

# **NJ Department of Environmental Protection**



## **State Development & Redevelopment Plan Plan Endorsement Opportunities & Constraints Analysis**

for:

Borough of Millstone, Somerset County

***ADDENDUM***

*July 7, 2009*

*This document constitutes the Department of Environmental Protection's component of the State Opportunity and Constraints Analysis conducted as part of the Plan Endorsement process. This document should serve as a baseline to inform the rest of the Plan Endorsement process. This document provides a general overview of the Department's regulatory and policy concerns within Millstone Borough. While all efforts have been made to address all major issues, the ever evolving nature of regulatory programs and natural conditions dictates that the information contained within this document will need to be updated on a regular basis. No portion of this document shall be interpreted as granting any specific regulatory or planning approvals by the Department. This document is to be used solely as guidance for municipal planning purposes.*

# Addendum

On June 29, 2009, the NJ Office of Smart Growth (OSG) informed the State Agencies (including DEP) reviewing the Millstone Borough Plan Endorsement petition, that Millstone Borough had not submitted its proposed Planning Area changes along with their Municipal Self Assessment. At that time, OSG also transmitted GIS shapefiles and a brief description of the proposed changes to those same State Agencies. As DEP has already submitted its Opportunities and Constraints (OCA) Report for Millstone Borough to OSG, this Addendum was produced and submitted to OSG and acts in addition to the DEP OCA Report dated June 18, 2009. This Report addresses three issues included in OSG's correspondence of June 29, 2009: Millstone Borough's proposed Planning Area changes; proposed Center Designation; and sewer service area.

## **Planning Area Changes**

The DEP OCA Report dated June 18, 2009, included the following recommended Planning Area changes:

The current State Plan Map identifies Millstone Borough almost entirely as Planning Area 3 (Fringe). It is DEP's understanding that, through the Cross Acceptance process, the State Plan Map was modified to identify the areas in the north and northwest portions of Millstone to Planning Area 5 (Environmentally Sensitive). However, a portion of the Rezem tract would still be mapped as Planning Area 3, with a Critical Environmental Site overlay (CES). DEP does not believe that a CES completely surrounded by Planning Area 5 makes any sense, and recommends that the entirety of the Rezem tract be mapped as Planning Area 5, unless, and until such time that, it is permanently preserved. At a minimum, the Rezem tract west of County Route 533 Spur/Somerset Courthouse Road should be mapped as Planning Area 5.

Millstone Borough's proposed Planning Area changes are consistent with this recommendation. DEP fully supports their adoption. However, DEP notes that the Rezem tract may have been purchased/preserved at the time of this Report. The final Planning Area designation for Millstone Borough should reflect the current status of that effort at the time of adoption.

## **Center Designation**

It is DEP's understanding that Millstone Borough is proposing that a portion of the Borough be designated a Village Center. DEP reiterates its recommendation from the June 18, 2009 OCA Report:

DEP recommends that the entirety of the Borough be included in a Village Center designation so that open space and the proposed heritage park may potentially benefit from the designation.

## **Sewer Service Area Delineation**

DEP understands the need for centralized sewer service to support the development proposals in Millstone Borough. However, the potential for sewer service area within Millstone Borough is dependent upon capacity to support that development at the Somerset Raritan Valley Sewage

Authority treatment plant. The final sewer service area delineation and capacity analysis will be completed through Hunterdon County Wastewater Management Plan update.

The information provided in the DEP OCA Report dated June 18, 2009 is included here again for clarity's sake:

- A major consideration of the WMP is the delineation of sewer service area. As discussed earlier in this report, sewer service area is not permitted in environmentally sensitive areas. In Millstone Borough, this effectively limits potential sewer service area to existing development and agricultural fields. However, because there is no adopted sewer service area in Millstone Borough, connection of these areas to the Somerset Raritan Valley Sewage Authority would be dependent upon demonstration of sufficient capacity at the sewage treatment plant to accommodate potential development in Millstone Borough.
- The MSA also notes that the Van Cleef family has agreed to “forward to Hillsborough a sum of \$500,000 that would pay for a sewer privilege fee” so that the Borough can tie into the Hillsborough sewer system in the future. The MSA also states that, “The Borough has also negotiated with Hillsborough Township to partner in a force main and pump station that would go through the Borough and also serve a portion of Hillsborough Township.” DEP notes that regardless of these agreements, sewer service in Millstone Borough is dependent upon the existence of capacity at the SRVSA sewage treatment plant.
- Should capacity limitations at the SRVSA sewage treatment plant limit, or negate, the potential for centralized sewer service in Millstone, the Borough may want to consider (if it hasn't already) studying the potential for a package plant to serve the Van Cleef development and/or existing development throughout the Borough, possibly in cooperation with Hillsborough Township.
- While the State Plan does not recommend sewer service area in the Fringe, Rural and Environmentally Sensitive Planning Areas, the WQMP rule does not place these specific limitations on mapping of sewer service area.
- The WQMP rule utilizes the Plan Endorsement process to allow extensions of sewer service area into areas where it would otherwise not be permitted, due to the existence of environmentally sensitive features.

## **NJDEP Office of Planning and Sustainable Communities**

The Office of Planning and Sustainable Communities was formed to facilitate the Department's move toward a proactive planning approach based on principles of sustainability and environmental capacity-based planning.

### **Mission**

To coordinate the [sustainable development](#) and [environmental capacity-based planning](#) policies of the Department and proactively work with other state agencies, regional entities, local governments and other groups to incorporate these policies into all levels of land use and environmental planning.

### **Background**

In January, 2007, the Department of Environmental Protection (DEP) adopted its [Policy Priorities and Action Plan](#) which outlines the strategic direction of the agency over the next three years. The Plan identifies eight broad goal areas and underlying objectives.

One of the eight goal areas is Sustainable Growth:

Maximize use of department resources to encourage sustainable growth and livable communities by incorporating consistent criteria for the protection of natural resources and development of smart growth and green design principles into DEP rulemaking, priority setting and planning efforts, other state smart and economic growth priorities, and in regional and local planning efforts.

The first objective of this goal is:

“Incorporate sustainable growth and environmental protection criteria into state, regional and local planning.”

At the core of this goal is a recognized need for more progressive statewide environmental planning by the Department to help inform the local land use development and redevelopment process. Historically, the Department has engaged primarily in environmental planning in targeted areas based on statutory direction. Critically important work has been done in such areas as water quality management planning, water supply master planning, habitat protection planning (Landscape Project) and county/state solid waste planning. DEP is now committed to ensuring that these various planning programs are integrated and coordinated so that our guidance to regional and local planning agencies is consistent, comprehensive and supportive of both local and state priorities.

In a significant business practice improvement, DEP is also committed to implementing the Sustainable Growth goal by broadening the scope of its major project review process by requiring consideration and rewarding incorporating of green design the principles and practices.

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