State of New Jersey
DEPARTMENT OF STATE
OFFICE FOR PLANNING ADVOCACY
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Governor

KIM GUADAGNO
Lieutenant Governor

GERRY SCHARFENBERGER, PH.D.
Director

May 17, 2011

The Honorable George Harper
Mayor, Township of Sandyston
133 Route 645
Sandyston, NJ 07826

Re: Sandyston Township Petition for Plan Endorsement – Consistency Report

Dear Mayor Harper:

The Office for Planning Advocacy (OPA) and our state agency partners have substantively reviewed the petition submitted by the Township of Sandyston for Plan Endorsement and would like to commend the Township for active participation and dedication to the Plan Endorsement process. However, consistency issues remain that need to be resolved prior to endorsement. OSG and our state agency partners are committed to working with the Township to establish a timeline to address the consistency issues outlined in this report in order for Sandyston Township to receive plan endorsement from the State Planning Commission and to achieve Center designation.

STATE AGENCY CONSISTENCY REVIEW

Accompanying the Consistency Report is a Draft Action Plan. Please add timelines to the Action Plan. This Action Plan is subject to agreement between the petitioning municipality and OSG. Once agreement is reached regarding timelines within the Action Plan, and the MOU is authorized by the petitioning municipality's governing body, the timelines within the Action Plan will be binding and non-negotiable. In the event that the Township fails to meet the timelines agreed to in the Action Plan, the petitioning municipality will be deemed to have defaulted in its obligations and the petition maybe withdrawn. Once the tasks on the Action Plan are complete, the State Planning Commission will consider endorsement.

INCONSISTENCIES

INTERNAL INCONSISTENCIES

There is an internal inconsistency in the 2008 Master Plan that requires clarification. Goal 15 of the 2008 Master Plan is, "To promote consistency with the Sussex County Strategic Growth Plan and the SDRP by obtaining Plan Endorsement from the State Planning Commission for the designated centers of Layton and Hainesville, **encouraging high density mixed use development in these centers, and pursuing the necessary infrastructure to support these centers**. Page 23 of the Master Plan states, "There are three Village Districts recommended to provide for mixed use

commercial, office, services, light industrial and residential needs. While the Village Districts promote a more compact mixed use development pattern, public sewer and water systems are not provided, nor planned for at this time." After reading the master plan, it's unclear if the Township is committed to planning for public water and sewer systems in the centers. Township representatives have confirmed that infrastructure is not desired and the remainder of these comments will reflect this position but the Master Plan must be clarified.

ADJUSTMENTS OF SCALE

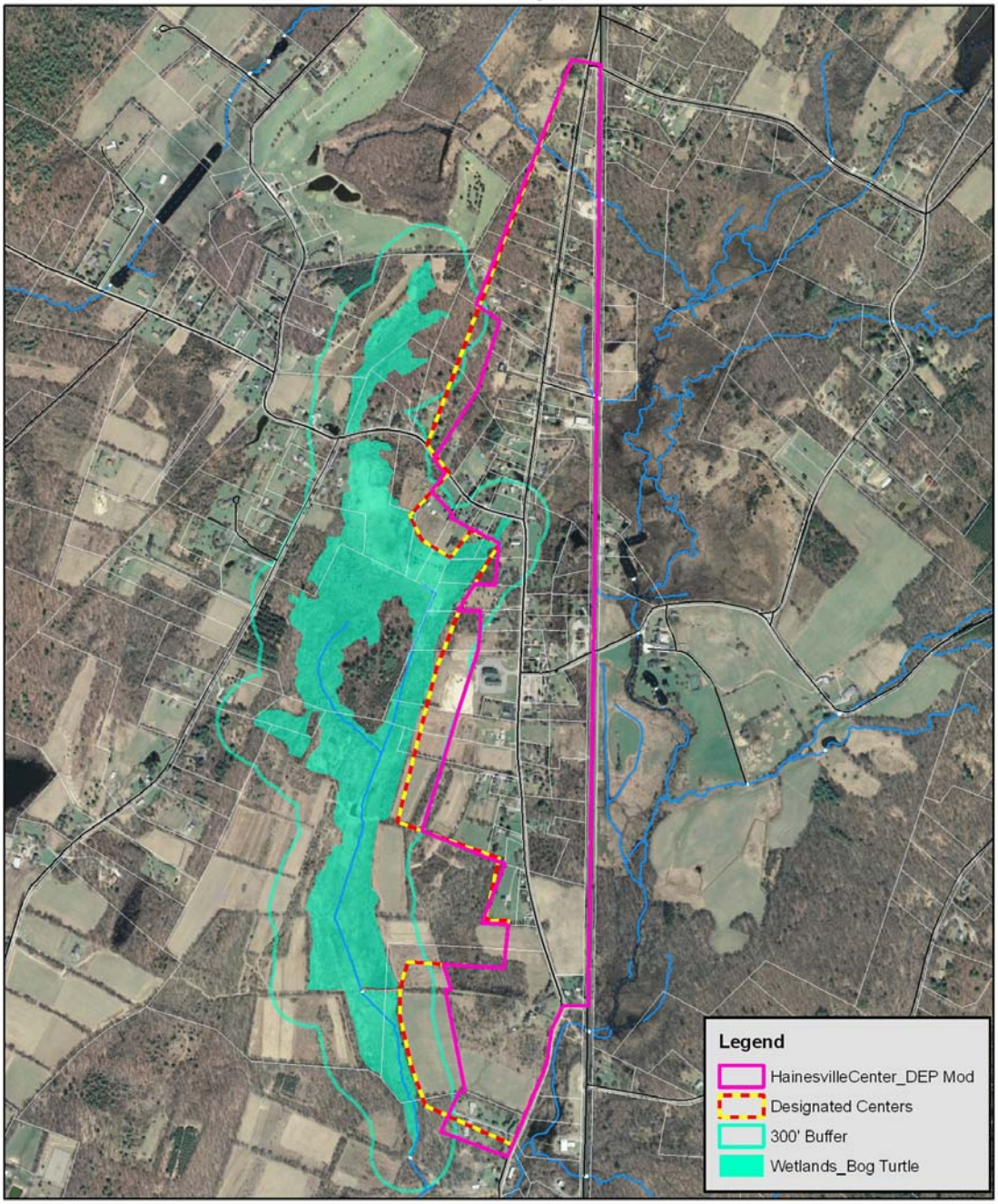
The Office for Planning Advocacy's Opportunities and Constraints Analysis determined that the Valley Residential Zone (the RB zone) contains 1,140 acres of developable land and may yield 670 homes. The RA and RC zones contain 1,200 developable acres and may yield 350 homes at buildout. The commercial zones only contain 300 acres of developable land. This growth potential is acknowledged in the 2008 Master Plan. Page 28 states, "As growth pushes north from large population centers in central New Jersey and the New York Metropolitan region, residential subdivisions pose the greatest threat to environmental, cultural and historic resources in the Township." The Township should work with DEP, OPA and the County to develop a strategy to cluster density in the RA, RB and RC zones at appropriate locations in the HUC(s). OPA has sample ordinances that they municipality can customize. The Township's chapter of the Wastewater Management Plan should reflect this strategy.

