as Existing Community Zone – Environmentally Constrained.
February 20, 2009
Page 2

The information submitted by Mount Olive Township on January 15, 2009, documents that sixty-five (65) acres of the subject parcel had been used as a sanitary landfill between the years of 1966 and 1981. In addition, the information submitted by the township documents that the parcel was placed on the U.S. Environmental Protection Agency’s National Priorities List of Superfund Sites in 1982, and that after remediation was completed in 2004, the U.S. Environmental Protection Agency removed the parcel from the National Priorities List. Finally, the information demonstrates that a methane venting system, concrete drainage channels and monitoring wells remain on the subject parcel.

Given the comprehensiveness of the factual information submitted, and the review conducted by the Highlands Council, the Council believes that the subject parcel more properly should be classified as the Land Use Land Cover Classification “Mixed Urban or Built-Up Land” (1609). This code “typically includes developments along transportation routes and in cities, towns, and built-up areas where separate land uses cannot be mapped individually. Residential, Commercial, Industrial, and occasionally other land uses may be included” (Anderson et al, 1976).

As a result of this Land Use Land Cover Classification change, it is appropriate to reclassify the subject parcel Existing Community Zone. Consequently, the Highlands Council hereby approves the RMP Update for Block 4100, Lot 10 sought by Mount Olive Township. The figure – Mount Olive Township Land Use Capability Zone Map, is attached to demonstrate the approved RMP Update.

The Highlands Council looks forward to continued collaboration with Mount Olive Township as we embark on Plan Conformance with the RMP. Should you have any questions or concerns with the foregoing, please contact me at (908) 879-6737.

Sincerely,

Eileen Swan
Executive Director

Enclosures
APPENDIX C
STATE PLAN POLICY MAP PROPOSED CHANGE

November 2, 2006

Ms. Christine Marion, Assistant Planning Director
Department of Planning, Development & Technology
County of Morris
P.O. Box 900
Morristown, NJ 07963

RE: Proposed Planning Area Change

Dear Ms. Marion:

The Township of Mount Olive requests that the Morris County Planning Board in its capacity as the Negotiating Entity in the Cross Acceptance process, pursue a change to the State Plan Policy Map to reclassify a portion of the Planning Area 5 to Planning Area 2. This request concerns the northeast section of the Township as depicted on U.S.G.S. Quad: Stanhope (OSG Quadrangle #26). It is the Township’s position that the area in question should be designated Planning Area 2 for the reasons set forth herein.

1. AREA IN QUESTION

The area in question is located in the Budd Lake section of Mount Olive Township comprising approximately 3.5 square miles and is depicted on the attached aerial entitled Proposed Planning Areas 2 (Attachment 1). Byram, Stanhope, Netcong and Roxbury border the area from west to east and, as you know Stanhope and Netcong have officially been approved as Town Centers. Direct highway access is provided by both Interstate 80 and State Highways 46 and 206 which traverse the area in question. In addition, New Jersey Transit passenger rail service is available at the platform located within the International Trade Center.

2. CHARACTER OF AREA

The area we propose to be reclassified to PA 2 is entirely within the Highlands Region Planning Area, again as represented on the attached aerial. It contains some 3.5 million square feet of office, hotel, and industrial/distribution facilities within the International Trade Center, which includes a designated Foreign Trade Zone, one of only five in the State of New Jersey. The proposed PA 2 area also incorporates 1.3 million square feet of commercial and retail space including the 811,197 square feet of stores and restaurants within the International Crossing regional mall. There is an existing population of approximately 3,400 situate in residential neighborhoods to the north and east of the Lake and in the 1,200 rental apartments in Village Green. This area also has the distinction of containing a 102-acre brownfield site known as Combe Fill North, a capped landfill, located along Gold Mine Road adjacent to the
aforementioned regional mall. The recent sale of the landfill for $10 million clearly demonstrates the potential for its redevelopment.

3. UTILITIES

The entire area in question is severed by public sanitary sewerage facilities through the Musconetcong Sewerage Authority and the Budd Lake Sewer Service district as shown on the attached map from the Township’s 2003 Master Plan entitled Existing And Proposed Sewer Service Areas (Attachment 2). Most of the area is likewise served by public potable water systems as seen on the Water Systems map from the 2003 Master Plan (Attachment 3).

