

May 31, 2006

NJ Department of Environmental Protection



Consistency Review and Comments On the Petition for Initial Plan Endorsement

**Submitted by the
County of Sussex**

June 2, 2006

Petition for Initial Plan Endorsement Submitted by the County of Sussex

NJ DEP Consistency Review and Comments

Introduction

The County of Sussex submitted a petition for Initial Plan Endorsement to the Office of Smart Growth in February 2006. As part of the process established in the State Planning Commission's Plan Endorsement Guidelines, the Department (DEP) reviewed the petition and supporting materials submitted by the County for completeness and found the petition to be incomplete. In addition to the Commission's Plan Endorsement Guidelines, the Department has developed its own guidelines and review criteria (NJDEP Initial Plan Endorsement Program and Process Guide) to assist counties and municipalities in the Plan Endorsement process, and to assist in determining consistency with both the State Development and Redevelopment Plan and Department-related plans and programs.

The Department notified the Office of Smart Growth (OSG) that the petition did not include all of the required items and materials related to the Department's programs and regulations as prescribed in the Plan Endorsement Guidelines and the Department's Initial Plan Endorsement Program and Process Guide. Without this information the Department felt that it did not have a complete picture of current conditions and future activities in the County. The items the Department cited as missing were:

- **Natural Resource Inventory.** The petition did not include a Natural Resource Inventory. The Department did note that the County's Strategic Growth Plan did include sufficient information and mapping of natural resources, the petition does not include a stand-alone Natural Resource Inventory. The information included in the Natural Resource Element of the Strategic Growth Plan and the Resources description of the County Open Space Plan would serve as a sufficient foundation for a county-wide Natural Resource Inventory.
- **Existing Land Use Inventory and/or Zoning Maps.** The petition did not include a Community Facilities Map, which the County has subsequently submitted.

The Office of Smart Growth initially deemed the Sussex County petition for Initial Plan Endorsement incomplete on March 29, 2006 as the petition failed to provide a certified resolution endorsing the initial petition being submitted and designating the official of the county to submit the petition and execute the PIA. After the County addressed these specific concerns, the Office of Smart Growth deemed the Sussex County Strategic Growth Plan complete on Wednesday, April 19, 2006, despite the Department's comments that the petition was incomplete.

Consistency Review

The Department's review of a petition for Plan Endorsement uses the State Planning Commission's Plan Endorsement Guidelines with emphasis on the items, tasks, policies and goals identified by the State Development and Redevelopment Plan that relate to the Department of Environmental Protection's mission. The review of the materials submitted by the County is intended to determine if the County's planning portfolio and development/redevelopment objectives are generally consistent with the environmental and natural resource policies in the State Plan. As the Plan Endorsement Guidelines established by the Commission do not specify the content of the items needed to complete a regional Plan Endorsement petition, the Department developed standardized review criteria to assist counties in preparing the documents, plans, and ordinances which are key to the Plan Endorsement process, and to assist local planners in determining their community's consistency with both the State Development and Redevelopment Plan and Department-related plans and programs. This document is entitled "NJDEP Initial Plan Endorsement Program and Process Guide", September 26, 2004. The Department's review comments are based upon the aforementioned documents and information submitted by Sussex County.

Sussex County covers approximately 553 square miles in northwestern New Jersey. Primarily an agricultural community, almost one-third of the County is preserved as park or public water supply lands, and existing villages and hamlets dot the landscape. Sussex County is also located partly within the Highlands Region with 10 municipalities falling into the Preservation or Planning Areas. The State Plan Policy Map delineates Sussex County into the Suburban, Rural, Rural/Environmentally Sensitive, and Environmentally Sensitive Planning Areas. There are 11 designated centers in Sussex County, numerous “existing functional centers” that have not been designated, and the County Plan identifies 6 additional center locations that are being pursued through the Plan Endorsement process.

