

State of New Jersey  
DEPARTMENT OF STATE  
OFFICE FOR PLANNING ADVOCACY  
P.O. BOX 820  
TRENTON NJ 08625-0820

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lieutenant Governor*

GERRY SCHARFENBERGER, PH.D.  
*Director*

**MEMORANDUM**

To: State Planning Commission  
From: Daniel M. Kennedy, AICP / PP, Deputy Director, OPA *(DK)*  
Date: September 5, 2012  
Re: Request for SPC to Consider Initiation of Map Amendment Process  
Mt. Olive – Morris County

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The State Planning Rules at N.J.A.C. 5:85-8.3 allow the State Planning Commission to initiate amendments to the State Plan Policy Map based on new information related to the goals, strategies, and policies and delineation criteria of the State Plan provided that the new information alters the assumptions that were the basis for adopting the State Plan Policy Map for a particular area or areas.

**This potential map amendment would result in 413 acres in Mt. Olive Township to be changed from a Planning Area (PA) 5 to a Planning Area (PA) 2.** This change was discussed during the last rounds of cross acceptance and Morris County's negotiating committee and staff from the former Office of Smart Growth agreed to this change.

As you know, the Draft Final State Strategic Plan (SSP) calls for a transition away from the State Plan Policy Map (PM) and amendments contemplated through cross-acceptance would not be made. **OPA staff is recommending that SPC initiate this change now, as we believe it meets the provisions in the State Planning Rules.** Public notice of the required public hearing concerning the proposed map amendment would be provided pursuant to N.J.A.C. 5:85-1.7(b). The report and associated appendices provide additional detail and are attached.



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**Draft - JUSTIFICATION**  
**FOR STATE PLANNING COMMISSION INITIATED**  
**MAP AMENDMENT:**  
**MT. OLIVE TOWNSHIP, MORRIS COUNTY**

**Proposed Map Amendment**

The State Planning Rules at N.J.A.C. 5:85-8.3 allow the State Planning Commission to initiate amendments to the State Plan Policy Map based on new information related to the goals, strategies, and policies and delineation criteria of the State Plan provided that the new information alters the assumptions that were the basis for adopting the State Plan Policy Map for a particular area or areas.

**The map amendment would result in 413 acres in Mt. Olive Township being changed from a Planning Area (PA) 5 to a Planning Area (PA) 2.** This change was discussed during the last round of cross-acceptance and Morris County's negotiating committee and staff from the former Office of Smart Growth agreed to this change. It was logged in the Statement of Agreements and Disagreements as issue #5008 (Exhibit D). The Draft Final State Strategic Plan (SSP) calls for a transition away from the State Plan Policy Map (PM). PM amendments being contemplated through cross-acceptance would not be made. OPA staff would like to request that the SPC allow us to initiate this change now, as it has been the subject of discussion for some time and will positively impact the growth in an area with infrastructure and capacity to grow. (See Maps – Exhibit B & C)

**Background Information & Existing Conditions**

The area is ideally located within a prime transportation corridor in Morris County. The area is adjacent to Interstate 80, US Highway 206 and US Highway 406. NJ Transit's Boonton Train Line is also adjacent to the area where one building is less than ½ a mile walk from the Mount Olive Train Station and the Netcong Train Station is less ¾ of a mile walk from another building within the area. The area is also served by bus service. (See Map – Exhibit A)

In 2004 the State of New Jersey passed the Highlands Water Protection and Planning Act, (Act) N.J.S.A. 13:20-1 et seq. The Act divided the region into the Highlands Planning Area and Preservation Area to protect drinking water. The area under consideration is all within the Highlands Planning Area which continues to be under the purview of the State Planning Act. The Highlands Council has examined this area and in their Regional Plan 75 acres are in an Existing Community Zone, 191 Acres in an Existing Community Preservation Zones and 115 acres in a Protection Zone. The remaining 33 acres of the 413 acres of the area being considered for the Planning Area change are within rights of way that were not part of their analysis. (See Map – Exhibit E)

Current NJDEP landscape data indicates that approximately 218 acres have no signs of habitat. The other 184.6 acres with signs of habitat are broken down accordingly

- Rank 1 – 6.8 Acres
- Rank 2 – 32.5 Acres
- Rank 3 – 8.1 Acres
- Rank 4 – 137.2 Acres

(See Map – Exhibit F)

The area in question is divided into three distinct zone districts. The majority of the area falls within the FTZ-4 district, one of four sub-districts comprising the Foreign Trade Zone in Mount Olive Township. The overall purpose of the FTZ is to make provisions for the special needs of a Foreign Trade Zone and link manufacturing, warehousing and office activities. Included here are two hotels (Marriot, 10 acres, 123 rooms; and Holiday Inn, 10 acres, 141 rooms) and the former 900,000 square foot BASF corporate headquarters complex situated on 97 acres which has been unoccupied since 2004. Stanhope Cemetery and the Stanhope Borough municipal well and pump house are also located within the FTZ-4 zone. Undeveloped parcels within the FTZ-4 zone total 193 acres which include a 57 acre parcel with site plan approval for 700,000 square feet of office space and one-third acre NJDOT landscape easement. The remaining undeveloped lands within the FTZ-4 district are components of the International Trade Center's overall master plan and will be served with central water and sanitary sewerage service.

Located in the P-Public zone district is 17 acres where the Musconetcong Sewerage Authority's regional sanitary sewerage treatment plant is located. Additional lands totaling one acre in the P zone are dedicated to a NJDOT landscape easement and undeveloped lands owned by NJDEP.

