



State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JIM RILEE
Chairman

EILEEN SWAN
Executive Director

FINAL DRAFT CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

**AMENDED PETITION FOR PLAN CONFORMANCE:
PROPOSED HIGHLANDS CENTER DESIGNATION
LOPATCONG TOWNSHIP, WARREN COUNTY**

Prepared by the State of New Jersey Highlands Water Protection and
Planning Council in Support of the Highlands Regional Master Plan

**DECEMBER 19,
2011**

INTRODUCTION

The Township of Lopatcong submitted a Petition for Plan Conformance regarding the entire Township, which was approved with conditions by the Highlands Water Protection and Planning Council (“Highlands Council”) as Resolution 2011-11 on March 17, 2011. By Resolution R11-97, dated December 7, 2011, the Township of Lopatcong has petitioned the Highlands Council for consideration of an amendment to the approved Petition for Plan Conformance, to designate a Highlands Center for a portion of the Township. In addition, Lopatcong Township prepared a report, “Highlands Industrial Center Designation Study” dated December 14, 2011, which provides a detailed analysis of the Township’s amendment request.

The Highlands Center will provide for significant community enhancement, redevelopment and development within a portion of the Planning Area, both north and south of State Route 57 and immediately east of the Town of Phillipsburg. It incorporates the most densely developed areas of the Township north of Route 57 and west of Strykers Road, and a portion of the area south of Route 57 and north of the border with the Township of Greenwich that is currently designated Conservation Zone. This latter area has a combination of agricultural uses, existing industries, the Ingersoll Rand Redevelopment Area as discussed in the Final Consistency Review and Recommendations Report (April 20, 2011), approved industrial developments that were not known to exist as of the creation of the Land Use Capability Map (LUCM) Zones for the Township of Lopatcong, and significant proposed industrial uses. In addition, the Highlands Center includes an area directly adjacent to the Pohatcong Township Highlands Center, encompassing a portion of the Phillipsburg Mall that extends into Lopatcong Township, and the adjacent parcel to the north (Block 102 Lot 3) which has preliminary approval for 240 residential units. Both are already designated as Existing Community Zone in the RMP.

This Final Draft Consistency Review and Recommendations Report (“Report”) has been prepared by the Staff of the Highlands Council. It provides information for consideration by the Highlands Council as to the consistency of the Amended Petition for Plan Conformance of the Township of Lopatcong, regarding the designation of a Highlands Center, with the Highlands Regional Master Plan (RMP). The Report provides review and discussion of the proposed Highlands Center, Staff findings, and preliminary recommendations for public comment and Highlands Council consideration.

Highlands Council Staff Report
Proposed Highlands Center Designation
Lopatcong Township, Warren County

Re:	Application Type:	<i>Proposed Highlands Center Designation</i>
	Name:	<i>Lopatcong Township Highlands Center</i>
	Municipality:	<i>Lopatcong Township</i>
	County:	<i>Warren County</i>
	Highlands Act Area:	<i>Planning Area</i>
	Proposed:	<i>Highlands Center for a portion of the Planning Area</i>

EXECUTIVE SUMMARY

The Township of Lopatcong has requested that the Highlands Council approve a Highlands Center as described in detail below, incorporating a portion of the Planning Area within the Township. With designation of the Lopatcong Township Highlands Center (refer to Figure 1 below for details), Lopatcong will be able to focus community enhancement, redevelopment and development activities within the Highlands Center, including designation of the Highlands Center (excepting environmentally sensitive areas) as Future Sewer Service Areas within the Lopatcong Township Wastewater Management Plan (WMP). The Highlands Council will work with the Township on development of the WMP incorporating this Highlands Center and other information pertinent to remaining portions of the Township. Designation of the Lopatcong Township Highlands Center will also require modifications to various Plan Conformance implementation components, including the Highlands Element of the Master Plan (Module 5) and the Highlands Area Land Use Ordinance (Module 6), completion of which will occur under the Amended Plan Conformance Grant Agreement approved by the Highlands Council and signed by the Township.

