PLANNING REPORT

Lopatcong Township Highlands Center Planning Study

Highlands Amended Grant – Task 16 Highlands Center Designation [This study was authorized by the Highlands Council on July 29, 2014]

Prepared for: Lopatcong Township Planning Board

Prepared by:

Ruggiero Plante Land Design, LLC 4220 Main Street Philadelphia, PA 19127

Under the supervision of:

George A. Ritter, P.P., AICP Professional Planner NJ License #2126 AICP #017420

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TOWNSHIP OF LOPATCONG AMENDED PLAN CONFORMANCE GRANT #09-033-011-2115 HIGHLANDS CENTER PLANNING STUDY REPORT

INTRODUCTION

The Lopatcong Township Planning Board has resolved to undertake a study of the Township's Highlands Center. The study is required as a prerequisite to drafting of a Lopatcong Township Highlands Center Ordinance, which is a requirement of the Township's petition for conformance with the Highlands Area Regional Master Plan. The purpose of the report is to provide the basis for zoning and land use priorities within the Center, which were presented to the Planning Board for discussion at meetings open to the public. The amendments contained in this report were approved by the Planning Board: The report will be forwarded to the Highlands Council for their review and comments. Information gathered for the study will be utilized by the Township during establishment of zoning amendments related to the Lopatcong Township Highlands Center, if any, and establishment of a Highlands Center Ordinance.

The Lopatcong Highlands Center area includes both residential and non-residential zoning and development. The ROM Zone makes up a large portion of the Lopatcong Township Highlands Center. A study of the ROM Zone was completed and submitted to Township Council for review and comment. The ROM Zone Study provides much of the needed data for the Center area located south of Route 57. Remaining to be analyzed and included in this report are the residential and commercial areas north of Route 57 and west of Route 22.

The Highlands Center analysis focuses on data collection regarding existing conditions, analysis of the data and formation of findings as a prerequisite to amending the Township's Master Plan and zoning ordinance. Preparation of the Center Ordinance will follow approval of the Highlands Center analysis by the Highlands Council.

The report starts with a description of the Lopatcong Township Highlands Center followed by an analysis of the zoning districts that are included within the Center. The report provides data for existing permitted uses and standards for area and bulk requirements for each zone in the Center. Also provided are Planning Board determinations for uses and regulations that require changes so as to conform to current and future planning activities in the Township.

CENTER DESCRIPTION

The entire Center, including street and railroad right-of-ways, covers 1,539 acres. Also included within the Center area is approximately 104 acres designated HERS Highlands Environmental Resource Area by the Highlands Council. The number of parcels in the Center, including individual commercial and residential condominiums, totals 2,504.

The Center covers the most intensely developed portions of the Township, which are generally located north of Route 57, south of Upper Belvidere Road and west of Strykers Road. This area is comprised of Lopatcong's older residential neighborhoods – Rose Hill Heights, Morris Park and Brakely Park – and the more recently completed Delaware Crossing age-restricted community, Clymer Village Senior Housing apartments, Brakely Gardens apartment community and a townhouse / garden apartment project known as Warren Heights. Also included in this portion of the Center is non-residential development comprised mostly of professional / medical offices, residential healthcare facilities and regional / neighborhood retail establishments.

The least developed area of the Lopatcong Highlands Center is located south of Route 57. This Center area lies between the Route 57 thoroughfare and the Township's border with Greenwich Township and includes lands located between Route 22 and the Norfolk Southern Railroad – the townhouse / apartment condominium project known as Overlook at Lopatcong is included in the Center. Further, portions of the Township located west of Route 22 that include the Ingersoll Rand Redevelopment Area, Phillipsburg Mall and Sycamore Landing, a garden apartment development currently under construction are included in the Lopatcong Center.

In terms of sewer and water service, the Center is located within the Township's existing sewer service area (SSA) – north of Route 57 – and future SSA that covers the Center area south of Route 57. Public water is supplied to the majority of developed parcels located within the Center.

ZONE DESCRIPTIONS

The Lopatcong Township Highlands Center is comprised of eleven (11) whole or partial zoning districts: Seven (7) residential zones; two (2) commercial districts; and one (1) manufacturing zone. Additionally, one district – RB Retail Business – permits both residential and business uses.

RESIDENTIAL DISTRICTS

The seven residential districts represented in the Lopatcong Highlands Center are R-75, R-100, R-120, R-3/2, R-MF, MFI and AH. Three of the residential zones, which were established to comply with the Township's affordable housing obligations, are primarily for large scale multi-family development: The remaining four residential zones are intended for single-family uses. The area and bulk regulations for each district are shown in the table that follows this section [Table 1]. Following is a description of each residential zoning district area that is contained within the Center.

R-75 Residential Zone. The R-75 district is comprised of 538 parcels on 129.8 acres making it the second largest residential zone in terms of the number of parcels and area. The lot area of individual parcels varies considerably from a minimum of about 2,500 SF to over 41,000 SF. The mean lot area is 10,508.8 SF. Permitted uses in this district are limited to single-family residential dwellings including cluster development and public/quasi-public uses and facilities.

Land uses within the R-75 zone are a mix of residential, commercial, public and quasi-public uses. This residential district is overwhelmingly comprised of single-family homes (499 dwellings), which accounts for about 93% of the parcels. The other residential use in the district is a group home that is considered a multi-family unit for the purpose of this report. Eight of the 538 parcels are in commercial use, 12 are vacant, 9 are publicly owned and 9 are of a quasi-public use.

Of the 538 parcels, 87 individual lots¹ are nonconforming as to lot size (i.e., less area than required for the district). That represents 16.2% of the R-75 district. The vast majority of the undersized lots are developed – 80 residential, 2 commercial, 4 vacant and 1 utility right-of-way.

¹ These are lots that are not in the same ownership as an adjoining parcel as determined by tax records published online by the New Jersey Association of County Tax Boards (NJACTB). Lot area for this particular analysis was taken from Lopatcong Township Tax Maps maintained by Maser Consulting and current through April 2015.

R-100 Residential Zone. In the R-100 district there are 207 individual lots within the Lopatcong Highlands Center, which is the location for the majority of this zone in the Township. The majority of the parcels are contained in a single development – Delaware Crossing, an age-restricted (55+) community completed in 2015. The mean lot size in this zone is 13,555 SF: The largest parcel is 423,489 SF (9.7 acres), the smallest is 3,067 SF. The uses permitted in the R-100 district are single-family residential including senior citizen housing, cluster development, assisted living facilities and public/quasi-public uses and facilities.

The majority of the 207 parcels in the R-100 zone are occupied by single-family dwellings, which comprises 95.2% of the district. Additional land uses in the R-100 zone include 4 commercial, 3 quasipublic and 3 private open space parcels. Only 3 of the R-100 district lots located within the Center are nonconforming as to lot area.

R-120 Residential Zone. The community of Brakely Park, which includes the Lopatcong Middle School, constitutes nearly the whole of the R-120 district. The R-120 zone is located wholly within the boundary of the Lopatcong Center. Design of the residential neighborhood, consisting of 737 individual parcels that contain a dwelling, was a major departure from the development pattern of earlier Lopatcong neighborhoods such as Delaware Park, Morris Park and Rose Hill Heights. Those communities were laid out on a grid pattern, whereas Brakely Park utilizes a network of curvilinear streets and larger more uniformly-sized lots.

In addition to single-family homes, the R-120 Zone contains the Lopatcong Township Middle School and associated outdoor facilities and several deed restricted open space parcels. A group home is also located with the Brakely Park neighborhood. The JCP&L electric sub-station is the only commercial use in the district. There are no vacant parcels in the R-120 Residential Zone. The smallest parcel is 7,096.6 SF; the largest lot is the location of the school and contains 875,785 SF (20.1 acres); the mean lot area is 18,867.8 SF.

R-3/2 Residential. Only a portion of a single parcel zoned R-3/2 is contained in the Lopatcong Center. It is developed with a public school – Lopatcong Township Elementary School – which occupies 8.8 acres with frontage on Route 57.

R-MF Residential Multi-Family Zone. The R-MF Zone is a townhouse and garden apartment district established to provide multi-family housing options and respond to the Township's affordable housing obligations. Only developments that included payments to the Township's affordable housing trust fund for rehabilitation of deficient housing units are permitted in the zone, which is located fully within the Center. The 89.3-acre district is primarily developed with apartment complexes comprised 841 units located in the Warren Heights, Brakely Gardens and Clymer Village developments.

Warren Heights, completed in 2015, also contains 62 townhouses and private open space parcels. Brakely Gardens is a rent-controlled project comprised of 408 apartments. Clymer Village is an 81-unit age-restricted apartment development was completed in the mid-1980's: It provides affordable units for low-income seniors. The remaining parcels in the R-MF Zone are comprised of 10 single-family dwellings, one commercial use and two publicly-owned parcels.