The third zone in this area, the GI-General Industrial district, covers 30 acres and contains a 96,536 square foot building housing assembly, warehouse and office space, a 15,768 square foot vacant two-story office building and a 9,180 square foot vehicle repair and storage building.

(See Maps – Exhibit G)

Wastewater is currently sent to the Musconetcong Treatment Plant. Water is supplied by New Jersey American Water Co. Morris County recognizes the important economic importance of this area and has included it in their Draft WQMP. There is currently 383,000 gallons per day excess sewerage capacity. (See Maps – Exhibit H & Map 4M)

### **Justification for Consideration**

The underlying assumption had been that this area is environmentally sensitive. The data we have today shows that almost half of it is already built and offers further growth potential with existing water and sewer capacity. Adhering to our mapping conventions this area is adjacent to the existing PA 2 in Netcong. The area is still subject to DEP and Highland Council's oversight that will ensure that water quality will not negatively be impacted by over development.

In addition, the following information was considered by staff prior to making this recommendation:

1. The Municipality and County have been made aware of this proposed amendment and have reported that the amendment would be consistent with the Municipal Master Plan and the Proposed County Wastewater Management Plan, pending DEP approval.

2. The Highlands Council has verified that the area in question is in the Highland Planning Area and future development should not adversely affect the water supply and ensure that environmental concerns were addressed.

OPA is recommending that the SPC initiate a map amendment consistent with the process outlined in the State Planning Rules.

**ASSOCIATED EXHIBITS:**

**Exhibit A: Map, Map, Aerial Photograph**

**Exhibit B: Map, Current State Plan Map**

**Exhibit C: Map, Proposed Cross-accepted State Plan Map**

**Exhibit D: Cross Acceptance Negotiation Sheet, Morris County, Issue #5008**

**Exhibit E: Map, Highlands**

**Exhibit F: Map, Ranked Habitat, Landscape Data, Version 3.1**

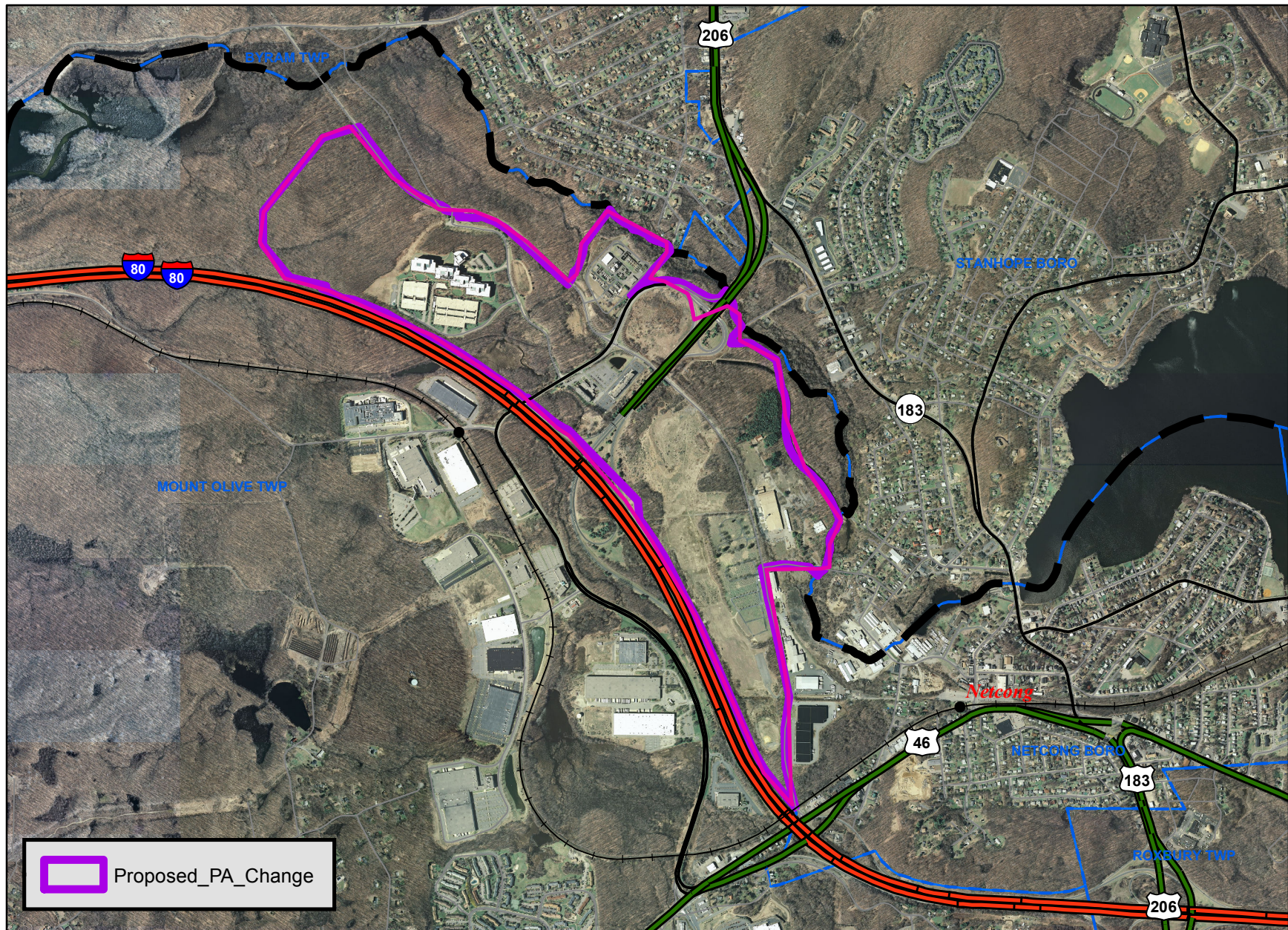
**Exhibit G: Land Use Classifications per Tax Assessment Data**

