



FLEMINGTON Hunterdon County

State Agency Opportunities & Constraints Analysis



August 25, 2010
Office of Smart Growth
Department of Community Affairs
State of New Jersey

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Also in this Report:

Analysis from NJ Department of Environmental Protection

Analysis from NJ Department of Transportation

Analysis from NJTransit

In this report: Scenes from Flemington.

Introduction

On July 9, 2009 the Borough of Flemington in Hunterdon County submitted their Municipal Self-Assessment Report along with all other relevant information to the New Jersey Office of Smart Growth (OSG). As such, OSG and our partner State Agencies have preliminarily assessed local opportunities and constraints, as it relates to existing development, current zoning regulations, infrastructure and natural resources. This report provides for a comparison of information to the Municipal Self-Assessment Reports with the most up-to-date regional and statewide data to determine whether trend growth is sustainable and viable based on the information provided. This information is intended to guide and direct the Community Visioning Process as to develop a vision with a twenty-year planning horizon. The vision shall provide for sustainable growth, recognize fiscal constraints, housing needs and protection of natural, historic and agricultural resources. Community visioning shall take into consideration the findings and conclusions of the Municipal Self-Assessment and the State Agencies' Opportunities and Constraints Analysis.

Background

The Borough of Flemington was designated a Town Center by the State Planning Commission (SPC) on December 5, 2001. The Town Center original expired on January 7, 2008, but was extended by the Permit Extension Act until June 30, 2013. They have actively been seeking Plan Endorsement to extend the Center beyond the action by the legislature. They attended a pre-petition meeting with OSG and our partner State agencies on July 29, 2008 and adopted a resolution on April 14, 2008 authorizing the creation of their Plan



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Endorsement Advisory Committee (PEAC), in which eight members were selected to guide the Plan Endorsement process on behalf of the Borough. As previously mentioned, the Borough submitted all of their Municipal Self Assessment Report and related material to OSG for review on July 9, 2009. The Municipal Self Assessment Report was authorized by the Borough of Flemington via Resolution 2010 – 86 on May 10, 2010. Pursuant to the State Planning Rules, N.J.A.C. 5:85-7.10, this State Agency Opportunities and Constraints Analysis has been provided to the Borough on August 20, 2010.

Relationship to the State Development and Redevelopment Plan (State Plan)

The mainly pedestrian friendly borough of 4,200 people recorded by the year 2000 United States Census serves as the county seat of government for Hunterdon County. Currently, the adopted State Policy Plan Map shows Flemington as a Town Center with an average population density of 6.3 people per acre living within the 1.07 square mile borough as a Planning Area 3 or Fringe Planning Area. The Borough serves as the central business district surrounded by the much larger Raritan Township. At the time when the Borough was first designated as a center there was discussion of considering the two together as a Regional Center. It was decided that without Raritan Township's involvement, Flemington alone would be designated a Town Center.

The State Planning Commission (the Commission) designated the Flemington Town Center on December 5, 2001 in Resolution 01-16. According to the State Planning Rules, designated centers approved prior to January 7, 2002 shall remain endorsed for a period of six years from January 7, 2002. N.J.A.C. 5:85-7.21(d). The Flemington Town Center was due to expire on January 7, 2008. The State Planning Commission and Office of Smart Growth encouraged municipalities with expiring designated centers to seek plan endorsement so as to continue the center designations in full force without interruption. Once centers are designated in the plan endorsement process, they remain valid for a period of ten years. N.J.A.C. 5:85-7.21(a).

The Borough of Flemington did not achieve plan endorsement prior to the end of the term of its designated center. However, in 2008 the Legislature passed the Permit Extension Act (the Act) to acknowledge and mitigate the impact of the national recession on the



severely affected real estate and construction sectors. The Act was intended to “prevent the wholesale abandonment of approved projects and activities due to the present unfavorable economic conditions, by tolling the term of these approvals for a period of time, thereby preventing a waste of public and private resources.” N.J.S.A. 40:55D-136.2(m). The Act tolled the period of certain governmental approvals for an extension period from January 1, 2007 through July 1, 2010. Approvals included Commission designated centers, but not lands in environmentally sensitive areas. In the case of Flemington, there were no environmentally sensitive areas in the designated center. Accordingly, the designated center in its entirety was extended pursuant to the Act. The duration of the center designation, up to six months, is added to the end of the extension period. Since the Flemington Town Center had more than six months remaining when it was tolled, it was extended pursuant to the Act through December 31, 2010.