MFI Multi Family Inclusionary Zone. Similar to the R-MF Zone, the 21.9-acre MFI district was created to provide for multi-family development that includes an affordable housing component. Site plan approvals for Sycamore landing, a 247-unit apartment community, were secured by the developer in 2013: Construction is in progress. The project includes a 50-unit affordable housing set aside that will offset the Township's Third Round affordable housing obligations. When completed, the MFI Zone will be built-out.

AH Affordable Housing Zone. Located at the southeast corner of the Lopatcong Highlands Center, the AH Zone is fully developed. The district was created to provide for the development of Overlook at Lopatcong, a residential project that includes townhouses, apartment dwelling units, a clubhouse and private open space. The community also includes affordable housing units required pursuant to a settlement agreement with the developers.

The AH district is 65.1 acres in area. Of the 385 dwellings within the zone, 253 are townhomes and 132 are garden apartments. The majority of the 65.1-acre AH Affordable Housing district is occupied by private open space – 57.4 acres. The Overlook community is served by public sewer and water systems.

Public Uses. The Township does not have a specific district for public uses. Rather, public uses and facilities are permitted in most of the Township's residential districts and the RB Retail Business Zone. Within the Lopatcong Township Highlands Center there are 31 parcels that are publicly owned – Township and County. Three are County owned parcels held for conservation / recreation use. The remaining 28 lots are owned by Lopatcong Township and distributed primarily in 2 zoning districts – R-120 and R-75 Residential.

It appears that most of the 16 public-owned parcels in the R-120 Zone are open space lands set aside for conservation or public use and probably were dedicated to the Township with development of the Brakely Park neighborhood. At least three of the Township owned parcels located in the R75 district are used for active recreation such as ballfields and court games. In addition to the lands that are clearly set aside for a public purpose, there are many Township owned lots that do not have a clear public use intention.

Table1: Residential Zone Area & Bulk Standards

| | | Maximum Coverage | | | | rds | | Accessory Structures | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------|-----------------------|------------------|-----------------|----------------|-----------------|-------------------------|----------------|----------------|------|--------------------------------------|
| | | Minimum | | | _ | One | Both | _ | | _ | H | eight |
| District/use | Minimum Lot Area | Lot Width (feet) | Building (percent) | Lot (percent) | Front (feet) | Side (feet) | Sides (feet) | Rear (feet) | Side (feet) | Rear (feet) | Feet | Storie |
| R-75 Residential | | . , | | | , , | , , | . , | | . / | , , | | |
| Single-Family | 9,000 sq. ft. | 75 | 25 | 50 | 25 | 12 | 28 | 30 | 5 | 5 | 35 | 2 ¹ / ₂ |
| Public buildings or facilities, schools, religious buildings and emipublic/nonprofit uses. | 1-acre | 150 | 20 | 65 | 25 | 30 | 60 | 40 | 10 | 10 | 35 | 2 ¹ /2 |
| R-100 Residential | | | | | | | | | | | | |
| ingle-Family | 15,000 sq. ft. | 100 | 20 | 40 | 35 | 15 | 35 | 40 | 5 | 5 | 35 | 2 ¹ /2 |
| Cluster residential development | 9,000 sq. ft. | 75 | 25 | 50 | 30 | 12 | 28 | 30 | 5 | 5 | 35 | 2 ¹ /2 |
| Public buildings or facilities, schools, religious buildings and emipublic/nonprofit uses. | 5 acres | 300 | NA | NA | 75 | 40 | 80 | 80 | 30 | 30 | 35 | 21/2 |
| -120 Residential | | | | | | | | | | | | |
| ingle-Family | 20,000 sq. ft. | 120 | 12 | 30 | 45 | 15 | 35 | 50 | 5 | 5 | 35 | 2 ½ |
| mall-lot single-family dwelling units: 4 du/ac. (100 acres) | 7,500 sq. ft. | 75 | 25 | 50 | 25 | 12 | 28 | 30 | 5 | 5 | 35 | 2 ¹ /2 |
| Cluster residential development | 15,000 sq. ft. | 100 | 20 | 40 | 35 | 15 | 35 | 40 | 10 | 10 | 35 | 2 ¹ / ₂ |
| arm | 5 acres | 300 | 10 | NA | 45 | 40 | 100 | 80 | 40 | 40 | 35 | 2 ¹ / ₂ |
| Public buildings or facilities, schools, religious buildings and emipublic/nonprofit uses. | 5 acres | 300 | NA | NA | 75 | 40 | 80 | 80 | 30 | 30 | 35 | 2 ¹ / ₂ |
| R-3/2 Residential | | | | | | | | | | | | |
| ingle-Family | 2 acres | 175 | 10 | 20 | 50 | 50 | 100 | 80 | 20 | 20 | 35 | 2 ¹ / ₂ |
| arm | 5 acres | 300 | 10 | NA | 50 | 40 | 100 | 80 | 40 | 40 | 35 | 2 ¹ / ₂ |
| Public buildings or facilities, schools, religious buildings and emipublic/nonprofit uses. | 5 acres | 300 | NA | NA | 75 | 40 | 80 | 80 | 30 | 30 | 35 | 2 ¹ / ₂ |
| R-MF Multi Family Residential | | | | | | | | | | | | |
| ownhouse and garden apartment development. | 5 acres | 300 | NA | 60 | 40 | 40 | 80 | 40 | 40 | 40 | 45 | 3 |
| MFI Multi Family Inclusionary Garden apartment development with inclusionary Iffordable units for sale or rent. AH Affordable Housing | | Zone | development | is in progress | : Fully dev | veloped w | hen Sycar | nore Land | ing is com | plete. | | |

AH Affordable Housing

Townhouse and garden apartment development.

Zone is fully built-out: Overlook at Lopatcong

NON-RESIDENTIAL DISTRICTS

Four zoning districts located within the Lopatcong Highlands Center permit commercial or manufacturing uses: RB, HB, PO and ROM. The RB Zone is the only one of the four that also permits residential uses. The non-residential zones comprise 650.5 acres or approximately 42% of the Lopatcong Highlands Center. The largest non-residential zone within the Center is the ROM Research Office Manufacturing district, which covers 360 acres. The HB Highway Business Zone is the second largest with approximately 234-acres of Center area. The RB Zone contains the least amount of area – 15.6-acres. There are 40.8-acres within the PO Professional Office Zone.

RB Retail Business Zone. This mixed use zone is located at the fringe of the Morris Park section of Lopatcong Township. It is comprised of 72 parcels and occupies 15.6-acres exclusive of street right-of-ways. Lot sizes range from the smallest containing 1,563 SF to 52,511 SF (1.2 acres). The median lot size is 9,461.6 SF.

The RB Zone is comprised of both residential and commercial uses. In terms of parcels, the uses are nearly half each of the developed lots – 35 are single-family dwellings and 29 are businesses. Eight of the lots in the district are vacant.

The RB Zone contains more individual nonconforming lots than any other district in the Center where residential uses are permitted. Thirty-one of the 72 lots (43.1%) in the zone are undersized when compared to the minimum lot area required for residential or commercial use. With regard to standards for residential development, all 31 undersized lots are nonconforming (< 9,000 SF): 25 are nonconforming as to lot area required for a commercial use (< 7,500 SF). The nonconforming lots are comprised of 23 that are developed residentially, 4 with commercial development and 4 are vacant.

HB Highway Business Zone. The HB district is the Township's largest commercial zone. Within the Lopatcong Center are 51 parcels ranging in area from 1,414 Sf to 86.8 acres. Half of the lots have an area greater than 4.4 acres and half are less than that figure. The total area of all parcels zoned HB within the Center is 234.1 acres. The largest HB zoned parcel is the Ingersoll Rand property that has been designated a municipal Redevelopment Area by the Township and a Highlands Redevelopment Area by the Highlands Council.

The majority of the lots within the Center's HB district are occupied by commercial uses – 26 out of 51 parcels. In terms of land area, agricultural uses are dominant, occupying 122.5-acres or 52.3% of the zone. In addition to commercial and agricultural uses, the HB Zone within the Center is comprised of 8 single-family dwellings, 3 publicly-owned and one quasi-public parcel, one railroad property and 5 vacant parcels.

PO Professional Office Zone. Only located within the Lopatcong Center, the PO district is comprised of 35 parcels, 27 of which are business condominium units. The zone occupies an area of 40.8 acres. The largest lot contains 10.1 acres. The smallest non-condominium lot has an area of 18,406 SF.

In addition to the office condominiums, there are 6 commercial uses in the PO Zone including a residential healthcare facility and the newly developed Coordinated Health office building. One manufacturing business is located within the district as well as one residential dwelling. There are no vacant parcels in the PO Zone.