Lopatcong's revised Highlands Master Plan Element should provide for the following:

- a) Set aside specified areas intended to be Preserved Open Space and other areas within the Highlands Center that are essential to the protection of critical Highlands Environmental Resources, including:
 - a. The area designated as a Highlands Environmental Resource Site (located on Lopatcong Creek between Pudding Stone Way and Buckley Hill Drive); and
 - b. The Morris Canal and associated riparian area of Lopatcong Creek;
- b) Provide for areas of infill development and redevelopment that are both consistent with available water supply and wastewater treatment capacities, and designed in accordance with center-based, smart growth development standards;
- c) Utilize appropriate development for the industrial area that is consistent with available utility capacity; and
- d) Maintain applicability of the Highlands resource protection standards and requirements in the Highlands Land Use Ordinance to the maximum extent that is compatible with center-based development patterns.

These modifications will, in large part, supplant the density and intensity of development provisions currently included in Lopatcong's Highlands Element, specifically with respect to the proposed Lopatcong Township Highlands Center, and will be highly dependent upon the completion of an approved Lopatcong Township WMP that is reflective of capacity conditions existing at the multi-municipal Phillipsburg Sewerage Treatment Plant (STP).

The proposed Lopatcong Township Highlands Center includes a portion of the Planning Area, comprised of developed or partially developed lands and lands for infill development. This Highlands Center (see Figure 1) is located in the mostly developed area north of State Route 57, east of the Town of Phillipsburg and west of Strykers Road, and the partially developed area south of Route 57, east of Phillipsburg and north of the Township of Greenwich. It consists of the Ingersoll Rand Redevelopment Area (Block 101 Lots 1 and 1.01), the partially developed industrial area, a portion of the Phillipsburg Mall that extends into Lopatcong Township, the adjacent parcel to the north (Block 102 Lot 3) which has preliminary approval for 240 residential units, and certain agricultural lands in the area of State Route 22 and Strykers Road. As shown in Figure 1, the proposed Highlands Center is adjacent to and east of the Phillipsburg Highlands Town Center (approved October 13, 2011 by Highlands Council Resolution 2011-34), and adjacent to and north of the Pohatcong Township Highlands Center (approved August 3, 2011 by Highlands Council Resolution 2011-23), which in turn is adjacent to the Alpha Borough Highlands Center (approved August 3, 2011 by Highlands Council Resolution 2011-26), giving due consideration for linkages with similar planning activities in neighboring municipalities.

Lopatcong Township has provided information indicating that the Township has sufficient remaining available sewer capacity from the Phillipsburg Sewage Treatment Plant (STP) to address the wastewater needs of this proposed Highlands Center, as shown in Table 1. With all committed and planned flows accounted for, the Township estimates approximately 50,000 gallons per day (gpd) in unallocated flows, which will be available to projects within the Highlands Center to replace existing on-site discharges or support development and redevelopment not currently listed on Table 1. The Future Sewer Service Area will incorporate most, but not all, of the Lopatcong Township Highlands Center, and will be delineated in detail within the Lopatcong Township Wastewater Management Plan. No further extensions of the Future Sewer Service Area will be approved in the Lopatcong Township Wastewater Management Plan (WMP) absent proof that sufficient capacity exists for such extensions, taking into account all planned and potential flows within the Highlands Center, and inclusive of such proofs, the Highlands Council grants approval of either a Map Adjustment, extension of the Highlands Center, or public health and safety waiver. Aqua New Jersey is the public water supply system serving Lopatcong Township, and has adequate water supply available for the Highlands Center within its existing water allocation permit.