4. POTENTIAL CENTER DESIGNATION

When the Planning Board adopted the Master Plan in 2003 there was an expectation that Center Designation would eventually be sought for several areas of the Township, including a portion of Budd Lake which includes the area in question. The three proposed centers are delineated on the Land Use Plan map from the Master Plan (Attachment 4). With the subsequent enactment of the Highlands Water Protection and Planning Act, which placed approximately 82 percent of the Township into the Preservation Area, the full extent of the proposed centers may not be realized, however; as noted above, the area in question is located entirely within the Highland’s Planning Area. The proposed Budd Lake center was described in the 2003 Master Plan as follows:

Budd Lake Regional Center

Budd Lake is listed in the appendix to the State Plan as an identified Village Center. The limits of the proposed Budd Lake Center on the Land Use Plan Map include a wider area with existing and proposed development features that do not conform to the criteria for a Village Center. The proposed Center includes the Foreign Trade Zone and the regional shopping area of the Trade Zone South. It also includes the multi-family developments of the Village Green and those projects off of Wolfe Road. The existing single-family residential areas around Budd Lake provide a mix of single-family detached housing on varying lot sizes. There is also the commercial corridor of Route 46, from the Netcong boundary to Wolfe Road, which includes the Village Green Shopping Center.

The size and variety of land uses, which are regional in scope, along with the access within the district to Interstate Route 80, all point to this area meeting the criteria for a Regional Center, rather than a Village Center. It is also adjacent to Netcong, which has been designated as a Town Center. (Mount Olive Township 2003 Master Plan and Master Plan Reexamination, page 60)

5. CONSISTENCY WITH PLANNING AREA 2 CRITERIA

The established development pattern of the portion of Budd Lake that is the subject of this request is an excellent fit with the Suburban Planning Area (PA2) as set forth in the State Development and Redevelopment Plan. Consider the following Delineation Criteria in the SDRP for PA2 with regard to the conditions described above.
1. Population density of less than 1,000 people per square mile.

The area in question consists of approximately 3.5 miles with an estimated population of 3,400 for a density of 971 per square mile.

2. Natural systems and infrastructure systems reasonably anticipated to be in place by 2020 that have the capacity to support development that meets the Policy Objectives of this Planning Area. These systems include public water supply, sewage collection and treatment facilities, stormwater, transportation, public schools and parks.

The area is directly served by Interstate 80, two state highways, and a NJ Transit passenger rail line. The entire area is served by public sanitary sewerage facilities and all but the older residential neighborhoods adjacent to the lake are served with public potable water.

3. A land area contiguous to the Metropolitan Planning Area.

The land in question is contiguous to the designated Town Centers in Stanhope and Netcong, both of which are classified PA2.

4. Land area greater than one square mile.

The area in question comprises approximately 3.5 square miles.

6. CONSISTENCY WITH THE INTENT OF PLANNING AREA 2

The existing character of this section of the Township viewed in conjunction with future redevelopment opportunities along the Rt. 46 commercial corridor, the future build-out of the International Trade Center, the anticipated reclamation of the 102 acre brownfield site into a productive land use and the potential for interconnections with the established Town Centers in Netcong and Stanhope will achieve the intent of PA2, particularly as described in the following excerpt from the SDRP:

The Suburban Planning Area is unique in that the availability of public infrastructure offers the opportunity to create a development pattern with reasonable densities and physical continuity—with functional transportation linkages throughout and existing and approved planned sewer systems while protecting the integrity of the area’s natural systems. While much of the growth pattern may already be influenced by the placement of major transportation facilities, sewer alignments, existing development and preliminary development approvals, this Planning Area offers opportunities to expand infrastructure efficiently from neighboring Metropolitan Planning Areas. Extending public services can, in turn, help create compact Centers that support public transportation systems. Better integration between existing, dispersed single-use activities and both existing and new Centers could vastly improve both the image and the performance of this Planning Area.
Municipalities should work with each other and their counties to delineate specific areas for redevelopment, retrofitting, rehabilitation or revitalization where growth is expected or desired. The relatively unbroken pattern of development in the Suburban Planning Area makes Center Boundaries, as a tool for delineating growth areas or protecting resources or neighborhoods, less useful than creating comprehensive and strategic local, corridor or regional plans. Center Boundaries are encouraged to be drawn where Centers can be delineated with distinct Environs.