ROM Research Office Manufacturing Zone. The ROM Zone located within the Center is the largest of three areas of the Township zoned such. The ROM district located in the Lopatcong Center, which lies south of Route 57, is comprised of 26 parcels totaling 361.6 acres.

Agricultural and commercial uses occupy the greatest area of the ROM Zone and number of parcels – 7 lots / 164.8 acres and 8 lots / 149.1 acres respectively. Of the remaining area in the district, there 4 manufacturing uses, 2 railroad parcels, 1 single-family dwelling (in addition to a farmhouse) and 2 vacant lots.

Table 2: Non Residential Zone Area & Bulk Standards

| Tuble 2. Non residential 2011e Are | | | Maximum | n Coverage | | Yar | ds | | | ssory tures | | |
|-------------------------------------------------------------------------------------------------------|---------------------|-----------------|-----------------------|------------------|-----------------|--------------------|-----------------|----------------|----------------|----------------|------|--------------------------------------|
| | | Minimum Lot | | - | | | Both | | | | He | eight |
| District/use | Minimum Lot Area | Width (feet) | Building (percent) | Lot (percent) | Front (feet) | One Side (feet) | Sides (feet) | Rear (feet) | Side (feet) | Rear (feet) | Feet | Stories |
| PO Professional Office | | | | | | | | | | | | |
| Professional offices, office buildings, medical centers, nursing homes and research centers. | 5 acres | 300 | 20 | 65 | 75 | 50 | 100 | 80 | 40 | 40 | 35 | 2 ¹ / ₂ |
| Professional office park develop | oment | | | | | | | | | | | |
| Tract | 5 acres | NA | 20 | 65 | 75 | 50 | 100 | 80 | 40 | 40 | 35 | 2 ¹ / ₂ |
| Section | 1 acre | NA | 20 | 65 | 35 | 20 | 50 | 50 | 25 | 25 | 35 | 2 ¹ /2 |
| RB Retail Business | | | | | | | | | | | | |
| Single-family dwellings | 9,000 sq. ft. | 75 | 25 | 50 | 25 | 12 | 28 | 30 | 5 | 5 | 35 | 2 ¹ /2 |
| Two-family duplexes | 9,000 sq. ft. | 75 | 25 | 50 | 25 | 12 | 28 | 30 | 5 | 5 | 35 | 2 ¹ /2 |
| Retail and service businesses, restaurants, banks and business offices. | 7,500 sq. ft. | 75 | 25 | 65 | 25 | 12 | 28 | 40 | 5 | 5 | 35 | 2 ¹ / ₂ |
| Public buildings or facilities, schools, religious buildings and semipublic/nonprofit uses. | 1-acre | 150 | 20 | 65 | 25 | 30 | 60 | 40 | 10 | 10 | 35 | 2 ¹ / ₂ |
| HB Highway Business | | | | | | | | | | | | |
| Farm | 5 acres | 300 | 10 | NA | 50 | 40 | 100 | 80 | 40 | 40 | 35 | 2 ¹ /2 |
| Business: retail and service | 2 acres | 200 | 20 | 50 | 75 | 50 | 100 | 80 | 40 | 40 | 45 | 3 |
| ROM Research Office and M | anufacturing | | | | | | | | | | | |
| Farm | 5 acres | 300 | 10 | NA | 50 | 40 | 100 | 80 | 40 | 40 | 35 | 2 ¹ /2 |
| ROM (maximum FAR 25%) | 5 acres | 300 | NA | 65 | 75 | 50 | 100 | 80 | 40 | 40 | 45 | 3 |
| ROM south of the Norfolk Southern RR (maximum FAR 30%) | 5 acres | 300 | NA | 65 | 75 | 50 | 100 | 80 | 40 | 40 | 60 | 4 |

INFRASTRUCTURE

In the context of this report, infrastructure is identified as water service, sewer service, streets / highways and public transit. An analysis of each is presented in the text that follows.

Sewer and Water Service. The majority of the Lopatcong Highlands Center is served, or has the potential to be served, by a public water and sewer system. This includes all of the Center properties that lie north of Route 57. South of Route 57, most parcels are connected to a water system, but sewer service is by and large on-site individual septic systems.

Of the 2,504 properties within the Center – including condominium units in the Overlook at Lopatcong development – 2,425 are connected to the public water system provided by Aqua New Jersey. Aqua New Jersey has the capacity to serve all of the Highlands Center properties.

Sanitary sewer connections within the Center total 2,328 or 93% of all properties located within the Lopatcong Highlands Center. All of the Center properties located north of Route 57 are in the Existing Area Served (EAS). The Future Sewer Service Area (Future SSA) is located south of Route 57 and includes all or portions of the properties in the Center that are not currently served by a public system.

Sewer is treated at the Phillipsburg Sewer Treatment Plan (Phillipsburg STP). Capacity at the Phillipsburg STP is allocated to five municipalities including Lopatcong Township. The current treatment capacity available to Lopatcong is limited and not enough to serve all of the anticipated development within the Future SSA. Capacity has been reserved for development of the Ingersoll Redevelopment Area and affordable housing projects including Sycamore Landing and the proposed Larken inclusionary project on the Piazza tract.

Streets / Highways. Generally speaking, the Center has excellent access to / through all of its area. The primary movement of vehicular traffic through the Lopatcong Highlands Center is via major (State) arterial thoroughfares US Highway Route 22 and NJ State Highway Route 57. Secondary to Routes 22 and 57 is Belvidere Road (County Route 646), a minor (County) arterial that demarks the Center's northern boundary. The major (Township) collector roads that run through the Center are Strykers Road, Powder Horn Drive, Baltimore Street and Red School Lane. Roseberry Street – another Township collector road – forms the western boundary of the Center area north of Route 22. Traffic is disbursed throughout the Highlands Center on numerous local streets.

A new street is proposed to be built through the Ingersoll Redevelopment Area. The street will connect Route 22 to Center Street in Phillipsburg and provide the primary vehicular access to the Redevelopment Area. Improvements to Route 22 that include additional signalization and turning lanes will improve access to the proposed warehouse development in Lopatcong and the adjoining Phillipsburg Redevelopment Area.

Public Transit. Public transportation facilities are typically found in Centers. In the Lopatcong Highlands Center, public transit is very limited. New Jersey Transit operates bus service in the Phillipsburg – Lopatcong area. Two bus lines serve Lopatcong – Routes 890 and 891. Both lines traverse Route 22 with stops at the Phillipsburg Mall and Hillcrest Medical Center. Route 891 provides service to the interior of the Center, stopping at Brakeley Gardens apartment complex.

ENVIRONMENTAL FEATURES/CONSTRAINTS

The primary environmental constraints to development in the Center are associated with Lopatcong Creek. Additionally, the Highlands Council has identified two areas of the Center as a Highlands Environmental Resource Site (HERS).

Lopatcong Creek is classified by NJDEP and Highlands as a C-1 Stream. As such, a 300-ft. buffer measured from the edge of bank has been established along both sides of the Creek. Wetland areas that are regulated by NJDEP, having their own buffers, are also present adjacent to portions of Lopatcong Creek. One of the two HERS areas encompasses the Creek from the Greenwich Township border to the Town of Phillipsburg boundary. The area of HERS associated with the Lopatcong Creek corridor is comprised of portions of ten (10) individual parcels: Three are farms that have the potential for development as commercial or industrial uses; three are developed with a commercial or industrial facility; one is residentially developed; and three are preserved open space parcels owned by Warren County.

The second are of HERS is located adjacent to the Township Middle School. This location is an undeveloped tract of land where two branches of a Lopatcong Creek tributary flow together. The area encompasses all or portions of seven (7) parcels, all of which are located in the Township's R-120 Residential Zone. A portion of HERS is located on property owned by the Lopatcong Board of Education: The lot is developed with the Lopatcong Middle School. The remaining parcels are vacant land owned by Lopatcong Township and considered open space.

The HERS, as their name indicates, are parcels that contain environmental resources, such as Forest within a Forest Resource Area, Critical Habitat, Steep Slopes, Streams, Wetlands, Riparian Corridor, and Open Water Protection areas. They are intended to be protected as a condition of Town Center planning. Protections are already in place for three of the HERS parcels, by virtue of previously-secured land preservation agreements. To accomplish protection of HERS areas within the remaining fourteen lots, the Township would rely primarily on placement of conservation easements or other such protections at the time of any major application for development. It has been the Township's practice to required developers to set aside such areas as open space and / or to provide a conservation easement to protect natural resources, in any event. For the already-developed properties (11 of the 14), HERS restrictions would be imposed only in the event of a development or redevelopment proposal that would significantly alter a property, encroach on a HERS area, or have potential to negatively impact a HERS area. As to the three undeveloped parcels, the Township will require conservation easements for designated HERS areas as a condition of approval accompanying any successful application for development. These areas would be subject to development restrictions associated with steep slopes, wetlands and / or stream corridors imposed by NJDEP and Lopatcong Township regardless of HERS designations, so the anticipated outcome would be similar, if not the same.