In 2009, due to continued concerns regarding the economy, the Legislature amended the Permit Extension Act to redefine the extension period to run from January 1, 2007 through December 31, 2012. Accordingly, the Flemington Town Center approval remains in effect through July 1, 2013.

Flemington is addressing its need to grow its economic base through the redevelopment of the former Union Hotel. The property was declared an Area in Need of Redevelopment early this year when the Borough adopted Resolution 2010-94. A plan for its redevelopment is underway and is expected to outline development guidelines for redevelopment that will be an economic catalyst while staying true to its historic context. This

along with the desire to revitalize passenger rail service in Flemington is the cornerstone of their plans.

While these two potential economic initiatives will take time to generate development, the Borough recognizes the need to approach their economic development in other ways at the same time. There are properties where redevelopment potential is being explored, most significant of which are the Agway and the Flemington Cut Glass properties. Also mentioned in their Master Plan Reexamination was the need to explore potential opportunities in the Village Shopping Zone which might be addressed through zoning changes and/or improving the sidewalk connections to the downtown.

Beyond economic growth through real estate development, the Borough understands that by acknowledging its historical character, that the town’s history offers opportunities to honor the past and foster economic growth. The Borough held an important role during the Revolutionary War and there are buildings and areas in the Borough that still reflect that today. As you will read in the NJ DEP’s section of the Opportunity and Constraints Report that their NJ Historic Preservation Office administers a variety of programs that offer protection for historic properties that may offer further assistance. The Secretary of State’s Office of Travel and Tourism can help market its historic elements, so that tourism can continue to flourish. The Historic District Guidelines that were prepared with a Smart Future Grant from the Office of Smart Growth will become part of next Master Plan update in the Historic Preservation Plan Element. These guidelines provide the foundation for decisions rendered by the Historic Preservation Committee. It will continue to be a challenge to maintain the historic character of the community while encouraging development and redevelopment.

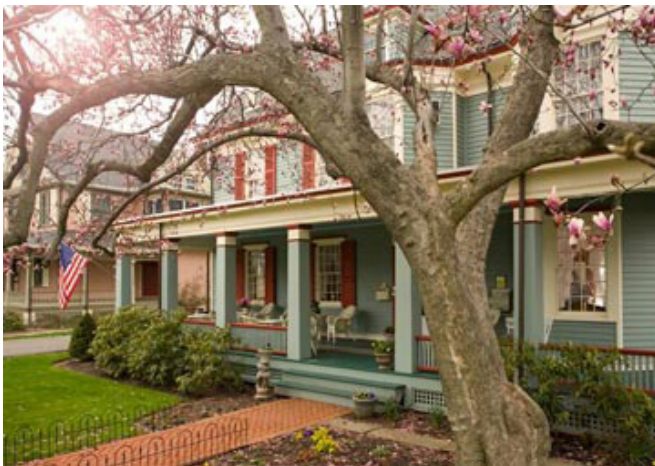
Critical to any community’s economic viability is the ability of people to easily move throughout the municipality. A community’s circulation system also determines the quality of people’s daily experiences while driving, walking, bicycling, or taking the bus or train. It is critical that as Flemington develops its economic growth strategy that it is not stymied, because of mobility issues. With that in mind it is important that consideration be given to the New Jersey Department of Transportation (NJDOT) Mobility and Community Form (MCF) program to mitigate potential problems.

The MCF was designed to help communities plan future transportation and land use. MCF planning looks to create better connections between the local system and the design of community facilities, buildings and open space. Benefits include economic vitality, pedestrian and bicycle access and land use patterns that support public transit, improve quality of life and foster a sustainable environment. This may be very helpful to consider while plans for the Flemington Circle continue.

Also take note of NJ Transits memorandum attached to this report which discusses your proposal to return passenger rail service to Flemington. They are offer commitment to aid in studying this potential, support the Borough’s efforts to think comprehensively about their community and look forward to working with the Borough and the DO It will be very important to recognize and address the challenges highlighted:

- The highly active Norfolk-Southern freight truck line which is part of proposal will likely require costly track work.
- Communities along this line are at very low densities thus limiting potential ridership numbers.
- Travel times to major job centers are lengthy thus making bus service a potentially faster option.
- Capacity of the Raritan Valley Rail Line when this potential service meets it in Bound Brook will be limiting.