State Development and Redevelopment Plan

The Department’s review of the information submitted by Sussex County for consistency with provisions of the State Development and Redevelopment Plan is primarily related to resource protection and the plans and programs of the Department. To accomplish the review, the Department uses the applicable State Plan Planning Areas and their Policy Objectives as benchmarks for determining consistency. The Planning Areas reflect distinct geographic units within the state and serve as the organizing framework for application of the Statewide Policies. As the State Plan’s key concepts, the Statewide Policies are applied to the natural and built resources of the State through the designation of the five Planning Areas. The policies addressed in this review are either directly linked to the Department’s mission or are significantly influenced by the Department’s regulatory authority. The policy objectives for Housing, Economic Development, Transportation, Agriculture/Farmland Preservation, Redevelopment, and Intergovernmental Coordination are not addressed by this review because these policy areas are fundamentally grounded in the responsibilities of other State Agencies.

Suburban Planning Area Policy Objectives

There is approximately one-square mile of Suburban Planning Area designated in all of Sussex County; located in Stanhope Borough. A portion of this area is also the Stanhope Designated Center. Designation of this center indicates that the area is consistent with the State Plan.

This area is also located within the Highlands Planning Area and will be addressed in the Highlands Regional Master Plan.

Rural Planning Area Policy Objectives

Applicable Policies

Land Use: Enhance economic and agricultural viability and rural character by guiding development and redevelopment into Centers. In the Environs, maintain and enhance agricultural uses, and preserve agricultural and other lands to form large contiguous areas and greenbelts around Centers. Development and redevelopment should use creative land use and design techniques to ensure that it does not conflict with agricultural operations, does not exceed the capacity of natural and built systems and protects areas where public investments in farmland preservation have been made. Development and redevelopment in the Environs should maintain or enhance the character of the area.

Department Review: Sussex County has conducted its Land Use planning in a manner largely consistent with this policy.

- The Strategic Growth Plan recognizes agriculture as the defining character of the County and identifies Rural/Agricultural areas as a major landscape throughout the county, with 145,386 of non-Highlands Region acres falling into this landscape. 7,057 acres of the county are preserved farmland.

- The County Plan lays out specific goals and objectives for each of their identified landscapes based on public comments and visioning meetings held to discuss the County Plan. The goals and objectives for the Rural/Agricultural Landscape are generally consistent with those in the State Plan.
- The County Plan also lays out specific strategies for each Landscape to guide Development Patterns, Housing, Circulation, Agriculture, Resource Conservation, and Equity. The Department reviewed the goals and strategies for Development Patterns and Resource Conservation. These goals and strategies are also generally consistent with the policy objectives of the State Plan. The strategies for Resource Conservation include :
 - Minimize sprawl development through incentives for density transfer.
 - Development in the environs should be restricted to relatively low densities. Densities should be determined through carrying capacity analysis using tools such as the Nitrate Dilution model and soils data derived from the newly completed Sussex County Soil Survey.
 - Locate development in areas least likely to have a negative effect on agricultural operations.
 - Permit the development of agricultural industry near significant farmlands.
 - Require development, other than agricultural industry, to provide a buffer when lands adjacent to farmland are being developed.
 - Streamside protection is always appropriate.
 - Reduce the impact of light pollution through a Dark Sky or similar lighting specifications in new and existing developments.
 - Improve the availability of water, sewer, gas and broadband infrastructure.
- The County open space tax was implemented in July 2001 at a rate of two cents per \$100 of equalized property value. The bulk (90%) of the funding supports farmland preservation efforts.
- The Plan recognizes the issue of equity for agricultural property owners in the attempt to prevent sprawl and envisions TDR as a method of protecting agricultural and rural areas while protecting landowner equity.

Natural Resource Conservation: Minimize potential conflicts between development, agricultural practices and sensitive environmental resources. Promote agricultural management practices and other agricultural conservation techniques to protect soil and water resources. Protect and preserve large, contiguous tracts and corridors of recreation, forest or other open space land that protect natural systems and natural resources.

Department Review: Sussex County has conducted its Land Use planning in a manner largely consistent with this policy.

- The County Plan lays out specific goals and objectives for each of their identified landscapes based on public comments and visioning meetings held to discuss the County Plan. The goals and objectives for the Rural/Agricultural Landscape are generally consistent with those in the State Plan.