**Exhibit H: Map, Sewer Service Area**

**Map 4M: Interim Draft Zoning Map**



# EXHIBIT A: Area of the Proposed Planning Area Change Aerial Overview



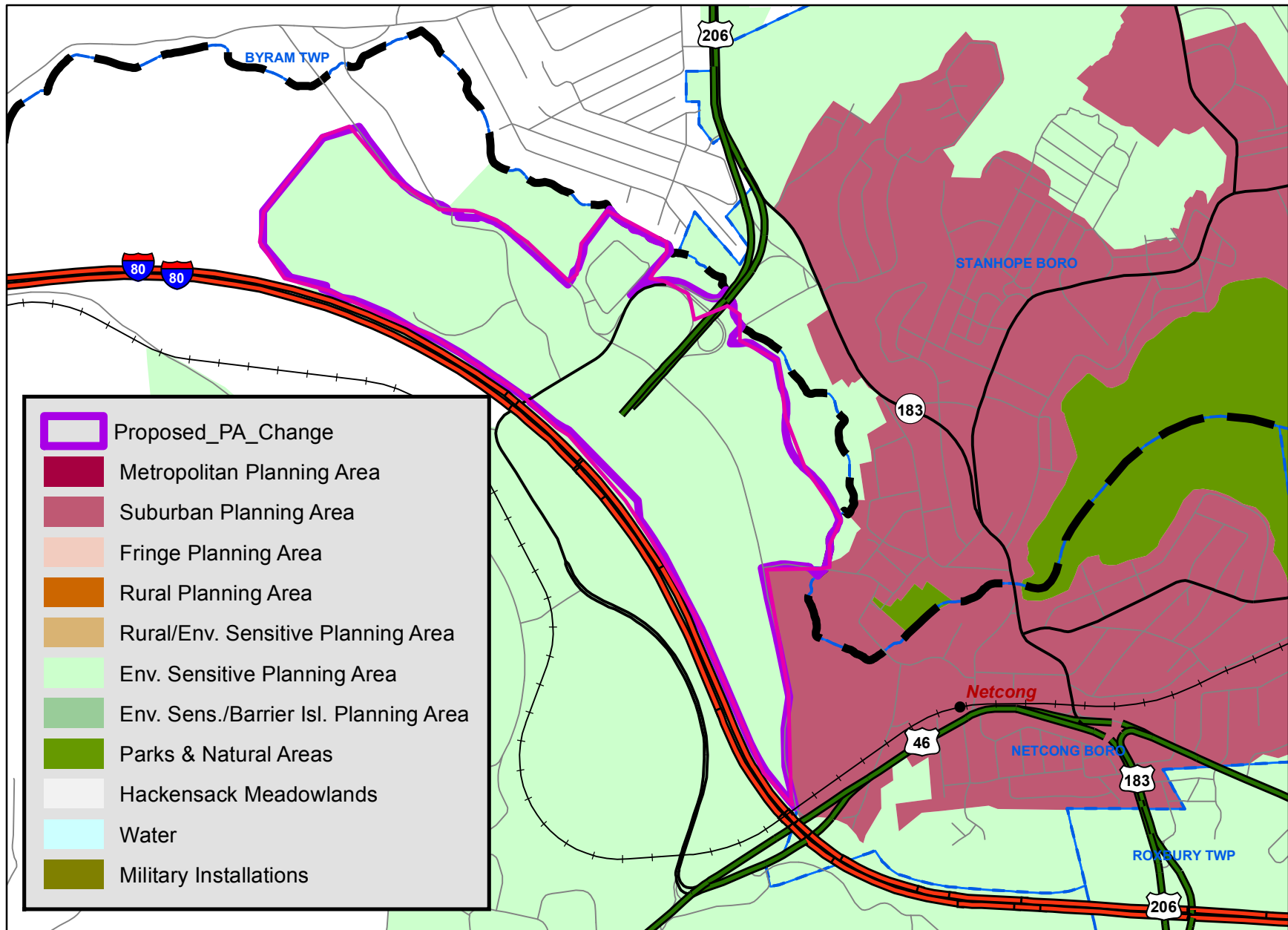
Source:  
NJ Dept. of State  
Business Action Center  
Office for Planning Advocacy  
July 2012

