



State of New Jersey

DEPARTMENT OF STATE
OFFICE FOR PLANNING ADVOCACY
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CHRIS CHRISTIE
Governor

GERRY SCHARFENBERGER, Ph.D.
Director

KIM GUADAGNO
Lieutenant Governor

November 15, 2011

The Honorable Mayor Ray Heck
Millstone Borough Hall
1353 Main Street
Millstone, NJ 08844

Re: Millstone Borough Petition for Plan Endorsement (PE) – Consistency Report

Dear Mayor Heck:

The Office for Planning Advocacy (OPA) and our state agency partners have substantively reviewed the petition submitted by the Borough of Millstone for Plan Endorsement and would like to commend the Borough for its active participation and dedication to the Plan Endorsement process. However, there are consistency issues that need to be addressed prior to receiving endorsement from the State Planning Commission (SPC). OPA and our state agency partners are committed to working with the Borough and Somerset County to establish a timeline to address the consistency issues outlined in this report in order for Millstone Borough to receive plan endorsement from the State Planning Commission.

We understand that the outstanding items will take time to complete and may be delayed due to budgetary constraints. As you move forward with your open space, flooding issues and redevelopment plans, you are positively affecting Millstone. You are addressing a number of issues that are aligned with the goals of the State Development and Redevelopment Plan. It is with that in mind that we want to help you reach your planning goals.

STATE AGENCY CONSISTENCY REVIEW

Accompanying the Consistency Report is a Draft Action Plan and guidance documents from the Departments of Transportation and Environmental Protection. Please add/or correct timelines to the Action Plan which will comfortably allow you to complete the outstanding items. This Action Plan is subject to agreement between the petitioning municipality and OPA. Once agreement is reached regarding the items and timelines within the Action Plan, and the MOU is authorized by the petitioning municipality's governing body, it is expected that the municipality and State will address these items and timelines accordingly. In the event that the Borough

fails to address the Action Plan or does not effectively communicate their efforts, the petitioning municipality will be deemed to have defaulted in its obligations and the petition may be withdrawn. Once the tasks on the Action Plan are complete, the SPC will consider your petition for endorsement.

MISSING INFORMATION

The following items are requirements for PE that need to be submitted before your petition can be fully evaluated. It is possible that some of these items are addressed in another document or form. There may also be material that is not relevant to a community like yours. Please submit them to us as soon as possible or let us know what documents exist that could be substituted. You may also seek waivers from submitting material, but must provide us reasons why it is not necessary.

Board of Education Five-Year Facilities Plan

The Borough of Millstone shall submit the Board of Education's Five-Year Facilities Plan. Like the importance of other community facilities, schools should be appropriately sited within a municipality. Where possible they should be within walking distance for students. Walking paths or sidewalks should be located away from fast moving traffic to accommodate younger students. Schools in particular play a significant role in a municipality's built environment due to their potential impacts, both positive and negative, on community development, land use and transportation. It is critical that land use decisions and school siting be coordinated. Schools should not be isolated campuses, but part of the neighborhood fabric, doubling as focal points for the community as a whole. Whether by local streets and or walking/biking paths, schools should be accessible by modes other than the car or school bus, thereby helping to reduce transportation costs. Where possible, walking/biking should be the primary mode of access for schools.

Emergency Operating Plan

The petition shall include formal evidence that the Borough has an Emergency Operating Plan approved by the New Jersey State Police. An approval letter from the State Police may be submitted in lieu of the full Plan.

Wastewater Quality Management Plan

The Borough of Millstone should continue to work with Somerset County to ensure that it is properly represented in the proposed Somerset County Wastewater Management Plan. Millstone shall continue to provide sufficient and appropriate data (zoning, treatment plant data, projections etc.) to Somerset County to assist in development of the Somerset County Wastewater Management Plan. The result will be a Chapter in the Somerset County Wastewater Quality Management Plan.

To ensure that the plan will be implemented appropriately a suite of ordinances will need to be adopted (See DEP Guidance for further details),

- Stream Corridor/Riparian Protection
- Steep Slopes
- Water Conservation
- Wellhead Protection

Floodway and Floodplain

As Millstone continues with its redevelopment efforts, plans must make sure that they mention potential flooding and that where necessary the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq. and its implementing rules at N.J.A.C. 7:13. et seq may affect the development. The Flood Area Control Act and its implementing rules are specifically mentioned because certain land disturbances in the Floodway and Floodplain are prohibited.

Other Required Missing Documents

- Recycling statement of consistency (See DEP Guidance Document)

- Open Space and Recreation Plan (See DEP Guidance Document)

You need to submit these documents, provide a relevant alternative or seek a waiver from these items.

CENTER BOUNDARY

We discussed limiting the center boundary to the entire municipality with exception of the portion that has been sold to Somerset County. Please see the DEP Guidance document where they highlight their rationale to make planning area modifications along with establishing the center boundary. As you move forward, we need to understand your position regarding the center boundary and any changes to the State Plan Map.

POTENTIAL CONSISTENCY ISSUE

While the Borough submitted population growth estimates through 2030, these numbers should be confirmed by the County as they complete their population growth projections that are required for the County Wastewater Quality Management Plan.

CONCLUSION

Pursuant to N.J.A.C. 5:85-7.5 (f), the Borough must submit the additional information requested above in order for your plan to be evaluated for consistency with the goals, policies and strategies of the State Plan. OPA and our state agency partners will work with the Borough to revise the petition to include the items identified within this letter and to help the Borough achieve plan endorsement. Again, we look forward to meeting with you to discuss the next steps.

Thank you again for your commitment to the Plan Endorsement process. If you have any questions or concerns, please feel free to contact Barry Ableman, Principal Planner for Somerset County, at (609) 292-3228 or via email at bableman@dca.state.nj.us.

Sincerely,



Gerry Scharfenberger
Director

Attachments

GS:ba

- c: Bob Bzik, PP/AICP, Somerset County Planning Director (via email)
Gregory Bonin, Millstone Borough Clerk (via email)
Carter van Dyke, PP/AICP Millstone Planner (via email)
Lynn Reynolds, Planning Technician for Carter van Dyke Associates (via email)
Millstone Borough Plan Endorsement File