- The County Plan also lays out specific strategies for each Landscape to guide Development Patterns, Housing, Circulation, Agriculture, Resource Conservation, and Equity. The Department reviewed the goals and strategies for Development Patterns and Resource Conservation. These goals and strategies are also generally consistent with the policy objectives of the State Plan. The strategies for Resource Conservation include :
 - Reduce construction through Transfer of Development Rights (TDR) and soils-based carrying capacity analysis.
 - Focus that construction that does occur through by clustering development thereby reducing impervious coverage, stormwater discharge, and general land disturbance.
 - Protect surface water bodies and community wells.
 - Encourage landowner practices which minimize fertilizer and siltation impact.
 - Where habitat suitable for threatened or endangered species is to be developed as part of a Center, offsetting habitat management practices shall be incorporated.
- The Natural Resource Element of the Strategic Growth Plan and the Resources description of the County Open Space Plan provide ample information for planning purposes.
- While the County's Strategic Growth Plan includes sufficient information and mapping of natural resources, the petition does not include a stand-alone Natural Resource Inventory. The information included in the Natural Resource Element of the Strategic Growth Plan and the Resources description of the County Open Space Plan would serve as a sufficient foundation for a county-wide Natural Resource Inventory.
- The County open space tax was implemented in July 2001 at a rate of two cents per \$100 of equalized property value. The bulk (90%) of the funding supports farmland preservation efforts, leaving about \$200,000 per year to assist in the acquisition of open space lands.
- Approximately one-third – 111,170 acres – of Sussex County is permanently preserved open space with the State of NJ owning 73,870 acres.
- There substantial areas of Threatened and Endangered species habitat and 76 Natural Heritage Priority Sites located wholly or partially within Sussex County. The County Plan states as a goal to “preserve and interpret State identified Natural Heritage Priority Sites.” The Plan also recommends that “a proactive approach needs to be developed by the state in its acquisition of Natural Heritage Priority sites.”

Recreation: Provide maximum active and passive recreational and tourism opportunities at the neighborhood and local levels by targeting the acquisition and development of neighborhood and municipal parkland within Centers. Provide regional recreation and tourism opportunities by targeting parkland acquisitions and improvements that enhance large contiguous open space systems and by facilitating alternative recreational and tourism uses of farmland.

Department Review: Sussex County has conducted its Land Use planning in a manner consistent with this policy.

- The County Plan lays out specific goals and objectives for each of their identified landscapes based on public comments and visioning meetings held to discuss the County Plan. The goals and objectives for the Rural/Agricultural Landscape are generally consistent with those in the State Plan.

- The County Plan also lays out specific strategies for each Landscape to guide Development Patterns, Housing, Circulation, Agriculture, Resource Conservation, and Equity. The Department reviewed the goals and strategies for Development Patterns and Resource Conservation. These goals and strategies are also generally consistent with the policy objectives of the State Plan. The strategies for Resource Conservation include :
 - There are no significant development pattern issues associated with this landscape.
 - Efforts should continue to acquire inholdings, link preserved lands, trails, historic and cultural sites, etc.
- The County open space tax was implemented in July 2001 at a rate of two cents per \$100 of equalized property value. The bulk (90%) of the funding supports farmland preservation efforts, leaving about \$200,000 per year to assist in the acquisition of open space lands.
- Approximately one-third – 111,170 acres – of Sussex County is permanently preserved open space with the State of NJ owning 73,870 acres.

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

Department Review: Sussex County has conducted its Land Use planning in a manner consistent with this policy.

- The County Plan lays out specific goals and objectives for each of their identified landscapes based on public comments and visioning meetings held to discuss the County Plan. The goals and objectives for the Rural/Agricultural Landscape are generally consistent with those in the State Plan.
- The County Plan also lays out specific strategies for each Landscape to guide Development Patterns, Housing, Circulation, Agriculture, Resource Conservation, and Equity. The Department reviewed the goals and strategies for Development Patterns and Resource Conservation. These goals and strategies are also generally consistent with the policy objectives of the State Plan. The strategies for Resource Conservation include :
 - Efforts should continue to acquire inholdings, link preserved lands, trails, historic and cultural sites, etc.
 - The focus of activities should be on natural heritage, historic and cultural sites and areas, views and other environmentally critical areas.
 - Preserve and interpret the County's significant historic and cultural resources.
- There are a total of 36 registered historic sites and districts throughout 14 of the county's 24 municipalities. There are an additional 58 sites throughout the county that have been deemed eligible for listing, but are not currently on either the state or federal registers.
- The County Open Space Plan lists as an action item to develop an inventory and map showing significant historic structures, districts and landscapes throughout Sussex County within three years. This information could be used by municipalities and other public and private groups to protect significant historic resources in the county.