0 0.275 0.55 1.1 Miles





# EXHIBIT B: Area of the Proposed Planning Area Change State Plan 2001

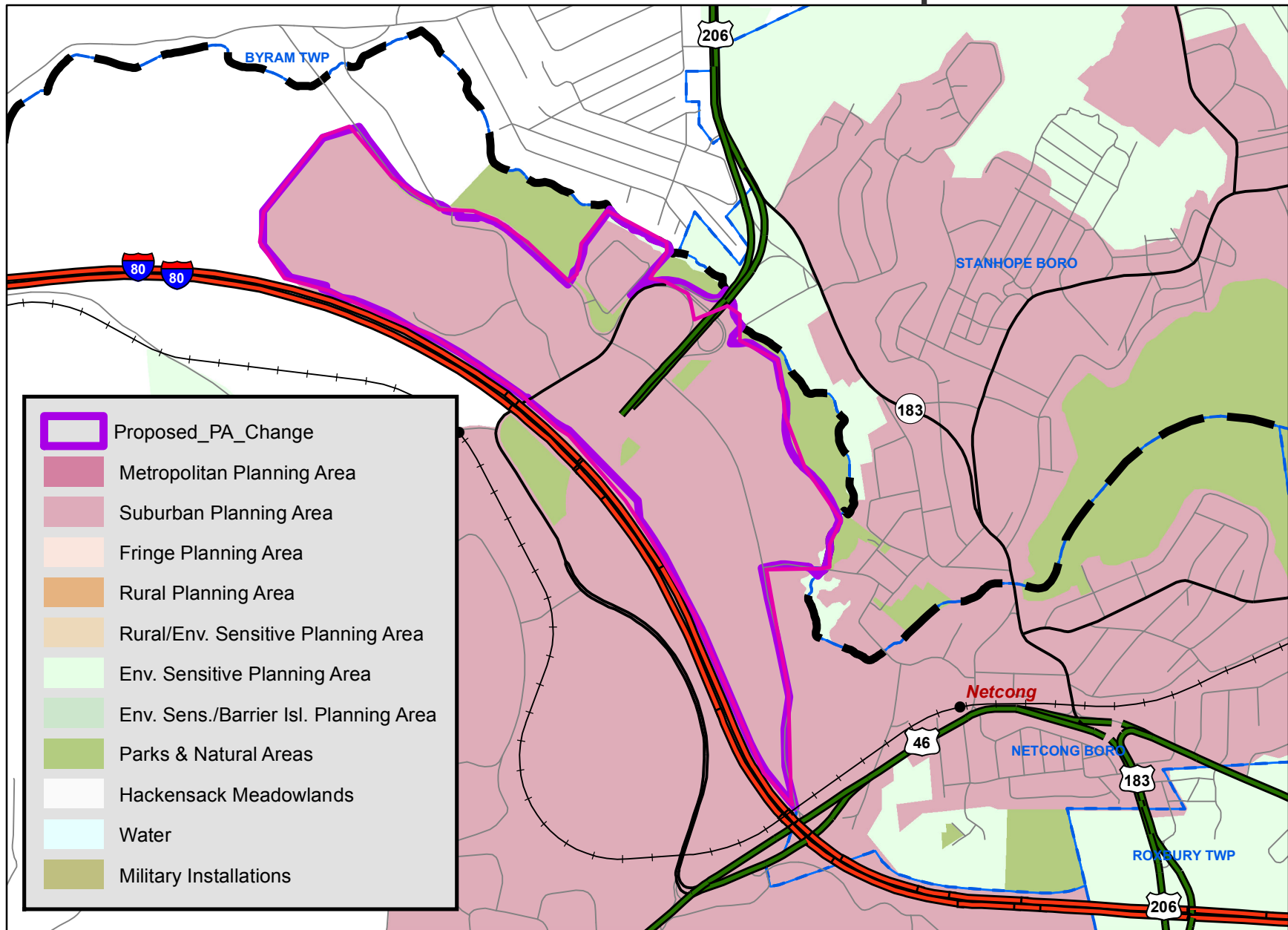


Source:  
NJ Dept. of State  
Business Action Center  
Office for Planning Advocacy  
July 2012

0 0.275 0.55 1.1 Miles



# EXHIBIT C: Area of the Proposed Planning Area Change Draft State Plan Map III



Source:  
NJ Dept. of State  
Business Action Center  
Office for Planning Advocacy  
July 2012

0 0.275 0.55 1.1 Miles





**New Jersey State Planning Commission  
Negotiations Worksheet  
Map Amendments**

**EXHIBIT D**

County: MORRIS COUNTY	Item No. 5008
Source: County Report	Approved by OSG Director:
NE # 2610001	Preliminary Staff Recommendation: Agree Conditional / Mod

**Quads Affected:**

OSG Quad Number 26, STANHOPE NJ

**Proposed Change:**

*Planning Area*

From: PA5

To: PA2

*CES*

Add

**Acres:**

**County/NE Reason For Proposed Change:**

11/30/06 - The county submitted additional information to OSG.

New Change, PA 5 to PA 2 in the vicinity of the FTZ/ITC development, sewerred, developed with a train station.

**What is it in Current State Plan:**

PA5

**What is it in Preliminary State Plan:**

PA5

**Municipalities Affected:**

Mount Olive Twp;

**Data Source:**

Mount Olive Township

**Staff Response:**

We have not received digital mapping. From the printed map provided it is determined to be in an area with significant environmental constraints. There is already development in the area. The area is within the Highlands Planning region and noted as a Planned Community/Special Planned Area. Due to these various planning concerns, Mount Olive should seek Plan Endorsement.