ZONING / LAND USE AMENDMENTS

Many of the zoning districts located within the Lopatcong Township Highlands Center function as expected in accordance with the Township's Zoning and Land Use Ordinance and without Highlands RMP conflicts. For such zones, no revisions to the regulated uses or area and bulk standards are necessary. It appears, however, that some district regulations should be amended in order to greatly reduce or eliminate issues that cause unnecessary hardships on the citizens that reside within such districts and that may contribute to an abundance of nonconforming uses and or lots. In some instances, the current zone requirements do not match the character or development pattern of the district. The following section is an outline of zoning amendments approved by the Planning Board.

Residential Districts

The two zones located within the Center that may be considered for amendments are R-75 Residential and RB Retail Business Zone. Both are located in the older neighborhoods of Lopatcong – Morris Park and Delaware Park – and both are largely developed residentially.

As these essentially fully developed neighborhoods experience improvements meant to enhance existing homes and business uses through building expansions, many homeowners and businesses find it necessary to submit an application for one or more variances, usually for yard encroachments and/or building and lot coverage. The reason is that many of the lots in these particular districts were developed prior to adoption of the zoning code and now are nonconforming as to lot area.

As stated earlier in this report, nonconforming parcels in the R-75 and RB Zones account for 16.2% and 43.1% respectively as to residential development. The nonconforming lot condition in the R-75 is too small to present a major concern that would justify zoning amendments. In the RB Zone, 34.7% of individual parcels are undersized for commercial development.

The scenario in the RB Zone, where nearly half of individual lots are nonconforming (residential) requires thought as to how existing and future homeowners can expand with little or no variance relief required. Further, in terms of community character, the RB Zone is developed more residentially than commercially – 35 residences and 29 businesses – six lots are vacant. Of the 31 nonconforming lots, 23 or 74.2% of the residential parcels are undersized, whereas only 4 lots that contain a business use are nonconforming as to lot size.

To remedy the zoning issues related to nonconformity, the Planning Board finds that the RB Retail Business Zone regulations should be amended as follows:

RB Zone Area and Bulk Standard Adjustments

Residential Uses

- Reduce the minimum lot width requirement to 50'. Current standards require that lots be at least 75'-wide in the district, whereas only 5 of the existing nonconforming parcels are 75'-wide or greater.
- Reduce setback requirements for yards. Current and recommended standards follow:

| Yard | Current | Recommended |
|-------------|---------------------------------|-------------|
| Front: | 25′ | 20' |
| One Side: | 12' | 10' |
| Both Sides: | 28′ | 20' |
| Rear: | 30' residential; 40' commercial | 25' both |

Reduce minimum lot area to 5,000 SF for residential uses. The current requirement is for a lot of at least 9,000 SF, whereas all of the nonconforming lots are less than 9,000 SF: The range is 1,742 SF to 8,276 SF. The median and average size is 3,485 SF and 4,167 SF.

Land Use Accommodations in the RB and R-75 Districts

Adjust the boundaries of the RB Zone to include the following 6 parcels used for commercial purposes:

- Lots 13, 14 and 15 in Block 58
- Lot 5 in Block 62
- Lot 9 in Block 81

• Add the portion of Lot 15 in Block 77 that is currently zoned R-75.

Adjust the boundaries of the RB Zone to eliminate residentially used parcels as follows:

- Lots 6 and 7 in Block 67
- Lots 5 and 7 in Block 70
- Lots 4.01, 5, 6, 6.01 and 7 in Block 75
- Lots 6, 6.01, 7.01, 7.02 and 7.03 in Block 81
- Lots 7 and 7.01 in Block 82

Adjust the boundaries of the R-75 Zone as follows:

- Add the 16 residential parcels eliminated from the RB Zone as set forth above.
- Remove the 5 commercial parcels and portion of Lot 15 / Block 77 rezoned to RB as set forth above.

Non-Residential Districts – HB Highway Business Zone

The vast majority of this commercial district located within the Center functions as expected by the Township's planners as documented in the Lopatcong Master Plan that pre-dates the Highlands Regional Master Plan (RMP). The exception is a section of the district located along the Route 57 corridor west of Strykers Road known locally as the Piazza Tract, which will be rezoned as a multi-family residential district.

<u>Piazza Tract</u>. The Piazza Track consists of approximately 16.6 acres and is comprised of four lots located in Block 116 (Lots 26.01, 27, 27.02 and 28). The Township will create a new zoning district known as MFI II Multi Family Inclusionary Zone that will provide low- and moderate-income units to meet the Township's affordable housing obligation pursuant to a Court approved settlement agreement with Fair Share Housing Center and a Consent Order with the Tract developer – Larken Associates.

The Tract, which is located in the Lopatcong Township Highlands Center, is well suited for accommodation of a multi-family residential project. It is adjacent to an existing multi-family district to the north and west. Adjoining properties located to the east of the Tract will remain in the HB Zone. The Township's industrial district – ROM Research Office and Manufacturing – lies across Route 57 opposite the Tract. Further, the Tract is in the Township's sewer service area and is served by a public water system.

Although not consistent with the current Lopatcong Township Master Plan, rezoning the Piazza Tract to a multi-family residential district will not substantially impair the Township's zoning plan. The Tract represents a small portion of the commercial district: 16.6 acres of 287 acres total or 5.8%. Further, the Tract is situated directly east and south of the existing garden apartment and townhouse residential development district – R-MF Zone. It is within the Sewer Service Area and is currently connected to the public water conveyance system operated by Aqua New Jersey.

<u>Highlands RMP</u>. Consideration should be given to those accommodations necessary for RMP conformance. The Highlands Area and the RMP were established for the primary purpose of protecting the State's water resources. Commercial and industrial / manufacturing land uses pose the greatest risk to potable water supply and the RMP includes goals and objectives associated with the risks. Within the Lopatcong Highlands Center, the RB Retail Business, HB Highway Business and ROM Research Office and Manufacturing districts provide for these types of uses.

The Planning Board finds that it is necessary to amend the Township zoning regulations with regard to protecting drinking water supplies. Language should be added to the sections of Chapter 243 that regulate a permitted principal or conditional use in Lopatcong Township. The purpose of the amendment is to conform to requirements of the New Jersey Highlands Council regarding suitable locations for

development of facilities listed as a Major Potential Contaminant Source (PCS) by the New Jersey Highlands Council and or the NJDEP.

Amend § 243-65. Regulations applicable to all zones as follows:

Add a subsection E. Highlands conformance. When any permitted principal or conditional use / facility that is listed by the New Jersey Highlands Council and or the NJDEP as a Major Potential Contaminant Source (PCS) is located in an area designated by the New Jersey Highlands Council as Carbonate Rock Areas and / or Prime Ground Water Recharge Areas, the facilities shall be designed in accordance with Best Management Practices pursuant to Highlands regulations (see attached BMPs). Such facilities shall be prohibited from locating within a Tier 1 Well Head Protection Area.

Highland BMP Amendment Impacts: All Zones

The proposed amendments that require conformance with Highlands Best Management Practices (BMPs) and development restrictions in a Tier 1 WHPA potentially impact existing commercial, industrial and manufacturing businesses located in the Center. The impacts are triggered if an existing business that is required to conform (i.e., is listed as a PCS and located in Carbonate Rock Area, Prime Ground Water Recharge Area and/or a Tier 1 WHPA) plans to expand its current facilities. The amendments may impact those same uses Township-wide and some located outside of the Center have been identified. Table 3 illustrates the impacts for existing businesses, except for impacts associated with underground storage tanks: Underground storage tank properties are shown in Table 4 and 5.

Table 3 includes a select number of existing businesses. In the HB district, only uses that are potentially impacted, both in and out of the Center are included: Other businesses may be impacted, but are not so identified with this study due to a lack of data. The same holds true for the RB Zone, all of which is located within the Lopatcong Highlands Center.

With regard to the ROM Zone, the analysis includes all known existing commercial, industrial and manufacturing businesses located in all three district areas – North, West and South. Only the South ROM Zone is located within the Center. This includes both impacted and non-impacted uses. Of the 44 parcels located within the ROM Zone (Township-wide), half (22) are developed with either a commercial or industrial/manufacturing use: The balance of parcels are either vacant or in agricultural, public or residential use.