Public Facilities and Services: Phase and program for construction as part of a dedicated capital improvement budget or as part of a public/private development agreement the extension or establishment of public facilities and services, particularly wastewater systems, to establish adequate levels of capital facilities and services to support Centers; to protect large contiguous areas of productive farmlands and other open spaces; to protect public investments in farmland preservation programs; and to minimize conflicts between Centers and surrounding farms. Encourage private investments and facilitate public/private partnerships to provide adequate facilities and services, particularly wastewater systems, in Centers. Make community wastewater treatment a feasible and cost-effective alternative.

Department Review: Sussex County has conducted its' public facilities and services planning in a manner largely consistent with this policy.

- The Strategic Growth Plan recognizes agriculture as the defining character of the County and identifies Rural/Agricultural areas as a major landscape throughout the county, with 145,386 of non-Highlands Region acres falling into this landscape. 7,057 acres of the county are preserved farmland.
- The County Plan lays out specific goals and objectives for each of their identified landscapes based on public comments and visioning meetings held to discuss the County Plan. The goals and objectives for the Rural/Agricultural Landscape are generally consistent with those in the State Plan.
- The County Plan also lays out specific strategies for each Landscape to guide Development Patterns, Housing, Circulation, Agriculture, Resource Conservation, and Equity. The Department reviewed the goals and strategies for Development Patterns and Resource Conservation. These goals and strategies are also generally consistent with the policy objectives of the State Plan. The strategies for Resource Conservation include :
 - Minimize sprawl development through incentives for density transfer.
 - Development in the environs should be restricted to relatively low densities. Densities should be determined through carrying capacity analysis using tools such as the Nitrate Dilution model and soils data derived from the newly completed Sussex County Soil Survey.
 - Locate development in areas least likely to have a negative effect on agricultural operations.
 - Permit the development of agricultural industry near significant farmlands.
 - Require development, other than agricultural industry, to provide a buffer when lands adjacent to farmland are being developed.
 - Improve the availability of water, sewer, gas and broadband infrastructure.
- The County Wastewater Management Plan (WMP), while currently up-to-date, is set to expire in the near future. The WMP update must comply with Executive Order 109 guidance and be consistent with the master plan and petition. Sussex County has been directed by the Department that they must submit a WMP update by September 1, 2006. To that end, the Department has awarded the County a grant to assist in meeting the requirements by that deadline.
- The 1996 New Jersey Water Supply Management Plan notes some issues for consideration in Sussex County. They are:
 - Depletive ground water withdrawals and stipulated surface water uses be limited upstream of the surface water intakes utilized by Sussex Borough, Newton Town and

Branchville Borough. Watershed management efforts may also be merited to prevent to contamination of those community's water supplies by improper land use.

- Ground water quality protection programs are merited in this region due to the vulnerability of local aquifers to contamination at or near the surface. Strong consideration should be given to well head protection and septic system management programs. Sussex County has already successfully implemented the latter program.
- The County Plan states that "Density should be based upon both soil characteristics and available water supply as determined through on-site groundwater hydrology." The County has performed a soils analysis for agricultural areas (modified nitrate dilution model @ 5.2mg/l) suggesting that an average acceptable density for residential construction is three acres per unit.
- The Plan also states that, "allowing for the conservatism of DEP standards...100,000 square feet of commercial space would require a land area of not less than 150 acres to avoid having a depletive effect on the ground water quantity and some effect on quality."
- The Plan recognizes DEP water quality work, and in C1 Watersheds, the Plan recommends overall zoned densities between 2.8 and 7.0 acres per unit.

Rural/Environmentally Sensitive Planning Area Policy Objectives

The policy objectives for the Rural/Environmentally Sensitive Planning Area are the same as those for Environmentally Sensitive Planning Areas (*See Department comments on Environmentally Sensitive Planning Area Policy Objectives.*)

Environmentally Sensitive Planning Area Policy Objectives

Applicable Policies

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

Department Review: Sussex County has conducted its land use planning in a manner largely consistent with this policy.