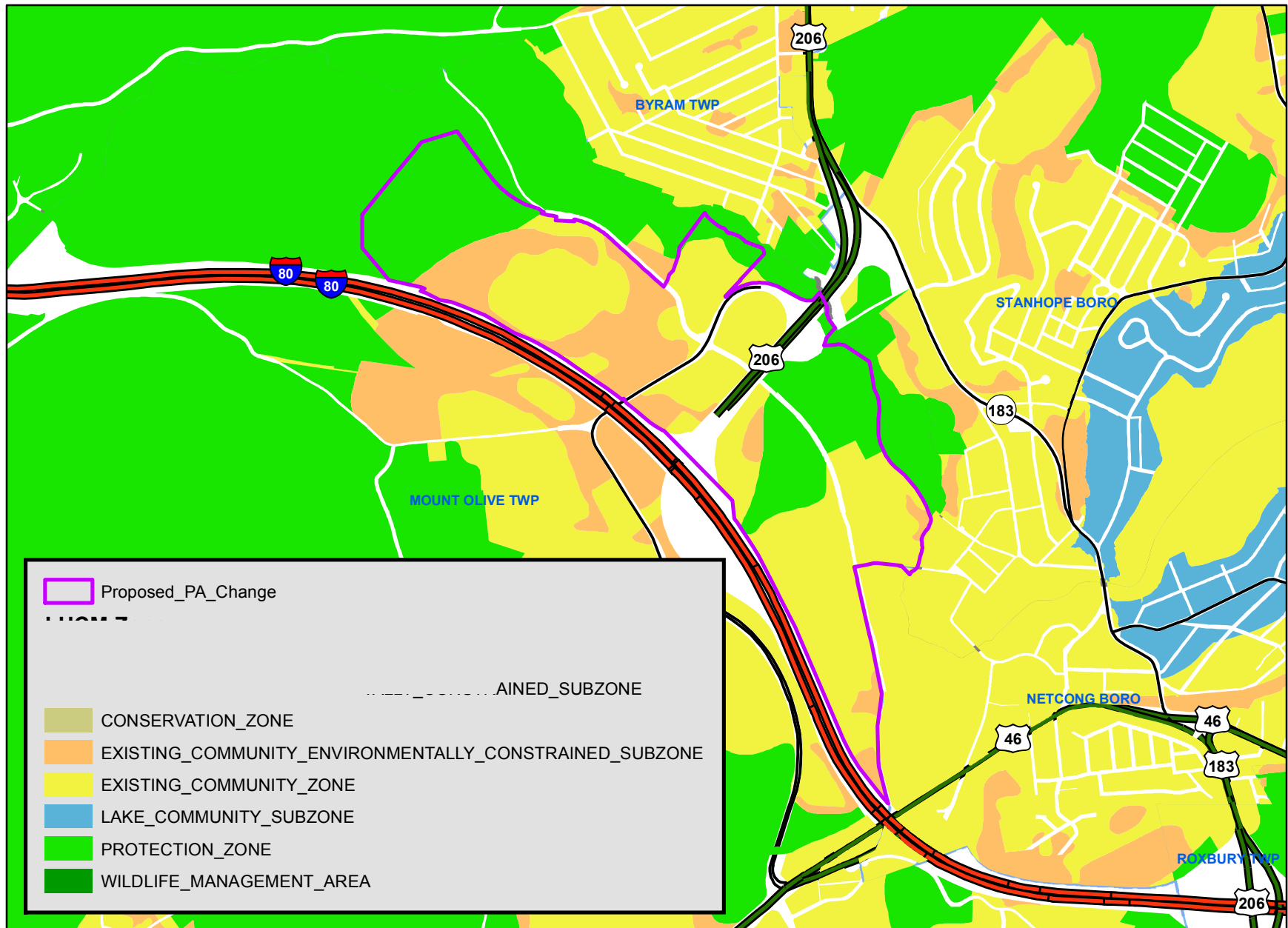
Additional information to be provided by NJ DEP. Due to the existence of environmentally sensitive features PA 2 boundary will be provided by OSG via agreement with NJ DEP.

**OSG STAFF TO STAFF RESPONSE:**

We agree to the amended shapefile submitted by NJ DEP. This file is saved in the ArcGIS Morris\_Working.mxd file at OSG.

08/02/2007 - Shapefile has been modified to include the BASF site. The change will be a Conditional Agreement, as the shapefile delineates a PA2 with CES.