CENTER BOUNDARY

The center boundaries may require revision based on a range of factors, including the presence of environmentally sensitive features and design that corresponds with the community vision.

DEP supports the re-designation of the Layton Village Center without modification. DEP supports the re-designation of the Hainesville Village Center, with minor modification of the boundary. DEP staff has identified habitat for a federally listed endangered species – Bog Turtle in Sandyston Township. DEP is proposing that these areas be removed from the Hainesville Village Center or that a Phase 1 Assessment to determine whether or not the wetlands in question are actually suitable as bog turtle habitat. A Phase I Assessment determines whether or not suitable habitat exists. The center boundary was generally modified to remove undeveloped lands within 300 feet of these wetlands from the center. Should Sandyston Township disagree with these modifications, in order to change the center boundary back to its previously adopted delineation, DEP would require a Phase I Assessment that demonstrates that the wetlands in question are not actually suitable as bog turtle habitat. A Phase I Assessment determines whether or not suitable habitat exists. A Map of DEP's modified center boundary is below.

SandystonTownship, Sussex County
Opportunities & Constraints Analysis
Hainesville Village Center



CENTER FUNCTION AND DESIGN

Two of the Township's Commercial zones (V-1/Highway Village and V-3/Lakeside Village) do not contain the information necessary to convey the Townships expectations and the Township's vision. The Master Plan provides additional information about these two zones. The Highway Village District is comprised of land fronting along US Route 206, County Route 645, 654 and Layton-Hainsville Road in Hainsville Center and at Tuttles Corner (at the intersection of US Route 206 and County Route 560). The purpose of this district is to provide for mixed use commercial, office, services, light industrial and residential needs in two compact areas along the US Route 206 corridor. The Lakeside Village Area includes lands along US Route 206 directly adjacent to Kittatinny Lake. The purpose of this district is to provide for neighborhood commercial uses with one single family residential unit permitted on the second floor of each building. Minimum lot sizes in both districts are flexible and should be

determined based on the use(s) and planning and engineering requirements to provide for well and septic systems. More than one use should be allowed per lot and design standards (including signage) should be applied to provide harmony of design in the Village Districts.

The ordinance must provide the enough detail for the Land Use/Planning Board to make accurate, predictable decisions that support the municipal vision. Specifically, **"More than one use should be allowed per lot and design standards (including signage) should be applied to provide harmony of design in the Village Districts."** These standards should be in place so that any new development will conform to the Township's preferred design scheme. DEP requires the adoption of an Environmental Assessment ordinance, the requirements of which may not be waived, at a minimum, within the areas identified as Bog Turtle habitat or any Natural Heritage Priority Sites. DEP also requires a water conservation ordinance be adopted prior to endorsement.