Table 3: HB, RB and ROM Zone Amendment Impacts

| t Property Location | Property | Owner's Name | Type/Use | Impact of Proposed Amendments on Existing Commercial, | | |
|-----------------------------------------|--------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--|--|
| | Class | | | Industrial & Manufacturing Uses | | |
| 220 BELVIEW ROAD | 4A | ZOHN INDUSTRIAL PARK, LLC | Commercial/Mixed Use: Office, manufacturing, storage & residential | The industrial park is located in CR and PGWR Area. Any us that is a PCS will require conformance with BMPs. | | |
| 1 1091 RIVER ROAD | 4B | JCP&L C/O FE SERVICE TAX DEPT Industrial: Electric transmission utility No in | | No impact. | | |
| 2 1099 RIVER ROAD | 4B | CONSUMERS NEW JERSEY WATER CO | Industrial: Public water supply utility | No impact. | | |
| 1051 RIVER ROAD | 4B | SCC ENTERPRISES, LLC | Industrial: | PCS located in Tier 1 WHPA. Expansion will require a use variance. | | |
| 1071-1085 RIVER ROAD | 4B | JT BAKER C/O MALLINCKRODT BAKER INC | Industrial: Chemicals/chemical products manufacturing | PCS located in Tier 1 WHPA. Expansion will require a use variance. | | |
| RIVER ROAD | 5A | PENNSYLVANIA LINES LLC C/O NORFOLK | Industrial: Railroad | No impact. | | |
| RIVER ROAD | 5A | PENNSYLVANIA LINES LLC C/O NORFOLK | Industrial: Railroad | No impact. | | |
| 4.07 1 RIVER ROAD 5A PENNSYLVANIA LINES | | PENNSYLVANIA LINES LLC C/O NORFOLK | Industrial: Railroad | No impact. | | |
| | | | | Located in CR Area. Expansion will require conformance wi | | |
| 198 STRYKERS ROAD | 4A | ON SITE BRAKE & SPINDLE, INC | Commercial: Auto repair/auto parts supply | BMPs. | | |
| 186 STRYKERS ROAD | 4A | LOPAT SOLAR REALTY HOLDINGS | Commercial: Solar energy facility + cell tower | No impact. | | |
| 190 STRYKERS ROAD | 4B | STAG GI NEW JERSEY, LLC | Industrial: Plastics manufacturing | Located in CR/PGWR Area. Expansion will require conformance with BMPs. | | |
| 199 STRYKERS ROAD | 4A | K & S ENTERPRISES, LLC | Commercial: Warehouse/storage | Located in CR/PGWR Area. Expansion will require conformance with BMPs. | | |
| 3 US HIGHWAY ROUTE 22 | 4B | PHOENIX CAPITAL PROPERTIES, INC | HOENIX CAPITAL PROPERTIES, INC Commercial: Parking for Phoenix Commercial Park No in | | | |
| US HIGHWAY ROUTE 22 | 4B | PHOENIX CAPITAL PROPERTIES, INC Commercial/Mixed Use: Various users | | No impact. | | |
| 1075 US HIGHWAY ROUTE 22 | 4A | 1075 22 WEST REALTY LLC | Commercial: Gas station, auto repair & mini-mart | Located in CR/PGWR Area. Expansion will require conformance with BMPs. | | |
| 1 STRYKERS ROAD | 4A | T.H.K. LLC | Commercial: Trucking facility | Located in CR Area. Expansion will require conformance w BMPs. | | |
| 2 187 STRYKERS ROAD | 4B | GPF LEASING LLC | Industrial: Concrete products manufacturing | Located in CR Area. Expansion will require conformance wi BMPs. | | |
| 3 1075 US HIGHWAY ROUTE 22 | 1 | 1075 22 WEST REALTY LLC | Commercial: Billboard and parking lot | No impact. | | |
| 4 195 STRYKERS ROAD | 4A | T & P ASSOCIATES | Industrial: Conveyor equipment manufacturing | No impact. | | |
| 5 US HIGHWAY ROUTE 22 | 4A | STOWAWAY SELF STORAGE | Commercial: Self-storage facility | No impact. | | |
| NJ STATE ROUTE 57 | 5A | PENNSYLVANIA LINES LLC C/O NORFOLK | Industrial: Railroad | No impact. | | |
| NJ STATE ROUTE 57 | 5A | PENNSYLVANIA LINES LLC C/O NORFOLK | NNSYLVANIA LINES LLC C/O NORFOLK Industrial: Railroad No imp | | | |
| | | | | | | |
| 575A NJ STATE ROUTE 57 | 3B | HAY, FARAH, EZR & DAVID/WEISS, DIAN | Commercial: Peacefield Gardens nursery | Located in CR Area. Expansion will require conformance wi BMPs. | | |
| 1 512 NJ STATE ROUTE 57 | 4A | MORTON BUILDINGS | Commercial: Contractor-new buildings/repairs | Located in CR Area. Expansion will require conformance w BMPs. | | |
| 582 NJ STATE ROUTE 57 | 4A | EMERY, ROBERT C | Commercial: No apparent use. | Located in Tier 1 WHPA, CR & PGR Area. Restrictions dep upon use. | | |
| 5 83-89 NJ STATE ROUTE 57 | 4A | O'NEIL, EDWARD MJR | Commercial: Twin State Motors used cars. | Located in CR Area. Expansion will require conformance wi BMPs. | | |
| | | | | | | |
| 967 US HIGHWAY ROUTE 22 | 4A | PAPASSO FAMILY TRUST | Commercial: Meineke Car Care | Located in CR Area. Expansion will require conformance wi BMPs. | | |
| 973 US HIGHWAY ROUTE 22 | 4A | HESS CORPORATION PROP. TAX DEPT | Commercial: Speedway Gas Station | Located in CR Area. Expansion will require conformance wi BMPs. | | |
| | | , | | | | |
| IN | 973 US HIGHWAY ROUTE 22 ICLUDES ALL COMMERCIAL, IND | 973 US HIGHWAY ROUTE 22 4A ICLUDES ALL COMMERCIAL, INDUSTRIAL AI | 973 US HIGHWAY ROUTE 22 4A HESS CORPORATION PROP. TAX DEPT ICLUDES ALL COMMERCIAL, INDUSTRIAL AND MANUFACTURING USES IN/OUT OF CENTEI | | | |

Whereas some of the existing businesses are obviously impacted – a gas station or truck service center for instance – others may or may not exhibit characteristics/features that would make them susceptible to conformance with Highlands requirements. Uses that may be impacted include any that are listed as a Major Potential Contaminant Source (PCS), which includes underground storage tanks regulated by NJDEP.

Following are two lists (Tables 4 and 5) of properties that have an underground storage tank regulated by NJDEP as per NJDEP mapping. The data was obtained from NJDEP which recognizes that there may be underground storage tanks that have not been mapped.

| Zone | Block | Lot | Name | | | |
|-------|-------|------------|------------------------------------|--|--|--|
| R-100 | 32 | 11 thru 15 | Windy Hill Homes | | | |
| R-100 | 32.01 | 1 | Windy Hill Homes | | | |
| РО | 36 | 3 | Genesis Elder Care | | | |
| R-75 | 41 | 1 | Lukoil Service Station | | | |
| RB | 69 | 3 | Michael's Carpets | | | |
| RB | 69 | 4 | Drakes Service | | | |
| RB | 76 | 3 | Speedway Gas Station | | | |
| РО | 85 | 2.01 | Genesis Elder Care | | | |
| РО | 85 | 4.01 | Opt Industries DBA Magnetika, Inc. | | | |
| R-3/2 | 95 | 44 | Lopatcong Township School | | | |
| ROM | 99 | 1 | On-Site Brake & Spindle | | | |
| ROM | 99 | 2 | Captive Plastics | | | |
| ROM | 100 | 2.02 | Wickes Lumber Co. | | | |
| ROM | 100 | 4 | Eagle Service Station | | | |
| HB | 100 | 11 | Lopatcong Mobil Service Station | | | |
| RMF | 111 | 1 | Brakely Gardens | | | |
| R-120 | 114 | 27 | JCP&L Dispatch Center | | | |

Table 4: Underground Storage Tank Locations in Center

Table 5: Underground Storage Tank Locations Not In Center

| Zone | Block | Lot | Name |
|--------|-------|------|-------------------------|
| R-10/2 | 1 | 3 | Phillipsburg Marble Co. |
| ROM | 5 | 1.02 | Garden State Water Co. |
| R-3/2 | 94 | 9 | Vernon Motors, Inc. |

PD PLANNED DEVELOPMENT OVERLAY DISTRICT

The PD Planned Development Overlay Zone, located in the Lopatcong Highlands Center area south of Route 57, was established for the purpose of attracting large-scale commercial development to portions of the ROM and HB districts. Now that the district is included within the Lopatcong Highlands Center and adoption of the Redevelopment Plan for the former Ingersoll Rand site on Route 22, it appears that the Planned Development Overlay is no longer necessary. The Center designation provides the zoning and land use flexibility needed to encourage non-residential development in the Township. Further, the Township has selected a redevelopment for the Ingersoll property, which will provide Lopatcong Township with a significant non-residential development as desired with establishment of the overlay district in 2004.