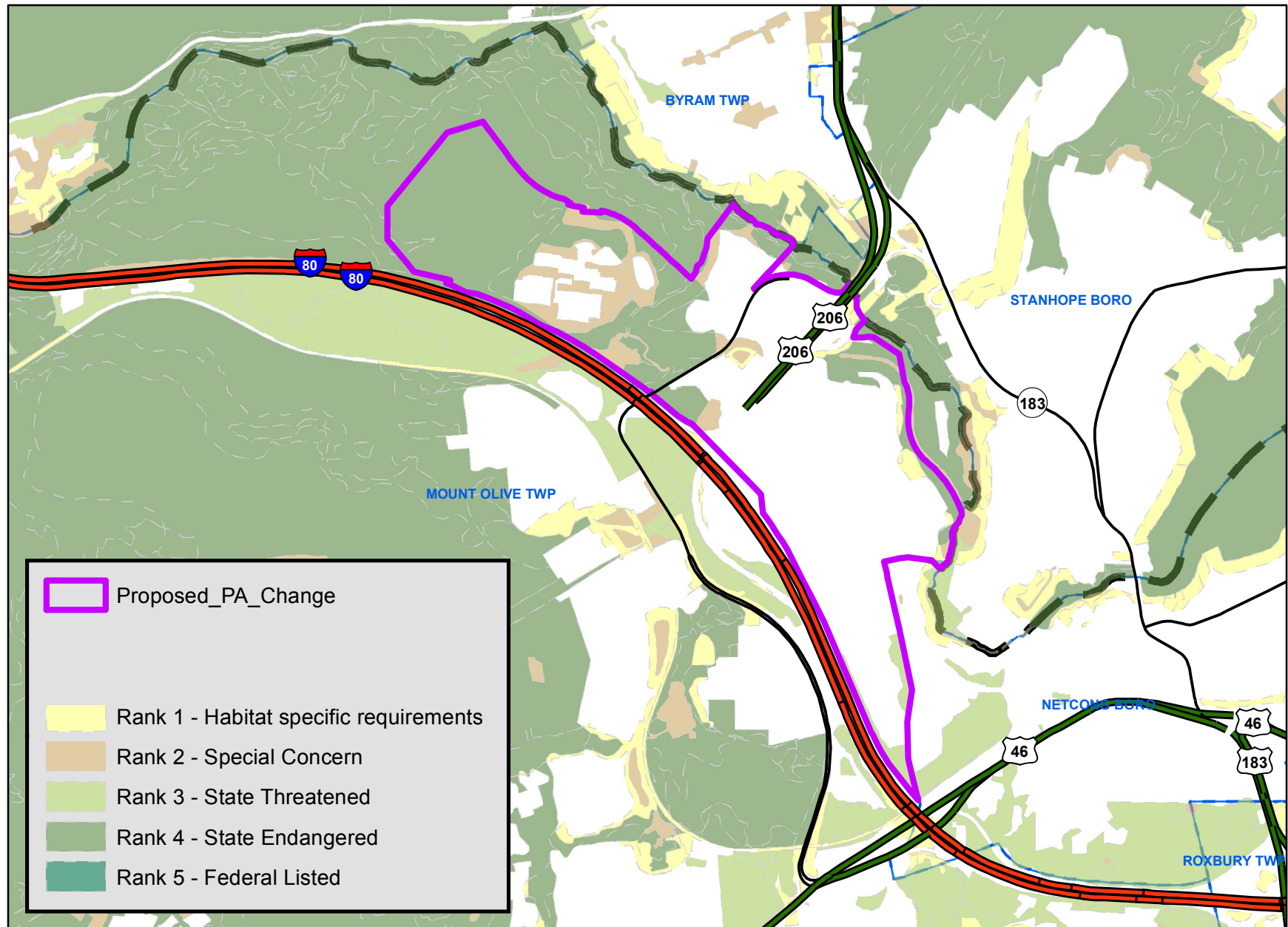
# EXHIBIT E: Highlands Zones in the Area of the Proposed Planning Area Change