Designation of Lopatcong's proposed Highlands Center is proposed to advance the intents and purposes of both the Highlands Act and the Highlands Regional Master Plan (RMP). Lopatcong Township proposes that Highlands Center designation would have no negative impact upon the public good nor be detrimental to goals and purposes of the RMP or the local master plan. Designation would confer substantial benefits upon the municipality, the sub-region in which the municipality is located, and the Highlands Region as a whole. The Highlands Council will consider approval (with conditions) of this Highlands Center as a component of Plan Conformance for Lopatcong Township.

Proposed Rationale for Approval with Conditions of Highlands Center Designation

1. Lopatcong Township Highlands Center designation directly addresses the goals of the Highlands Act and of the RMP Future Land Use Program, which seek to identify suitable locations within the Planning Area of the Highlands Region in which to permit and encourage appropriate growth and development that is compatible with the existing community character.

2. The Lopatcong Township Highlands Center addresses RMP Policy 6F6 and Objective 6C1a. The plans provide for concentrated development within the community core; ensure protection of the surrounding environs; call for infill and redevelopment in appropriate locations that optimize the use of existing infrastructure; protect and enhance environmental features within the area; and importantly, focus development outside of the Highlands Preservation Area of the community.
3. The Lopatcong Township Highlands Center addresses the Sustainable Regional Economy component of the RMP by maintaining and expanding the existing job and economic base by promoting appropriate, sustainable and environmentally compatible economic development in the Highlands Region.
4. Of particular interest in this case, there is also potential for a coordinated effort between the municipalities of Lopatcong, Phillipsburg, Pohatcong, Greenwich and Alpha, all of which have submitted Petitions for Plan Conformance for their entire municipalities, to address capacity conditions associated with the multi-municipal Phillipsburg STP service area. The Highlands Council encourages and will strongly support exploration of a coordinated effort with these municipalities. It should be noted that at the current time, the existing wastewater allocations and remaining available capacities for the various municipalities appear sufficient to address wastewater needs for development that is consistent with the RMP and the approved Petitions for Plan Conformance.
5. The Lopatcong Township Highlands Center addresses the RMP's stream corridor protection and restoration policies along Lopatcong Creek and its tributaries in coordination with the Town of Phillipsburg's plans for the downstream portion of Lopatcong Creek
6. The Highlands Center offers opportunity for sustainable economic development and an opportunity to provide needed retail goods and services to the community and the larger region, while taking advantage of existing transportation links and infrastructure.

Conditions of Highlands Center Designation

1. The Lopatcong Township Highlands Center ordinance shall:
 - a. Identify environmentally sensitive lands as Highlands Environmental Resources and restrict future disturbance activities;
 - b. Maximize protection of Highlands resources within the context of center-based development;
 - c. Incorporate already-developed and brownfield areas having potential for infill development and redevelopment;
 - d. Utilize clustered development for residential development areas, as applicable; and
 - e. Achieve compact development of mixed-use areas.
2. The Lopatcong Township Highlands Center shall align development plans with available water supply and wastewater treatment capacities in accordance with a NJDEP-approved Wastewater Management Plan, which shall be developed through a coordinated effort of the Highlands Council, the Township and the Phillipsburg STP.
3. The Township shall develop through the Plan Conformance program an Agricultural Retention/Farmland Preservation Plan that identifies lands potentially benefiting from agricultural

retention and preservation mechanisms, especially those east of Strykers Road and north of Route 57 that meet the State Agriculture Development Committee's criteria for both tillable land and soil as identified in the Comprehensive Farmland Preservation Plan adopted by the County of Warren. The Agricultural Retention/Farmland Preservation Plan shall be developed using funds and models provided by the Highlands Council through the Amended Plan Conformance Grant Agreement.