 The Planning Board finds that the Township should repeal the PD Planned Development Overlay District.

APPENDIX A

BEST MANAGEMENT PRACTICES

Potential Contaminant Sources

Where any permitted use or structure classified as a Major Potential Contaminant Source (PCS) (as listed at APPENDIX B) is proposed to be located or expanded within a Tier 1 Wellhead Protection Area, the standards of this subsection shall apply. As noted previously, these standards shall also apply to any Major PCS proposed to be located or expanded in: a) any Carbonate Rock Area containing or having potential to develop karst features; b) any area discharging surface water into a Carbonate Rock Area determined to contain or have potential to develop karst features; and c) any portion of a Prime Ground Water Recharge Area. These conditions shall not be construed to waive or obviate any rules, regulations, or other requirements pertinent to such uses that may derive from outside agencies having jurisdiction, such as the NJDEP.

- A. **Best Management Practices.** All Major PCS facilities shall be designed in a manner that prevents the unintentional discharge of toxic or hazardous pollutants to ground water, surface water bodies, or the land surface, from all internal and external areas, including loading, storage, and transfer areas, in accordance with the provisions of this section.
 - 1. All portions or areas of a facility in which hazardous substances or hazardous wastes are stored, processed, manufactured or transferred outdoors, shall be designed so that the discharges of hazardous substances will be prevented from overflowing, draining, or leaching into the ground water or surface waters.
 - 2. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another.
 - 3. Wherever hazardous substances are stored, processed, manufactured or transferred outdoors, the design features shall include secondary containment and/or diversionary structures which may include but are not limited to any one or a combination of the following:
 - a) Containers, dikes, berms or retaining walls sufficiently impermeable to contain spilled hazardous substances, for the duration of a spill event.
 - b) Curbing.
 - c) Gutter, culverts and other drainage systems.
 - d) Weirs, booms and other barriers.
 - e) Lined diversion ponds, lined lagoons and lined retention basins, holding tanks, sumps, slop tanks and other collecting systems.
 - f) Drip pans.
 - 4. Secondary containment and/or diversionary systems, structure or equipment must meet the following standards:
 - a) The system must block all routes by which spilled hazardous substances could be expected to flow, migrate, or escape into the ground water or surface waters.
 - b) The system must have sufficient capacity to contain or divert the largest probable single discharge that could occur within the containment area, plus an additional capacity to compensate for any anticipated normal accumulation of rainwater.
 - c) In order to prevent the discharge of hazardous substances into ground water, all components of the system shall be made of or lined with impermeable materials sufficient to contain the substance for the duration of a spill event. Such material or liner must be maintained in an impermeable condition.
 - d) No manufacturing area, processing area, transfer area, dike storage area, or other storage area, or secondary containment/diversion system appurtenant thereto shall drain into a watercourse, or into a ditch, sewer, pipe or storm drain that leads directly or indirectly into a surface or subsurface disposal area, unless provision has been made to intercept and treat any spilled

hazardous substances in an NJDEP approved industrial wastewater treatment or pre-treatment facility, or other NJDEP approved facility.

- e) Outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s).
- 5. Catchment basins, lagoons and other containment areas that may contain hazardous substances shall not be located in a manner that would subject them to flooding by natural waterways.
- 6. Stormwater shall be managed so as to prevent contamination of ground water, and so as to be in accordance with applicable laws and regulations of the state of New Jersey, and of the municipality.
- 7. All transfers of petroleum from delivery trucks and storage containers over five gallons in capacity shall be conducted over an impervious surface having a positive limiting barrier (e.g. berm, lip) at its perimeter
- B. *Compliance Mechanisms.* Any of the following permits and authorizations shall be considered equivalent to the best management practices of this Ordinance. As applicable to the PCS involved, these may also be submitted in lieu of an Operations and Contingency Plan.
 - 1. A NJPDES permit approved by NJDEP pursuant to N.J.A.C. 7:14A;
 - 2. An underground storage tank approved by NJDEP under N.J.A.C. 7:14B;
 - 3. A Discharge Prevention, Containment and Countermeasure Plan (DPCC) approved by NJDEP pursuant to N.J.A.C. 7:1E;
 - 4. A hazardous waste remedial action approved by NJDEP pursuant to N.J.A.C. 7:26B, 26C, 26D or 26E, or by the United State Environmental Protection Agency pursuant to the Resource Conservation Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA);
 - 5. A hazardous waste facility approved by NJDEP pursuant to N.J.A.C. 26G;
 - 6. Approval by the SCD of a Farm Conservation Plan or Resource System Management Plan pursuant to N.J.A.C. 2:92, (see § 6.10.4 below and APPENDIX E);
 - 7. A solid waste facility approved by NJDEP pursuant to N.J.A.C. 26H; and
 - 8. A high-density Animal Waste Management Plan, an Animal Waste Management Plan, or a Comprehensive Nutrient Management Plan, as appropriate, developed pursuant to N.J.A.C. 2:91.
- C. **Operations and Contingency Plans.** Unless one of the permits or approvals listed above is provided, or the applicant certifies that no potential contaminants will be stored, discharged, manufactured or used on-site, as a condition of approval of any application involving a Major PCS, the applicant shall prepare and obtain approval of an Operations and Contingency Plan in accordance with the requirements herein. No Certificate of Occupancy or Approval (as appropriate) for the development shall be issued until or unless the qualified professional authorized to administer these provisions verifies that the Operations and Contingency Plan has been approved and is on file with the appropriate entities.
- D. *Approval of Operations & Contingency Plans.* The proposed Operations and Contingency Plan shall be submitted to the Board of Health (or equivalent acting authority), Fire Department, Police Departments and Office of Emergency Management, as applicable. These agencies shall review and make any appropriate recommendations for approval or modifications of the Operations and Contingency Plan. The applicant shall incorporate the recommendations to produce a final document, for review by the designated municipal professional and each of the participating agencies. The designated municipal professional shall coordinate the agencies' responses to ensure that the final Plan addresses all concerns of substance. Upon approval by the designated municipal professional, the Plan shall be filed with all applicable entities and put into effect as indicated therein. In the event of any irreconcilable issue in developing or finalizing the Plan, it shall be provided as proposed, to the reviewing Board, along with

the recommendations of the designated professional, the participating agencies, and the applicant and applicant's agents and professionals. A decision by the reviewing Board shall be final.

- E. *Required Content of Operations & Contingency Plans.* An Operations and Contingency Plan shall be developed, where required under this Ordinance, for each Major PCS or group thereof (where multiple sources exist within a single facility owned and operated by a single entity) and shall address the following elements. The Operations and Contingency Plan must demonstrate that the potential for a significant discharge is the lowest technologically feasible:
 - 1. Documentation of the applicable Major Potential Contaminant Sources existing and proposed for the site;
 - 2. Types and quantities of hazardous substances or wastes that may be used, discharged or stored on site;
 - 3. Means used to prevent the spillage, leakage or discharge of such materials;
 - 4. Means to be used to contain or remedy accidental spillage, leakage, discharge or migration of such materials from the site directly or indirectly into ground water;
 - 5. At a minimum, utilize best management practices as defined herein and as specified by NJDEP and the United States Environmental Protection Agency, including but not limited to the regulations and guidance in the following areas: Discharge Prevention Containment and Countermeasures [N.J.A.C. 7:1E-4.2 (or most current)], Spill Prevention Control and Countermeasures [40 CFR 112.3 et seq.(or most current)], Stormwater and Non-point Source Pollution Control Best Management Practices Manual [NJDEP, April 2004 (or most current)].
 - 6. Specific training of facility personnel to contain or remedy accidental spillage, leakage, discharge or migration of such materials from the site directly or indirectly into ground water, or surface water bodies or the land surface that provide recharge to the underlying aquifer.
 - 7. Procedures including a contact list and phone numbers for notifying the appropriate administrative authorities, including but not limited to NJDEP, the local fire and police, local office of emergency management and the Board of Health, regarding any spillage or discharge of such materials; and
 - 8. Demonstration that the proposed facility is designed to employ best management practices to the maximum extent feasible.
- F. *Confidentiality Protections.* Any information included in an Operations and Contingency Plan which constitutes proprietary commercial or financial information, or is otherwise protected from disclosure under 7 CFR Part 205.501 and 205.504 or the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., shall be held confidential by all local entities participating in its review or implementation, subject to the limitations set forth therein.