Source:  
Office for Planning Advocacy



## EXHIBIT F: Ranked Habitat in the Area of the Proposed Planning Area Change

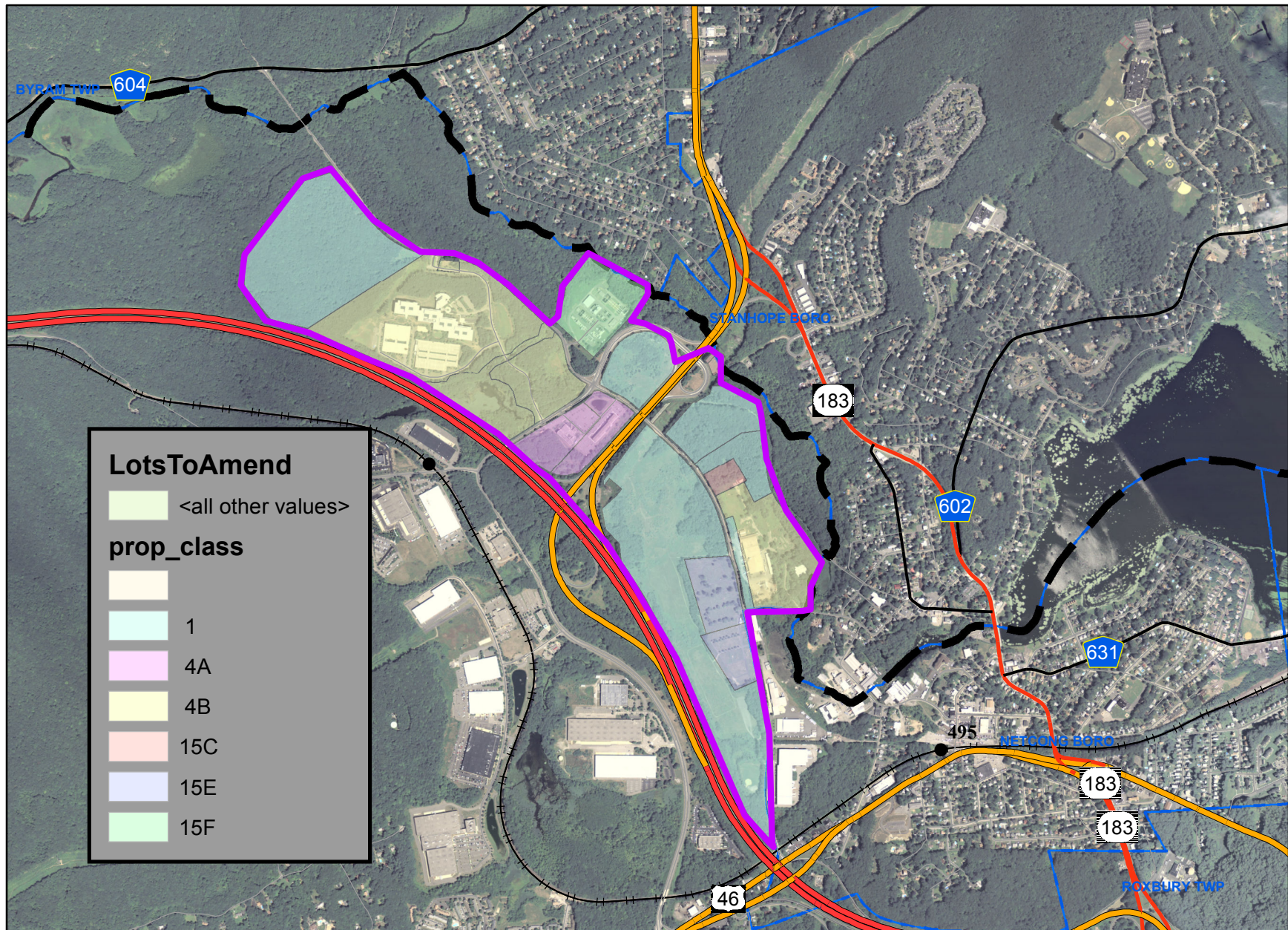


Source:  
Office for Planning Advocacy





# EXHIBIT G: Assessed Uses of the Proposed Planning Area Change



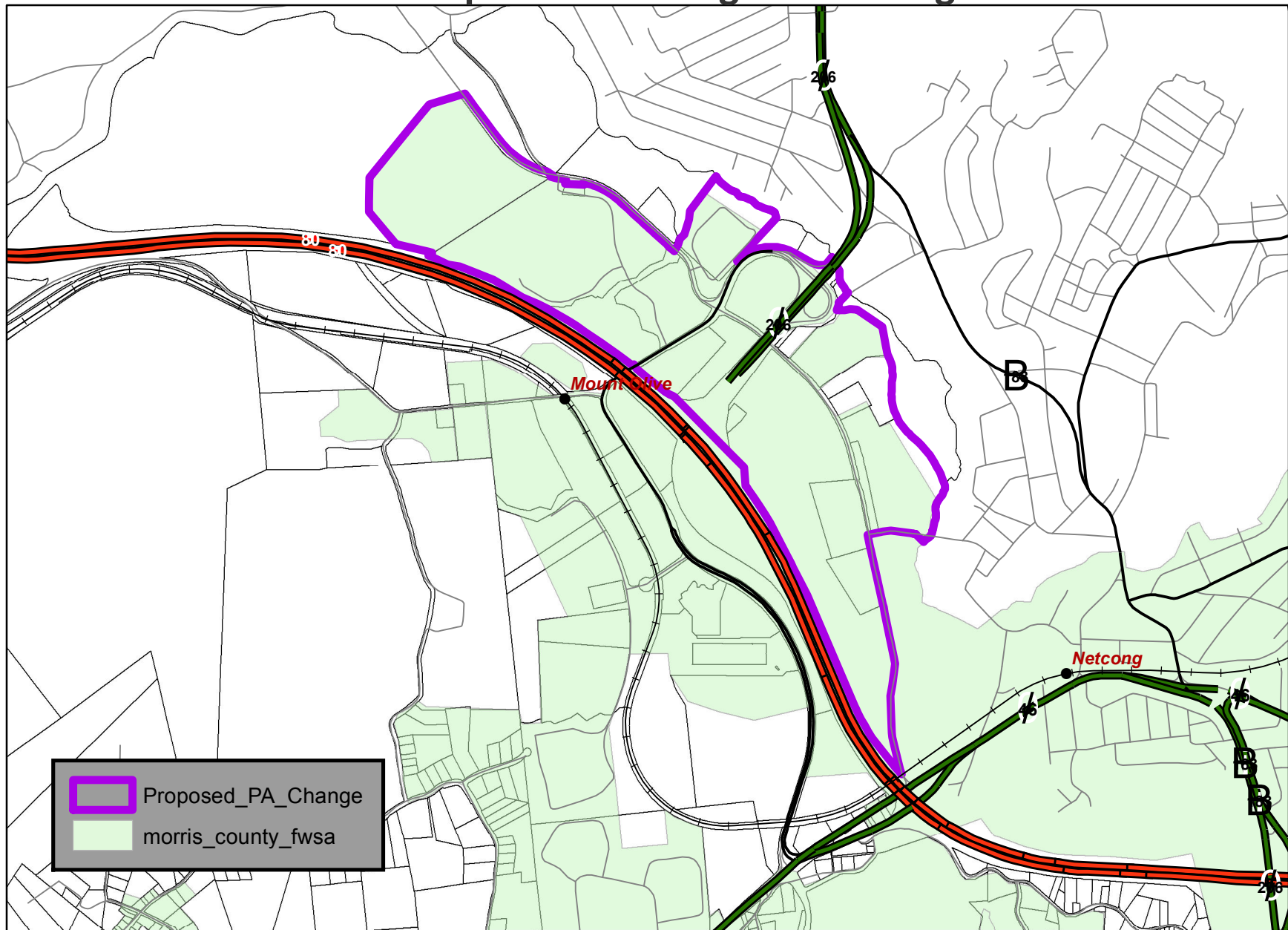
Source:  
NJ Dept. of State  
Business Action Center  
Office for Planning Advocacy  
August 2012

0 0.275 0.55 1.1 Miles





## EXHIBIT H: Draft Proposed Sewer Service Area and Proposed Planning Area Change in Mt. Olive



Source:  
NJ Dept. of State  
Business Action Center  
Office for Planning Advocacy  
August 2012