Public policy should also focus on making public transportation a reality in suburban areas. Several proposals have been made to provide new service, or to reactivate passenger rail service in them. If coordinated appropriately with transit-supportive local land-use planning and design policies, cost-effective transit service can provide the foundation necessary to revitalize existing Cores or create new Cores for future Centers. (SDRP, pages 196-7)

7. **CONSISTENCY WITH THE POLICY OBJECTIVES OF PLANNING AREA 2**

Reclassifying this area PA2 would be consistent with the following policy objectives of the SDRP:

- **Land Use**

  Guide development and redevelopment into more compact forms—Centers and former single-use developments that have been retrofitted or restructured to accommodate mixed-use development, redevelopment, services and cultural amenities. Plan and zone for a wide range of land uses and users, in order to achieve more balanced communities. Seek to better integrate different land uses, and remove or mitigate physical barriers between them. Encourage densities capable of supporting transit. Preserve the Environs as park land, farmland, or partially developed low-density uses without compromising the Planning Area’s capacity to accommodate future growth.

  **This section of the Township presently reflects these characteristics and the reclassification to PA 2 will facilitate future land use planning decisions on a local level designed to further enhance the mix and scale of development appropriate to the suburban planning area.**

- **Housing**

  Provide a full range of housing choices primarily in Centers at appropriate densities to accommodate the area’s projected growth. Ensure that housing in general—and in particular affordable, senior citizen, special needs and family housing—is developed with maximum access to a full range of commercial, cultural, educational, recreational, health and transportation services and facilities. Focus multi-family and higher-density, single-family housing in
Centers. Any housing in the Environs should be planned and located to maintain the existing character.

The Budd Lake area contains a range of choices and residential densities. A new R-6 zone district is located in this area designed for an active adult community which, when developed, will include an affordable housing component. Residents within this area have immediate access to the commercial corridor on Rt. 46 and the regional mall. Bus routes and the aforementioned NJ Transit line provide the desired transportation opportunities.

□ Economic Development

Guide opportunities for economic development into Centers or existing pedestrian- and transit-supportive single-use areas and target new jobs to these locations.

It is imperative that the International Trade Center/Foreign Trade Zone be situated within a “smart growth” area to maximize both its present and future economic development potential. This is entirely consistent with Governor Corzine’s Economic Growth Strategy for the State of New Jersey 2007 particularly with regard to improving the business incentive programs to retain existing businesses while also attracting new jobs. The aforementioned report states, in part:

“The state will commit to ensuring that the State Development and Redevelopment Plan is revised to accurately reflect environmental, infrastructure, and other planning realities.” (p. 19)

Further, the Governor’s economic plan seeks to enhance the global competitiveness of New Jersey’s businesses by specifically supporting the state’s Foreign Trade Zones. An “action step” in this effort calls for a concerted effort to “Enhance Trade Policy and Support While Promoting and Expanding Foreign Trade Zones.”. To that end the Governor’s report states:

As markets for trade become more global, the state must partner with the private sector to proactively market the state and its assets. The state will adopt best practices in order to find and attract foreign partnerships with New Jersey-based businesses.

The state currently has five Foreign Trade Zones. Businesses that manufacture or assemble products in these zones are subject to lower duties and tariffs than those that locate in other parts of the state. New Jersey will take steps to encourage participation by businesses in this underutilized federal program. The state
will also seek designation of additional Foreign Trade Zones in other areas of the state targeted for economic growth. (p. 30)

Transportation

Maintain and enhance a transportation system that links Centers and existing large single-use areas to each other, to Metropolitan Planning Areas and to major highway and transit corridors. Emphasize the use of public transportation systems and alternative modes of transportation where appropriate and feasible, and maximize circulation and mobility options (including pedestrian and bicycle connections between developments) throughout. Encourage significant redevelopment and intensification around existing and planned rail stations along transit corridors and ferry stations along waterfronts. Promote flexible (variable route) transit and support employer-operated shuttle services. Preserve and stabilize general aviation airports and, where appropriate, encourage community economic development, transportation intermodal hubs, and complementary uses for airport property such as business centers.