APPENDIX B

POTENTIAL MAJOR CONTAMINANT SOURCES (PCS)

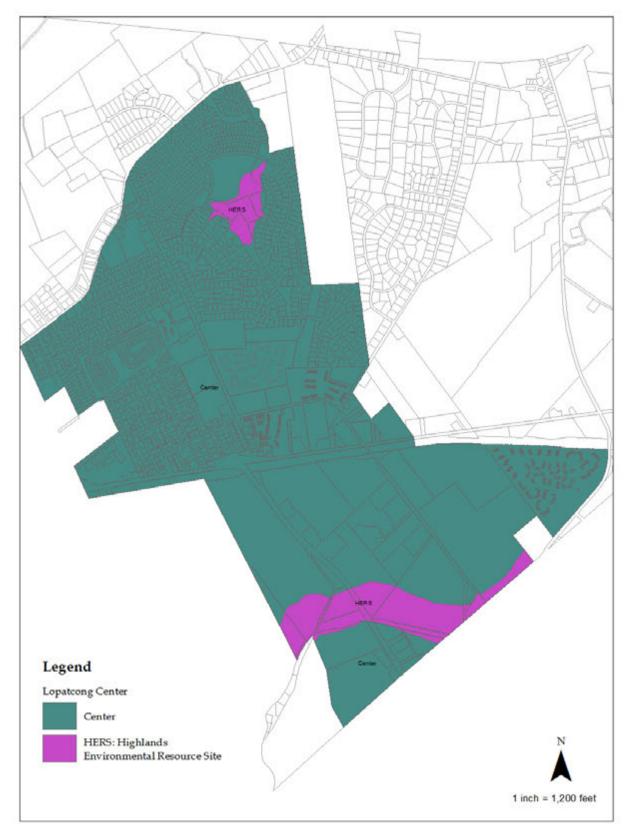
MAJOR POTENTIAL CONTAMINANT SOURCES

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Major Potential Contaminant Sources include those listed below.

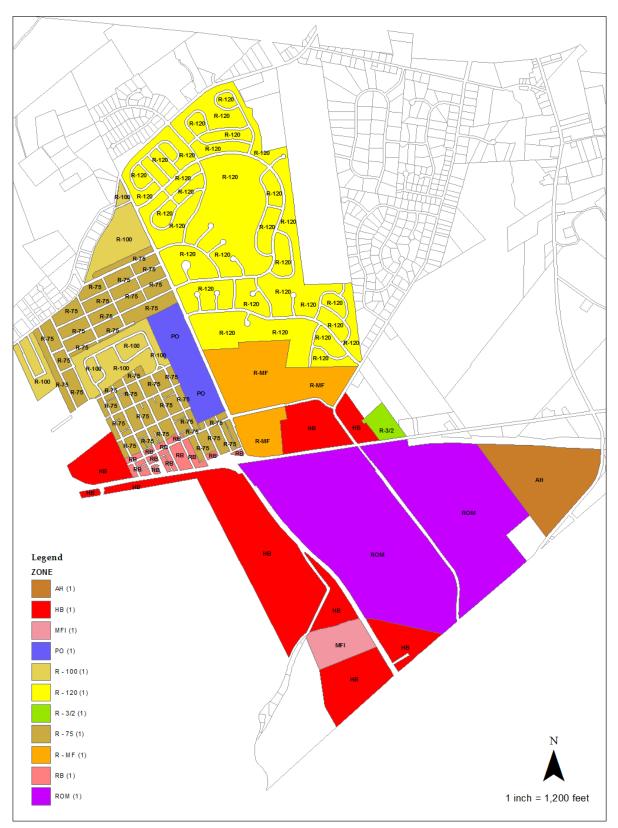
- 1. Underground fuel and chemical storage and oil tanks regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.).
- 2. Above-ground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
- 3. Automotive service center (repair & maintenance).
- 4. Dry cleaning processing facility.
- 5. Road salt storage facility.
- 6. Cemetery.
- 7. Highway maintenance yard.
- 8. Truck, bus, locomotive maintenance yard.
- 9. Site for storage and maintenance of heavy construction equipment and materials.
- 10. Site for storage and maintenance of equipment and materials for landscaping, excluding household storage and maintenance of such equipment.
- 11. Livestock operation containing 300 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] as defined by the NJ Department of Agriculture in its Criteria and Standards for Animal Waste Management, at NJAC 2:91.
- 12. Quarrying and/or mining facility.
- 13. Asphalt and/or concrete manufacturing facility.
- 14. Junkyard/auto recycling and scrap metal facility.
- 15. Residential or agricultural motor fuel in NJDEP exempted underground storage tanks (i.e., under 1,000 gallons).