TRANSPORTATION

The Township's 2008 Master Plan update expresses the goal of ensuring the relocation of transportation corridors away from developed areas and promoting the continued safe free flow of traffic by discouraging strip development and other inappropriate uses along existing and proposed transportation corridors. The Township's objectives of launching streetscape, sidewalk and crosswalk improvements in the Village Centers, as well as building bicycle paths throughout the Township, demonstrates consistency with the Department of Transportation's Complete Streets policy.

The Township needs to demonstrate compliance with Municipal Land Use Law (MLUL) provision that zoning along the state highways conform to the State Highway Access Management Code. The Office for Planning Advocacy has completed a preliminary assessment of the zoning along Route 206 and the Highway Access Management Code. DOT and OPA will provide additional assistance/information if necessary.

At the Pre-Petition meeting on Township officials mentioned transportation problems that are not reflected or addressed in the circulation element. The Township mentioned that commuter traffic, bridge traffic, parking and goods movement patterns are all creating transportation issues. The Township is receiving assistance from NJDOT's Local Planning and Transportation Assistance Program. The results from this work should be incorporated into a circulation element, parking ordinances and the official map as appropriate so that these issues can be addressed.

OPEN SPACE

Open Space plans should target the most environmentally sensitive areas, but should also provide connections between spaces to create a comprehensive trail network as well as provide additional safeguards for the stability of ecosystems. The Township has identified as a recommendation to pursue the possibility of a dedicated tax for municipal open space acquisition and recreation facility development. (Master Plan page 37). The Recreation Element included as part of the Township's Master Plan meets the requirement of Plan Endorsement; however, DEP must receive the ROSI and the GIS Shapefile to ensure enhanced coordination.

AGRICULTURE

There are documents required to qualify for the Planning Incentive Grants (PIG). If the township would like to qualify for PIG funding, the Township must submit an agriculture retention plan that meets the requirements of the SADC Municipal Planning Incentive Grant (PIG) application. The Department of Agriculture requires an Agricultural Advisory Committee, made up of at least 3, but not more than 5 residents of the municipality. A majority of the members must be actively engaged in farming and own a portion of the land they farm. The Township must also establish and maintain a dedicated source of funding for farmland preservation or an alternative means of funding for farmland preservation.

The Agriculture Retention Plan should include, but not be limited to:

- An inventory of farm properties in the municipality and a map illustrating the significant areas of agricultural land. **(PIG)**
- A detailed statement of existing farming characteristics and potential direction for the future based on recent trends. **(PIG)**

- A detailed statement showing that municipal plans and ordinances support and promote agriculture as a business. **(PIG)**
- A plan projecting the acreage to be preserved in year one, year three, year five and year 10 by leveraging monies made available by the Garden State Preservation Trust Act. **(PIG)**
- A description and illustration of how the areas targeted for preservation relate to the areas targeted for growth in the municipality and region based on the county's growth projections.
- Plans, adopted by the municipality, to enhance the development of the agricultural industry in the municipality. **(PIG)**
- A description of how the Ag Retention Plan addresses the 23 agricultural policies of the State Plan.
- A list with descriptions of all planning techniques adopted by the municipality that channel growth into mixed-use compact development forms, including small scale clustering in agricultural areas.
- A description of the buffer requirements as adopted by the municipality that separate agricultural uses from other land uses.
- A description of strategies, adopted by the municipality, that support and encourage farmer participation in State and Federal farm conservation programs.
- Illustration of periodic outreach strategies, adopted by the municipality, including the use of landowner surveys.
- Illustration of periodic outreach strategies, adopted by the municipality, including the use of educational forums.
- Documentation reflecting how the municipality supports the implementation of the Right-to-Farm Act adopted by the municipality.

CONCLUSION

Pursuant to N.J.A.C. 5:85-7.5 (f), the Township 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. OSG and our state agency partners will work with the Township to revise the petition to include the items identified within this letter and to help the Township 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 Kate Meade, Planner for Sussex County, at (609)-633-8573 or via email at kmeade@dca.state.nj.us.

Sincerely,

Gerry Scharfenberger
Director

Attachments

GS:km

c: Amanda Lobban, Sandyston Township Clerk *(via email)*
Sharon Yarosz, Sandyston Township Land Use Administrator, Planning Board Secretary *(via email)*
Jessica Caldwell, PP/AICP, Harold E. Pellow and Associates (*via email*)
Eric Snyder, Planning Director, Sussex County Planning Department (*via email*)
Alan Miller, Plan Endorsement Coordinator, OSG (*via email*)
Karl Hartkopf, PP/AICP, Planning Director, OSG (*via email*)
OSG Interested Parties (*via email*)
State Agency Partners (*via email*)
Sandyston Township Plan Endorsement File