- There are 11 designated centers in Sussex County, and the County Plan identifies 6 additional center locations that are being pursued through the Plan Endorsement process.
- Further, the Plan states that in delineating Center boundaries, they must "be ecologically accommodating, located in areas where soils/geology, topography, and hydrology can accommodate relatively dense development." In addition, "water and sewer infrastructure are the most effective means of establishing growth boundaries and timing of development. True growth management regulates both the location and sequencing of development and redevelopment. In relatively low density areas such as Sussex County, new central water and sewer services are the keys to reorienting the patterns of development away from sprawl toward more compact forms."
- The County has performed an analysis of the lands not encumbered by the environmental constraints of steep slopes, wetlands, water bodies, transition areas and buffers (including the new

Category One stream buffers) which are considered to be available for development. Coupled with the zoning and designated sewer service areas, this analysis resulted in the potential build-out for the County, by municipality.

- The County recommends “emerging septic technologies that offer higher pollutant and pathogen reduction as compared with conventional designs” in lake communities to offset “eutrophication of the lakes, failure and pollution of individual wells, and failing septic systems.”
- The County Plan lays out specific goals and objectives for each of their identified landscapes based on public comments and visioning meetings held to discuss the County Plan. The goals and objectives of the Plan are generally consistent with those in the State Plan.
- The County Plan also lays out specific strategies for each Landscape to guide Development Patterns, Housing, Circulation, Agriculture, Resource Conservation, and Equity. The Department reviewed the goals and strategies for Development Patterns and Resource Conservation. These goals and strategies are also generally consistent with the policy objectives of the State Plan. The strategies for Resource Conservation include :
 - Minimize sprawl development through incentives for density transfer.
 - Development in the environs should be restricted to relatively low densities. Densities should be determined through carrying capacity analysis using tools such as the Nitrate Dilution model and soils data derived from the newly completed Sussex County Soil Survey.
 - Streamside protection is always appropriate.
 - Improve the availability of water, sewer, gas and broadband infrastructure.
 - These will become the focus of the majority of development in Sussex County.
 - Existing centers should be revitalized. Proposed centers should provide a wide range of densities, styles and mixes of development. Where necessary, sewer service areas should be expanded to accommodate this planned growth (See Exhibit 5, Existing and Proposed Sewer Service Areas). Centers increase the range of options for transportation in the region.
 - Avoid creation of and minimize development of undersized lots except where waste disposal technology permits.
 - Create septic management districts.
 - Analyze land use patterns in order to improve surface water quality.
- The County open space tax was implemented in July 2001 at a rate of two cents per \$100 of equalized property value. The bulk (90%) of the funding supports farmland preservation efforts.

Natural Resource Conservation: Protect and preserve large, contiguous tracts and corridors of recreation, forest or other open space land that protects natural systems and sensitive natural resources, including endangered species, ground and surface water resources, wetland systems, natural landscapes of exceptional value, critical slope areas, scenic vistas and other significant environmentally sensitive features.

Department Review: Sussex County has conducted its land use planning in a manner largely consistent with this policy.