APPENDIX C

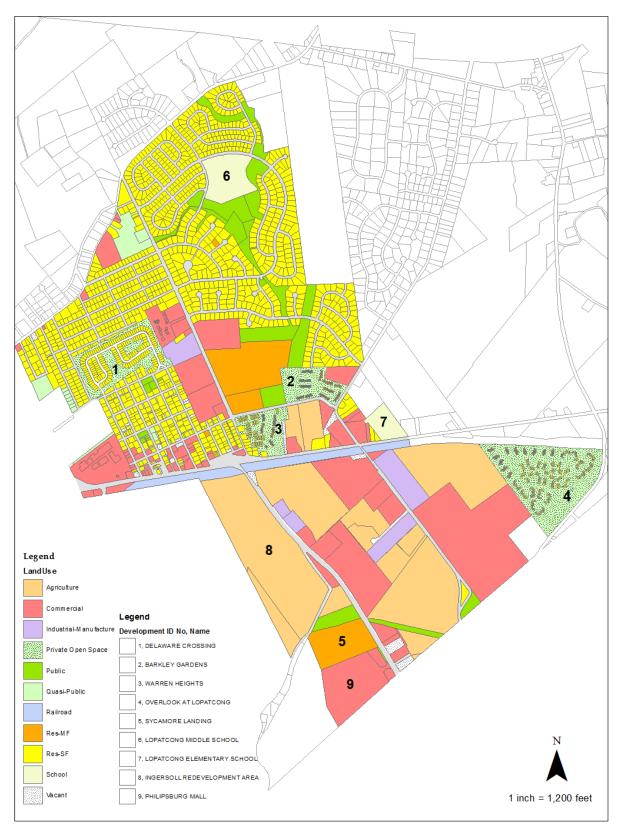
Ехнівітѕ



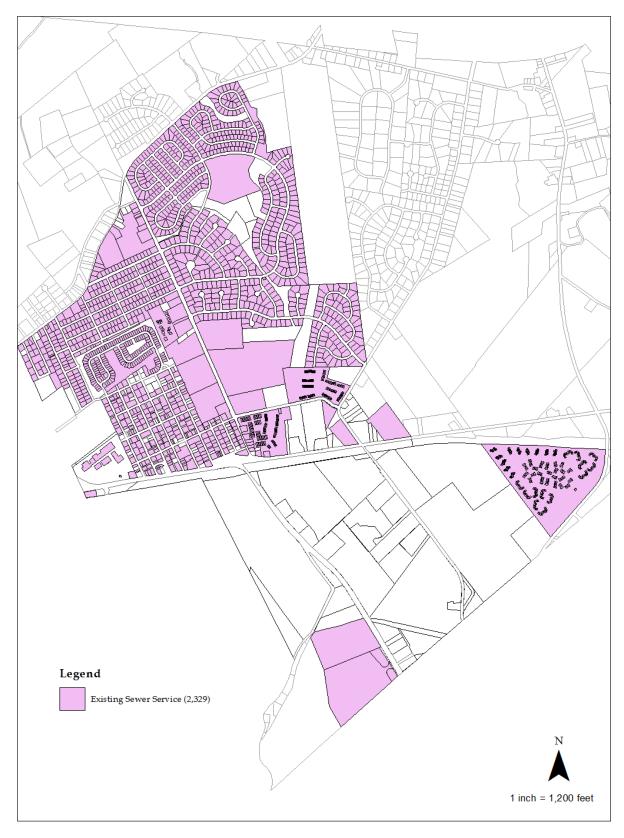
Lopatcong Highlands Center CENTER AREA



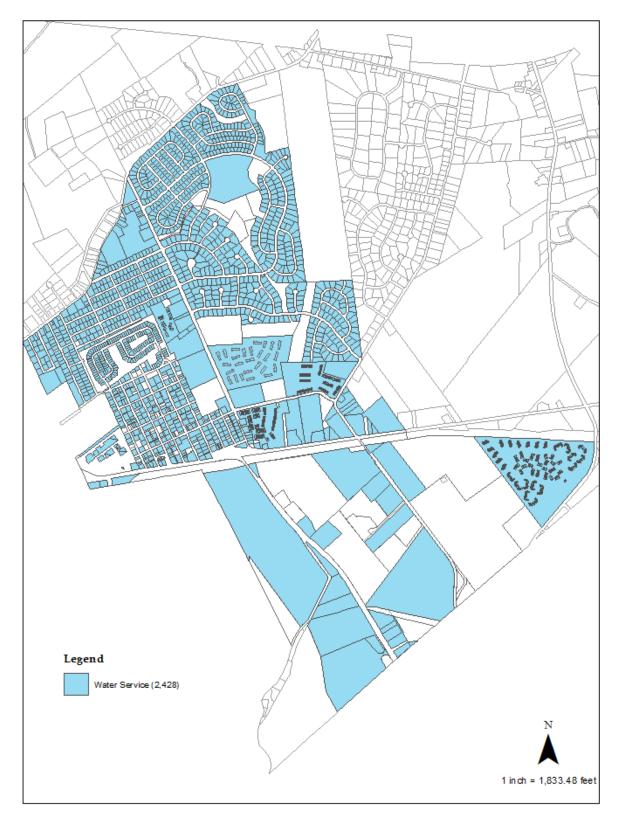
Lopatcong Highlands Center ZONING



Lopatcong Highlands Center LAND USE

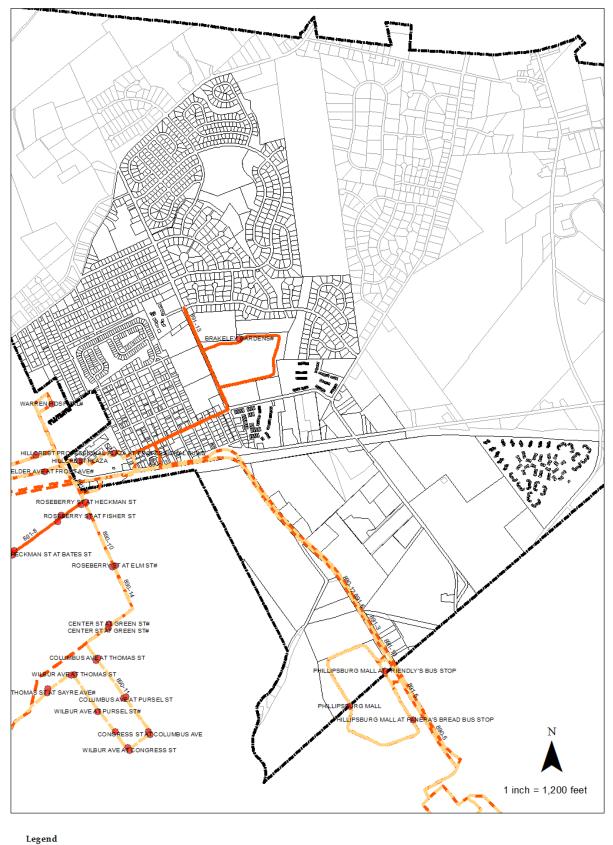


Lopatcong Highlands Center SEWER SERVICE



Lopatcong Highlands Center WATER SERVICE

October 2017

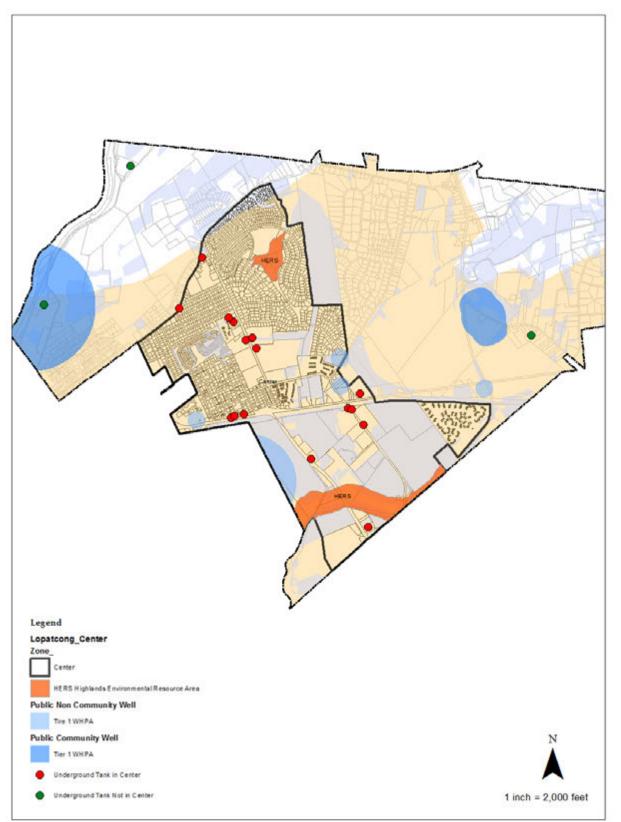




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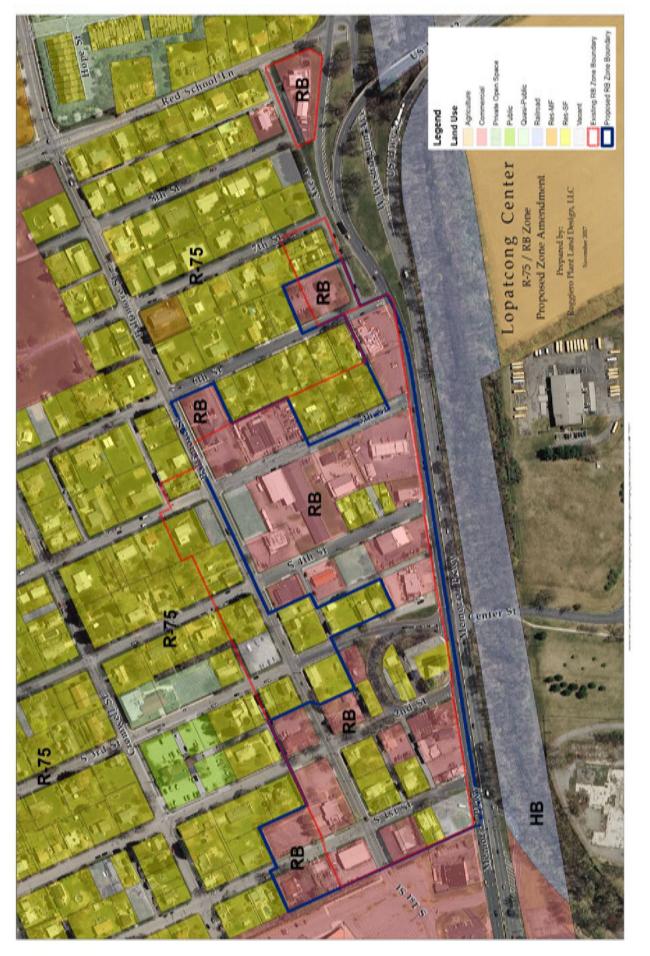
Lopatcong Highlands Center PUBLIC TRANSIT

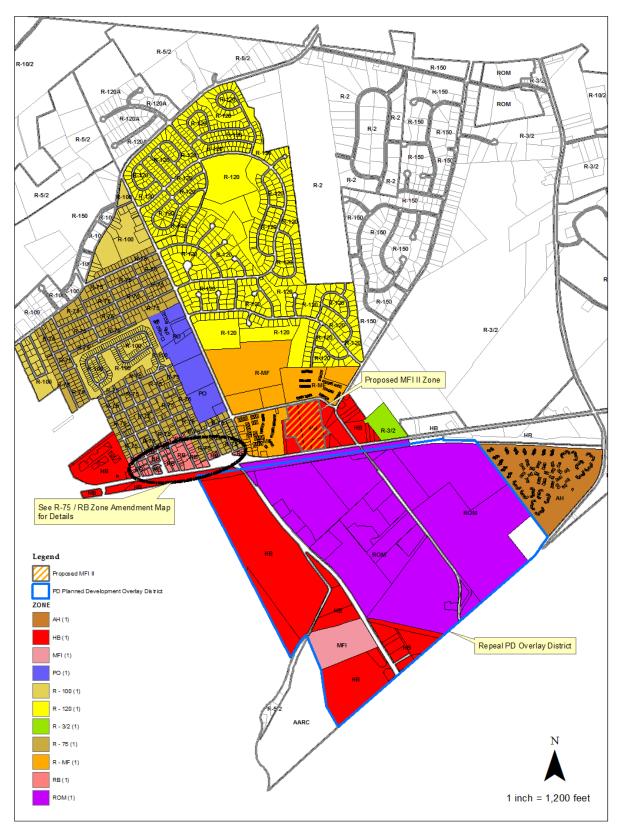
🔴 NJ Transit Bus Stop



Lopatcong Highlands Center ENVIRONMENTAL

December 2017





Lopatcong Highlands Center ZONING AMENDMENTS MFI II ZONE & PD OVERLAY DISTRICT May 2018