In addition to circulation issues when considering growth initiatives, Flemington needs to be mindful of environmental constraints. They include Threatened and Endangered Species Habitat and Natural Heritage Priority Sites as well as Well Head Protection Areas. You will find details on them in the DEP section of the report. To ensure coordinated planning, Flemington needs to continue to work with the Hunterdon County



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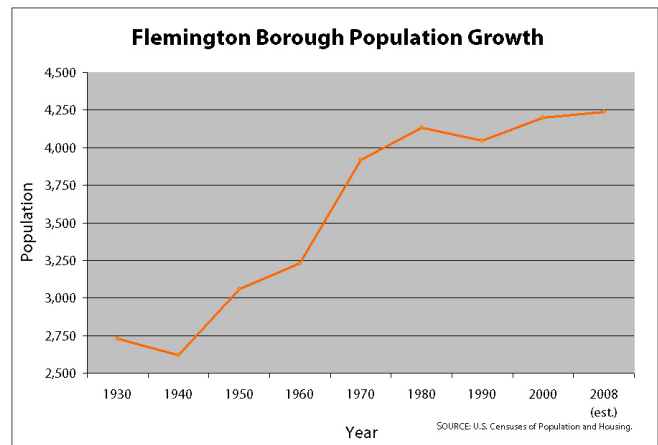
Planning Board as they prepare the county wastewater quality management plan. The DEP section of this report notes that there is currently a shortfall in water capacity.

Flemington is an example of a community where mixed-use growth within the center is being realized. The Borough of Flemington is a 1.07 square mile municipality, historic character, interlaced with interstate, state, county highways, and surrounded by Raritan Township. The historic borough formed in 1870 as a portion of Raritan Township has less than 4% or 25 acres of land left to be developed. Despite the small amount of undeveloped land, there is great potential for redevelopment growth that should be guided by the Borough.

New Jersey Office of Smart Growth (OSG) Trend Analysis

The trend analysis performed by OSG was conducted based on the current zoning information that was provided in the Municipal Self-Assessment Report. OSG took into account known environmental constraints and impediments to development. These constraints included identified State Plan parkland, State Agriculture Development Committee (SADC) preserved farms, wetlands (with a 25 foot buffer), presence of Category 1 (C1) streams, existing developed land including infrastructure, and identified surface water. The net result from the trend analysis is intended to determine the amount of housing and commercial space that can potentially be built given current zoning regulations. However, for a small municipality that only has less only 25 acres of developable land remaining, it is essentially built out. Infill and redevelopment efforts will determine its

Summary Table	
land consumption (acres)	
urbanized lands	623.1
constrained lands	18.5
current developable land	25.0
buildings	
existing residential units	1,876
new residential units	2*
people	
current residents as of the 2000 Census	4,200
additional residents at buildout	19
approximate total residents at buildout	4,219
new jobs	243
* There will also be some additional second story residential units that will be developed in the mixed-use zones.	



future and thus the trend analysis projections should be considered subordinate to what will be possible from infill and redevelopment. At the same time, Hunterdon County will calculate buildout based on capacity for the county wastewater quality management plan. Typically, the information provided in the trend analysis portion of this document will be utilized to inform the Community Visioning Process. It is meant to provide a vision of what the objective municipality may resemble at full buildout based on current land use and zoning regulations. This series of worksheets represents a basic methodology for the trend analysis. Based on mapping data and zoning regulations, OSG inserted relevant data transferred from the Borough’s zoning language, into the Residential Buildout Method. The average household size was identified as 2.26 persons per household (median) (U.S. Census Bureau (2000). American

FactFinder: Borough of Flemington, N.J which is lower than the County average household size of 2.69.

Although current plans indicate that mixed-use development is acceptable in the core of the central business district area, it is unclear what the future breakdown will be. At the same time, there is a proposal to offer an incentive to discourage residential property owners who have currently subdivided their residence into a multi-family structure to no longer allow a portion of the property to be rented. As redevelopment plans are proposed, they should quantify the commercial and residential potential of the proposal.

Residential Buildout Method

The Residential Buildout Method assumes buildout of existing residential zones at the maximum density permitted by the Borough’s current zoning schedule from September 9, 1999 and revised in February

Residential Trend								
residential zone	total land in residential zone (acres)	total constrained land in residential zone (acres)	total already Urbanized Land	total developable residential land (acres)	maximum residential density permitted (units per acre)	potential number of units	average household size (persons per unit)	number of total residents upon buildout
	a	b	c	$d=(a-b-c)*0.8$	e	$f=d*e$	g	$h=f*g$
GA	41.2	1.3	39.0	0.7	24/acre, but 7acre minimum	0	2.26	0
SF	187.0	0.4	184.6	1.6	3.872	6	2.26	13
TH	12.0	1.6	10.4	0.0	6	0	2.26	0
TR	87.2	1.8	84.6	0.6	4.84	3	2.26	6
total	327	5	319	3		9		19
				land consumption		buildings		people
NOTES	b:constrained lands include conserved land, public ownership, conservation easements (deed restrictions), utility easements, or natural factors such as wetlands, floodplains & steep slopes)							
	d: 0.8 figure is based on 20% take up of land for right of ways (i.e. roads)							
	e: data based on current zoning							

2007. With minimal new development potential only 9 housing units are expected to be built. The Residential Buildout Method estimates that the population will grow by 17. This does not include 2nd story residential buildout in the mixed-use zones throughout the Borough. Keep in mind that this is not telling the full story. Historically, the Borough has seen growth and decline in its population growth since 1930.