- The County open space tax was implemented in July 2001 at a rate of two cents per \$100 of equalized property value. The bulk (90%) of the funding supports farmland preservation efforts, leaving about \$200,000 per year to assist in the acquisition of open space lands.
- Approximately one-third – 111,170 acres – of Sussex County is permanently preserved open space with the State of NJ owning 73,870 acres.
- The County Plan lays out specific goals and objectives for each of their identified landscapes based on public comments and visioning meetings held to discuss the County Plan. The goals and objectives of the Plan are generally consistent with those in the State Plan.
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 - Reduce construction through Transfer of Development Rights (TDR) and soils-based carrying capacity analysis.
 - Focus that construction that does occur through by clustering development thereby reducing impervious coverage, stormwater discharge, and general land disturbance.
 - Protect surface water bodies and community wells.
 - Where habitat suitable for threatened or endangered species is to be developed as part of a Center, offsetting habitat management practices shall be incorporated.
 - Locate job creation centers and nodes (e.g. corporate campus facilities) in areas of substantial water availability and soil permeability.
 - Site/expand at the most advantageous natural resource locations.
 - Where disturbance is required (as, for example of steep slopes), employ extensive safeguards to offset the effects of such disturbance.
- The Natural Resource Element of the Strategic Growth Plan and the Resources description of the County Open Space Plan provide ample information for planning purposes. However,
- While the County's Strategic Growth Plan includes sufficient information and mapping of natural resources, the petition does not include a stand-alone Natural Resource Inventory. The information included in the Natural Resource Element of the Strategic Growth Plan and the Resources description of the County Open Space Plan would serve as a sufficient foundation for a county-wide Natural Resource Inventory.
- There substantial areas of Threatened and Endangered species habitat and 76 Natural Heritage Priority Sites located wholly or partially within Sussex County. The County Plan states as a goal to "preserve and interpret State identified Natural Heritage Priority Sites." The Plan also recommends that "a proactive approach needs to be developed by the state in its acquisition of Natural Heritage Priority sites."

Recreation: Provide maximum active and passive recreational and tourism opportunities at the neighborhood and local levels by targeting the acquisitions and development of neighborhood and municipal parkland within Centers. Provide regional recreation and tourism opportunities by targeting parkland acquisitions and improvements that enhance large contiguous open space systems. Ensure meaningful access to public lands.

Department Review: Sussex County has conducted its land use planning in a manner largely consistent with this policy.

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 - There are no significant development pattern issues associated with this landscape.
 - Efforts should continue to acquire inholdings, link preserved lands, trails, historic and cultural sites, etc.
 - The focus of activities should be on natural heritage, historic and cultural sites and areas, views and other environmentally critical areas. (See Exhibit 7, Natural Heritage Sites)

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

Department Review: The Department cannot determine the consistency of Sussex County’s Master Plan with this policy objective without additional information regarding implementation of the Historic Preservation Plan Element.

- The County Plan lays out specific goals and objectives for each of their identified landscapes based on public comments and visioning meetings held to discuss the County Plan. The goals and objectives for the Rural/Agricultural Landscape are generally consistent with those in the State Plan.
- The County Plan also lays out specific strategies for each Landscape to guide Development Patterns, Housing, Circulation, Agriculture, Resource Conservation, and Equity. The Department reviewed the goals and strategies for Development Patters and Resource Conservation. These goals and strategies are also generally consistent with the policy objectives of the State Plan. The strategies for Resource Conservation include :
 - Efforts should continue to acquire inholdings, link preserved lands, trails, historic and cultural sites, etc.
 - The focus of activities should be on natural heritage, historic and cultural sites and areas, views and other environmentally critical areas.

- Preserve and interpret the County's significant historic and cultural resources.
- There are a total of 36 registered historic sites and districts throughout 14 of the county's 24 municipalities. There are an additional 58 sites throughout the county that have been deemed eligible for listing, but are not currently on either the state or federal registers.
- The County Open Space Plan lists as an action item to develop an inventory and map showing significant historic structures, districts and landscapes throughout Sussex County within three years. This information could be used by municipalities and other public and private groups to protect significant historic resources in the county.

Public Facilities and Services: Phase and program for construction as part of a dedicated capital improvement budget or as part of a public/private development agreement the extension or establishment of public facilities and services, particularly wastewater systems, to establish adequate levels of capital facilities and services to support Centers; to protect large contiguous areas of environmentally sensitive features and other open spaces; to protect public investments in open space preservation programs; and to minimize conflicts between Centers and the Environs. Encourage private investments and facilitate public/private partnerships to provide adequate facilities and services, particularly wastewater systems, in Centers. Make community wastewater treatment a feasible and cost-effective alternative.

Department Review: Sussex County has conducted its land use planning in a manner consistent with this policy.