4. Lopatcong Township shall develop a Stream Corridor Protection and Restoration Plan through the Plan Conformance program using funds and models provided by the Highlands Council through the Amended Plan Conformance Grant Agreement, with emphasis on the Lopatcong Creek tributary parallel with and to the east of Red School Lane. The Township and the Highlands Council will coordinate with the Town of Phillipsburg regarding its Stream Corridor Protection and Restoration Plan for the downstream portion of Lopatcong Creek.
5. The Township shall prepare the Master Plan Highlands Element revisions as set forth above (see Executive Summary) for incorporation into that document and, pending Highlands Council approval, adoption by the municipal Planning Board.
6. The Township shall prepare for Highlands Council approval, Highlands Center ordinance provisions (to be incorporated as a component of the draft Highlands Area Land Use Ordinance) that include the relevant development and redevelopment conditions required by the RMP Water Resources and Water Utilities Program, and the Future Land Use Program - Low Impact Development, Redevelopment, and as applicable, Housing and Community Facilities components. The ordinance provisions shall incorporate Highlands resource protection requirements as provided within the model Highlands Land Use Ordinance to the maximum extent practicable within the context of center-based development, and shall comply with relevant State laws and regulations.
7. The Lopatcong Township Highlands Center designation and associated ordinance provisions shall incorporate existing developed areas and areas that are appropriate for redevelopment in the Planning Area. Highlands Center designation allows for redevelopment to occur within the Center area without further Highlands Planning Area Redevelopment Designation requirements. As discussed in the Final Consistency Review and Recommendations Report (page 14), planning for the Ingersoll Rand tract will be coordinated with the Town of Phillipsburg. The results of this planning will be provided to the Highlands Council.
8. The Lopatcong Township Highlands Center shall incorporate the Low Impact Development principles espoused by the RMP Low Impact Development Program.
9. Lopatcong Township shall develop a Sustainable Economic Development Plan protection and support for historic and scenic resource features and regional economic factors in support of Highlands Center designation using funds and technical support provided by the Highlands Council through the Amended Plan Conformance Grant Agreement.