The NJ Transit platform in the International Trade Center coupled with the new Transit Village in Netcong creates a public transit corridor that will achieve the desired objective. The Township has identified key locations for improved travel lanes and intersection improvements along Rt. 46 and has worked with both NJDOT and developers to implement these objectives. In addition, Mount Olive has actively pursued improved pedestrian linkages by securing grants to install sidewalks along Rt. 46.

Natural Resource Conservation

Conserve continuous natural systems, strategically locate open space, and buffer Critical Environmental Sites. Use open space to reinforce neighborhood and community identity, and protect natural linear systems, including regional systems that link into other Planning Areas.

Preservation of sections of the Morris Canal still in place along the northwestern perimeter of the International Trade Center area is a key objective. Presently a coordinated effort is underway by the Township’s Planning Board, Environmental Commission and Open Space Committee to protect this vital historical resource and other tracts as part of an ongoing open space plan.

Redevelopment

Encourage redevelopment efforts in existing Centers and single-use areas which can be redeveloped into mixed-use areas, and areas within walking distance of train stations or other major public transit facilities. Redevelop at transit-supportive densities, while creating pedestrian-oriented environments. Take full advantage of the opportunities available under the state’s redevelopment statutes to promote new Centers and retrofit existing areas with mixed-uses and higher densities.
The 102 acre landfill presents exactly the type of redevelopment activity promoted by the SDRP and by the Governor’s Economic Growth Strategy for the State of New Jersey 2007, cited above. It will not only restore a brownfield to a productive use, it will generate new jobs within the community. Redevelopment opportunities will also be strengthened by a PA 2 designation particularly for the Rt. 46 commercial corridor and for a former industrial facility on Love Lane, bordering Netcong and Stanhope.

8. SUMMARY

The area of Budd Lake in Mount Olive Township described in this report clearly fits the parameters for Planning Area 2. Not only will the reclassification from the present PA 5 to PA 2 better reflect the mix of residential neighborhoods, concentration of businesses and retail facilities, and the supporting road, sanitary sewerage and central water infrastructure, such a change to the State’s Policy Map will help achieve the economic goals and strategies Governor Corzine has put in place for New Jersey.

Christine, the Township of Mount Olive expresses its appreciation to the Morris County Planning Board and to the Planning Department for your continued assistance and support in this endeavor. Please feel free to call upon me should you require further information or documentation.

Sincerely,

Chuck McGroarty, PP, AICP
Banisch Associates, Inc.

c: Mayor Richard De La Roche
    Rick Prill, Business Administrator
    Robert Greenbaum, Township Council President
    Jim Smith, Planning Board Chairman
    Catherine Natafalusy, Planning Administrator
Figure 1: Highlands Regional Master Plan Land Use Capability Map Mount Olive Township, Morris County, NJ February 2009

Legend
- Highlands Planning Area
- Water
- Overlay Zone Designations
  - Protection
  - Conservation
  - Conservation Constrained
  - Existing Community
  - Existing Community Constrained
  - Lake Community

Data Sources:
NJDEP
Morris County Planning

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.
Figure 2:
Highlands Regional Master Plan
Forest Resource Area
Mount Olive Township
Morris County, NJ
February 2009

Legend
- Highlands Preservation Area Boundary
- Forest Resource Area

Data Sources:
NJDEP - Roads
New Jersey Highlands Council

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.
Figure 4: Highlands Regional Master Plan
Carbonate Rock Area
Mount Olive Township
Morris County, NJ
February 2009

Legend
- Carbonate Rock
- Highlands Preservation Area Boundary

Data Sources:
NJDEP - Roads
New Jersey Highlands Council

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.
Figure 5:
Highlands Regional Master Plan
Net Water Availability by HUC 14
Mount Olive Township
Morris County, NJ
February 2009

Legend
- Highlands Preservation Area Boundary

Million Gallons Per Day (MGD)
- 0.00 to 0.04
- -0.09 to -0.01
- -.99 to -0.10
- -7.10 to -1.00

Data Sources:
NJDEP - Roads
New Jersey Highlands Council

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.
Figure 6:
Highlands Regional Master Plan
Prime Ground Water Recharge Areas
Mount Olive Township
Morris County, NJ
February 2009

Legend

Highlands Preservation Area Boundary
Prime Ground Water Recharge Areas

Data Sources:
NJDEP - Roads
New Jersey Highlands Council

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.