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 - Development in the environs should be restricted to relatively low densities. Densities should be determined through carrying capacity analysis using tools such as the Nitrate Dilution model and soils data derived from the newly completed Sussex County Soil Survey.
 - Improve the availability of water, sewer, gas and broadband infrastructure.
- The County Wastewater Management Plan (WMP), while currently up-to-date, is set to expire in the near future. The WMP update must comply with Executive Order 109 guidance and be consistent with the master plan and petition. Sussex County has been directed by the Department that they must submit a WMP update by September 1, 2006. To that end, the Department has awarded the County a grant to assist in meeting the requirements by that deadline.
- The 1996 New Jersey Water Supply Management Plan notes some issues for consideration in Sussex County. They are:
 - Depletive ground water withdrawals and stipulated surface water uses be limited upstream of the surface water intakes utilized by Sussex Borough, Newton Town and Branchville Borough. Watershed management efforts may also be merited to prevent to contamination of those community's water supplies by improper land use.

- Ground water quality protection programs are merited in this region due to the vulnerability of local aquifers to contamination at or near the surface. Strong consideration should be given to well head protection and septic system management programs. Sussex County has already successfully implemented the latter program.
- The County Plan states that “Density should be based upon both soil characteristics and available water supply as determined through on-site groundwater hydrology.” The County has performed a soils analysis for agricultural areas (modified nitrate dilution model @ 5.2mg/l) suggesting that an average acceptable density for residential construction is three acres per unit.
- The Plan also states that, “allowing for the conservatism of DEP standards...100,000 square feet of commercial space would require a land area of not less than 150 acres to avoid having a depletive effect on the ground water quantity and some effect on quality.”
- The Plan recognizes DEP water quality work, and in C1 Watersheds, the Plan recommends overall zoned densities between 2.8 and 7.0 acres per unit.

Additional Issues and Recommendations

The Department has reviewed the Sussex County Strategic Growth Plan and has determined that, while the goals and policies of the Plan are adequate, the Plan is not sufficiently detailed to provide direct municipal use. This Plan serves as a suitable basis for municipal planning and the County and municipalities should work together to flesh out the details to be provided in municipal petitions.

Center Proposals

Sussex County has identified the locations of 6 potential centers for consideration in this petition. However, the information provided in the Plan is not specific enough for the Department to make a determination of consistency, nor was it expected.

Specific center proposals or boundary changes for existing designated centers will be reviewed as municipalities submit petitions. Each Township will need to demonstrate that the size, scale and development intensity of any proposed Center or Planning Area change is consistent with the policies of the SDRP and SPPM mapping conventions, as well as with the Sussex County Strategic Growth Management Plan should it be endorsed. NJDEP will seek to reduce the extent of any proposed Center so that environmentally sensitive areas are not included or will be identified as a Critical Environmental Site on the State Plan Policy Map and protected by appropriate local ordinances.

Water Supply

The County Plan adequately addresses water availability at the county level, particularly as a determinant of development density. The Natural Resources Element of the Plan addresses the effects of geology, topography and physiology on water availability and its particular importance in the County due to the limited number of surface supplies. However, as with much of the Plan, there is not enough detail for direct municipal use.

Some water supply issues that have been identified as the Department as existing or potential issues follow. The County and municipalities should take these issues into account when planning for future growth:

- Of the 21 Public Water Systems with over 1 MGD demand that serve Sussex County, 4 are shown to experience shortfalls in either Firm Capacity and/or diversion privileges or available supplies through bulk purchase agreements. These 4 systems are:
 - Lake Lenape Water Company
 - Walkill Water Company

- Ogdensburg Water Department
- Lake Glenwood Realty Corporation

- In addition, withdrawals in the Wallkill basin are impacting regional stream flows, which in turn reduce flows to New York State. There may also be local issues relative to adverse impacts to wetlands, stream flow depletion and private well impacts on any future proposed individual withdrawals. There may also be some localized water quality considerations.

- As part of any municipal Plan Endorsement petition, each municipality must provide documentation that water supply capacity exists for the amount of growth expected by 2020. This documentation must identify existing and proposed water supply sources. For existing public water sources, identify the available approved allocations and firm capacity. In addition, each municipality must identify local water conservation measures needed to ensure efficient use of available resources and methods to be used to promote wastewater reuse.

Wastewater Management Plan

The County Wastewater Management Plan (WMP), while currently up-to-date, is set to expire in the near future. The WMP update must comply with Executive Order 109 guidance and be consistent with the master plan and petition. Sussex County has been directed by the Department that they must submit a WMP update by September 1, 2006. To that end, the Department has awarded the County a grant to assist in meeting the requirements by that deadline.