Figure 1: Proposed Lopatcong Township Highlands Center

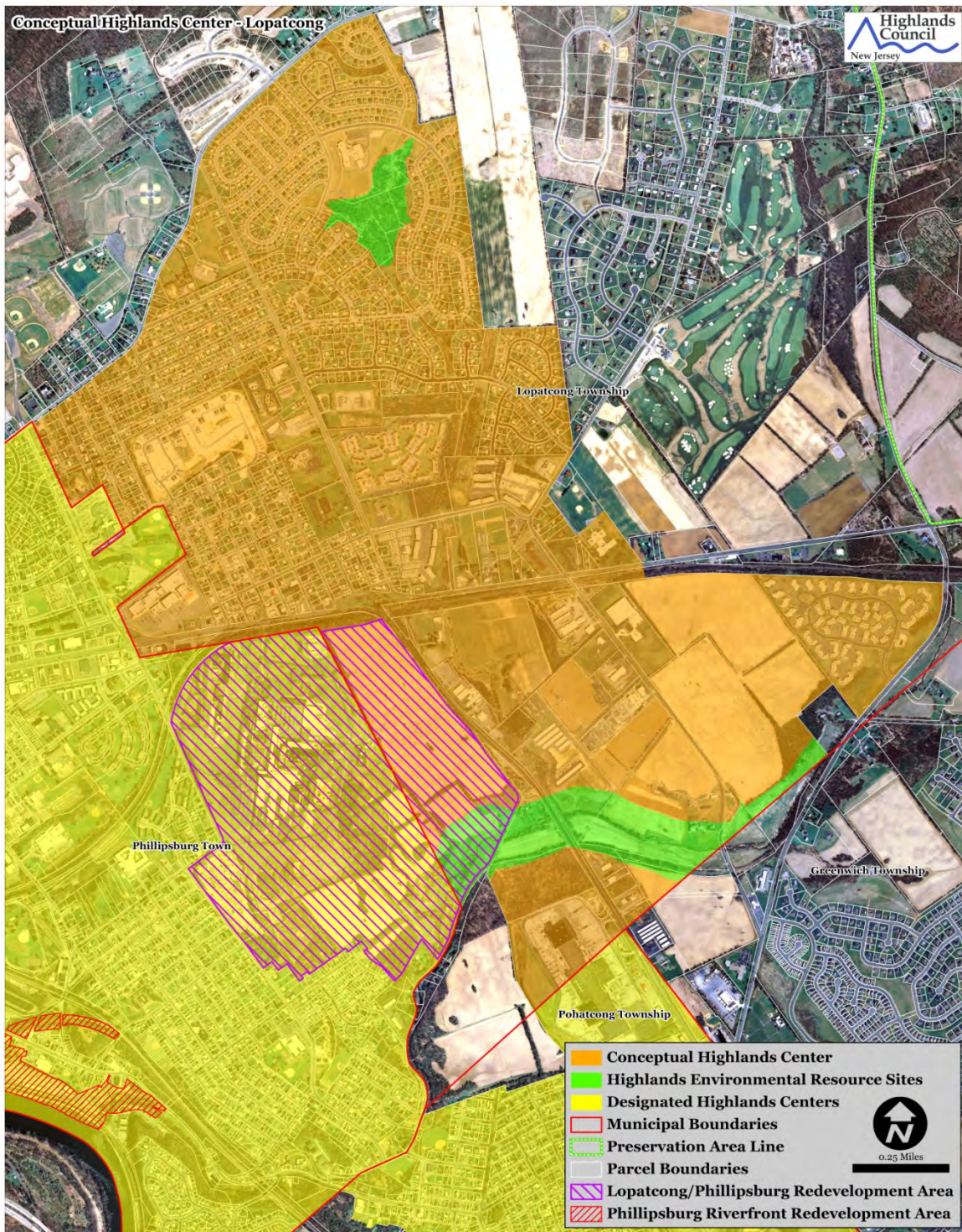


Table 1			
Township of Lopatcong Sewer Service Commitments*			
			Actual (GPD)
Existing Township Flow to STP (Average from Nov '10 - Oct '11)			505,733
Maximum 3-Month Flow to STP (2009 through 2011)			556,300
Note: MAX3MO in gpd as of early 2010. A higher MAX3MO flow (598,200 gpd) occurred in 2011, affected by tropical storms that occurred in August/September 2011. However, the 2010 value is considered a more appropriate measure of high flow periods.			
Properties	Block	Lot	Design Flow (GPD)
Committed or Projected Flows from Approved but Undeveloped Properties within the Current Service Area			
Warren Heights (1BR) - 3 units			450
Warren Heights (2BR) - 2 units			450
Delaware Crossing (2BR AR) – 88 units			14,900
Scenic Ridge – 42 units			12,600
Unistar Strip Mall – failing septic system, existing development	95	36.01, 37	2,500
(Sub-Total)			30,900
Committed or Projected Flows from Other Approved or Anticipated but Undeveloped Properties			
Ingersoll Rand Site (550,000 sq. ft.)	101	1, 1.01	55,000
20.65 acre site adjacent to Phillipsburg Mall, ECZ. 240 units?	102	3	50,000
Remaining Affordable Housing Obligations – 65 units			20,000
Data Center	99	6	44,500
(Sub-Total)			169,500
Total Commitments (GPD)			202,900
MAX3MO Flow Plus Existing/Anticipated Commitments (GPD)			759,200
Lopatcong Allocation to STP (GPD Monthly Max)**			801,000
Balance (GPD)			41,800

*Information provided on behalf of Lopatcong Township by Joseph Pryor, PE, Kupper Associates.

**Subject to verification per NJDEP regarding 20,000 gpd transfer to Pohatcong that is currently in dispute. Lopatcong Township has provided a copy of the two contractual agreements with the Town of Phillipsburg regarding the 801,000 gpd of total allocated capacity.

APPENDIX A

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Amended Petition for Plan Conformance

Lopatcong Township, Warren County