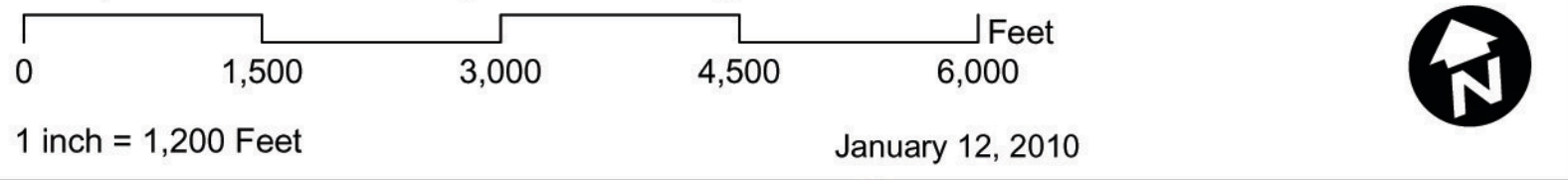
0 0.25 0.5 1 Miles





# Mount Olive Township Interim Draft

## Map 4M : Municipal Zoning



### Legend

- Wastewater Management Planning Area
- Municipal Boundaries
- Parcels
- Lakes/Ponds
- Rivers/Streams

### Existing Zoning

- Large Lot Single-Family
- Medium Lot Single-Family
- Small Lot Single-Family
- Low Density Multi-Family
- Medium Density Multi-Family
- High Density Multi-Family
- Mixed Use
- Retail/Service
- Commercial/Industrial
- Commercial/Private Recreation
- Public/Institutional

### Data Sources:

- NJ Department of Environmental Protection
  - Lakes/Ponds; Rivers/Streams: NJDEP SWQS Dated approx. 2006
- Morris County Planning & Development - GIS
  - Wastewater Management Planning Area
  - Municipal Boundaries
  - Parcels
  - Major Roads (Labels)
  - Existing Zoning/Overlay Zones\*\*
- \*\* Data contains municipal input and quality control

### Notes:

- All areas not mapped as sewer service areas default to the general service area with discharge to groundwater of 2,000 gallons per day less.
- All existing, new, or expanded industrial pretreatment facilities requiring Significant Indirect User (SIU) permits and/or Treatment Works Approvals, and which are located within the specified sewer service area, are deemed to be consistent.
- Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities) which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this WMP and compliance is required. Please see municipal WMP Chapters for the existence of any applicable environmentally sensitive areas in which Federal 201 grant limitations prohibit the extension of sewer service.
- The 300 foot riparian buffer has been applied to the applicable waterways and removed from the proposed sewer service areas on the mapping. Lesser width buffers have not been graphically removed from the sewer service area but are not proposed for sewer service. Counties may map out the lesser width buffers also but the 300' buffers are the minimum, the lesser buffers are removed during the build-out analysis.] Jurisdictional determinations by the Department will be utilized to determine the extent of the sewer service area on individual lots.
- Individual subsurface sewage disposal systems (ISSDS) for individual residences can only be constructed in depicted sewer service areas if legally enforceable guarantees are provided, before such construction, that use of such systems will be discontinued when the depicted sewer service becomes available. This applies to ISSDS that require certification from the Department under the Realty Improvement Sewerage and Facilities Act (N.J.S.A. 58:11-23) or individual Treatment Works Approvals or New Jersey Pollutant Discharge Elimination System Permits (under N.J.A.C. 7:14A). It also applies to ISSDS which require only local approvals. Compliance with the connection requirement has been demonstrated through adoption of [name of municipality or sewerage authority] Ordinance [insert ordinance #].
- Development in areas mapped as wetlands, flood prone areas, designated river areas, or other environmentally sensitive areas may be subject to special regulation under Federal or State statutes or rules. Interested persons should check with the Department of Environmental Protection for the latest information. Depiction of environmental features is for general information purposes only, and shall not be construed to define the legal geographic jurisdiction of such statutes or rules.
- Pursuant to N.J.A.C. 7:15, Riparian zones are: 300 feet from top of bank (or centerline of a first order stream where no bank is apparent) for waters designated as Category One and all upstream tributaries within the same HUC 14; 150 feet for waters designated Trout Production and all upstream waters; 150 feet for water designated Trout Maintenance and all upstream waters within one linear mile as measured along the length of the regulated water; 150 feet for any segments of water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the surface water body; 150 feet for waters that run through acid-producing soils, and; 50 feet for all waters not designated as C1, trout waters, critically water dependent Threatened and/or Endangered Species Habitat, or associated with acid soils.
- Surface waters that are designated Category One are listed in the Surface Water Quality Standards at N.J.A.C. 7:9B. The Department's "Surface Water Quality Standards" GIS data layer was utilized to determine these waters. The applicable 300 foot buffer has been applied to these waterways and removed from the proposed sewer service areas on the mapping. Lesser width buffers have not been graphically removed from the sewer service area but are not proposed for sewer service. Counties may map out the lesser width buffers also but the 300' buffers are the minimum, the lesser buffers are removed during the build-out analysis.] Jurisdictional determinations by the Department will be utilized to determine the extent of the sewer service area on individual lots.
- Further, compliance with the riparian zone standard has been demonstrated by the adoption of [name of mun]’s Riparian Corridor Ordinance [insert ord #], which has been updated to be in compliance with the Flood Hazard Control Act Rules (N.J.A.C. 7:13) and Water Quality Management Rules (N.J.A.C. 7:15), was adopted on [insert date].



Municipal Locator