Natural Resource Inventory

Develop and adopt a stand-alone Natural Resource Inventory for the County. The information in the existing Natural Resources Element of the Strategic Growth Plan and the Resources description of the County Open Space Plan are a sufficient foundation on which to base the NRI. This data should be made available to municipalities for development of their own Inventories.

Municipal Action Plan

Provide information and assist individual municipalities in developing their plan endorsement petitions to ensure consistency between municipal plans and the County plan. Such instances that the Department will specifically review are:

- Specific center proposals and designated center boundary changes will be reviewed as municipalities submit petitions.

- Municipal Natural Resource Inventories and “no net loss of conservation value” through Habitat Conservation Plans.

- The County should work with individual municipalities to propose Critical Environmental Sites within existing and proposed Centers.

- The County is required to approve municipal stormwater management plans as municipalities complete the process of adopting revised stormwater regulations in accordance with State statute and NJDEP regulations and should provide information on the status of those reviews.

Environmental Justice

The Department provides an Environmental Justice Inventory to all municipalities that initiate the Plan Endorsement process, regardless of the racial, ethnic and income characteristics of a community. The inventory provides information that can be used to indicate the extent to which low-income communities and communities of color might be located in close proximity to regulated sites or other negative environmental conditions. The Department strongly urges municipalities to pro-actively address Environmental Justice issues in their Master Plans. Environmental Justice Inventory information can ensure that land use planning does not create or perpetuate situations that disproportionately expose citizens to environmental hazards. While the information included in the inventory is not exhaustive, it provides a

starting point for Plainsboro Township to consider Environmental Justice issues for on-going planning efforts.

Historic Preservation

The County Open Space Plan lists as an action item to develop an inventory and map showing significant historic structures, districts and landscapes throughout Sussex County within three years. This information could be used by municipalities and other public and private groups to protect significant historic resources in the county.

Wellhead Protection Plan

The Wellhead Protection Plan shall manage potential sources of contamination and threatening activities that occur within a source water protection area. Plans shall include delineation of the source water protection area, an inventory of known and potential contamination sources, a determination of water supply system susceptibility to these contaminants, public outreach and education about threats, implementation measures to prevent, reduce or eliminate threats, and contingency planning strategies to address with water supply contamination or service interruption emergencies. Source Water Protection Plans can be developed for the protection of either groundwater supplies of drinking water, wellhead protection areas or surface water supplies, intakes and reservoirs and their drainage.

Stream Corridor Protection Plan

The Stream Corridor Protection Plan shall establish the basis for a municipal Stream Corridor Protection Ordinance. The plan shall consider all waterways within or forming the boundary of a municipality and any State-required stream setback, wetland transition area, and riparian buffer. The plan shall also:

- Establish a comprehensive waterways map which will denote the standard limits of construction disturbance for each waterway based upon the best currently available information.
- Identify areas where existing or proposed development patterns conflict with and any State required stream setback, wetlands transition area, and riparian buffer.
- Provide for a systematic procedure to allow for alternative stream corridor construction setbacks based on an evaluation of the specific stream corridors in the study area to determine the extent of the features critical to supporting the functions of a healthy riparian buffer for the stream corridors in question and the requirements of applicable State statutes and regulations.
- Identify and prioritize locations for rehabilitation of areas with disturbed stream corridors.

Highlands

The County and municipalities should work with the NJ Highlands Council in the development of the Council's Regional Master Plan (RMP). The RMP will be a comprehensive, scientifically robust document with the intent to protect critical natural resources and to ensure the continued economic development opportunities in the Highlands Region. There is mandatory compliance for those municipalities located within the Highlands Preservation Area, while compliance is voluntary for those in the Planning Area.

The Parklands and Wildlife Management Areas Landscape Visitors Center

The County Plan recommends that a Visitors Center be established and managed as a multi-public agency (National Park Service, NJDEP, NJ Travel and Tourism) and to a lesser degree private enterprise partnership, with the State of New Jersey taking the lead. No discussions have yet occurred with the Department on this proposal. As such, DEP takes no position on the endorsement of this proposal.