The North Jersey Transportation Planning Authority (NJTPA), the Metropolitan Planning Organization (MPO) for Hunterdon County, estimates that by 2035 there will be more than 4,410 residents in Flemington. Although growth is likely to occur in Flemington, the projections made by the NJTPA in 2005 are possibly high and not based on the current economic climate. At the same time they project significant employment to grow from 3,970 in 2005 to 6,250 in 2035.

According to the 2000 U.S. Census the home ownership rate in Flemington is 38.8% significantly lower than the statewide rate of 67.4%.

Regardless of the amount of amount of growth, when conducting Community Visioning, be conscious that providing access to affordable housing is a goal of the State Plan. The Borough of Flemington should incorporate a mix of affordable and market rate housing into future development plans.

Commercial Buildout Method

While a goal of creating jobs and fostering economic development within the state are goals of the State Plan, they must be realized in areas which have appropriate infrastructure and whose environment can support such development. Environmental constraints like water capacity, streams, and flood zones must also be considered when setting the economic development agenda. Flemington's future vision needs to build on its current plans while addressing the need to carefully grow in support of the downtown and not negatively affect the environment.

Future commercial development will occur predominantly as a result of redevelopment. While there are no current redevelopment plans, it is expected that future development plans would be based on existing building characteristics. Mixed-use development provides the best opportunity to effectively address residential and commercial interests. Walk-able communities help to minimize traffic congestion and the other negative externalities of single use development. At the same time Flemington's downtown will also be better served by encouraging 2nd and 3rd floor living. With more people living and working in the downtown and encouraging pedestrian traffic will transform the area into a 24 hour location instead of a 10 to 12 hour destination for day time employment and people dining downtown.

Commercial Trend - Floor Area Ratio Method							
commercial zone	total land in commercial zone (acres)	total constrained or built upon land in commercial zone (acres)	total developable land (acres) minus 80% for ROW	permitted FAR	maximum floorspace permitted (sq ft)	floorspace per job (sq ft)	number of jobs
	a	b	c=(a-b) * 0.80	d	e=c*d*43560	f	g=ef
CB	16.4	16.4	0.0	0.20	0		
DB	40.8	39.9	0.7	N/A	0		
DBII	11.8	11.5	0.3	N/A	0		
HR	85.6	77.8	6.3	0.25	68,192	1,000	68
O/SC	3.1	1.9	0.9	0.22	8,698	1,000	9
O/SS	26.6	14.6	9.6	0.22	92,362	1,000	92
PO	28.2	25.7	2.0	0.20	17,331	333	52
TC	30.7	30.6	0.1	0.22	1,063	1,000	1
VS	66.5	63.8	2.2	0.22	20,692	1,000	21
total	310	282	22.1		208,339		243
			land consumption		buildings		people
NOTES							
b: constrained lands include conserved land, public ownership, conservation easements (deed restrictions), utility easements, or natural factors such as wetlands, floodplains & steep slopes)							
d: data based on current zoning							
f: data based on COAH standards							



Cross-Acceptance III

On April 28, 2004, the New Jersey State Planning Commission approved the release of the Preliminary State Development and Redevelopment Plan (State Plan) and the Preliminary State Plan Policy Map. This action launched the third round of Cross-acceptance. Cross-acceptance is a bottom-up approach to planning, designed to encourage consistency between municipal, county, regional, and state plans to create a meaningful, up-to-date and viable State Plan (N.J.S.A. 52:18A-202.b.).

This process is meant to ensure that all New Jersey residents and levels of government have the opportunity to participate and shape the goals, strategies and policies of the State Plan. Through Cross-acceptance, negotiating entities work with local governments and residents to compare their local master plans and initiatives with the State Plan and to identify potential changes that could be made to achieve a greater level of consistency with state-wide planning policy. The Hunterdon County Planning Board, the Negotiating Entity for Hunterdon County municipalities, did not make any requests to change the Planning Area designation in the Borough of Flemington from Planning Area 3 or Fringe Planning Area.

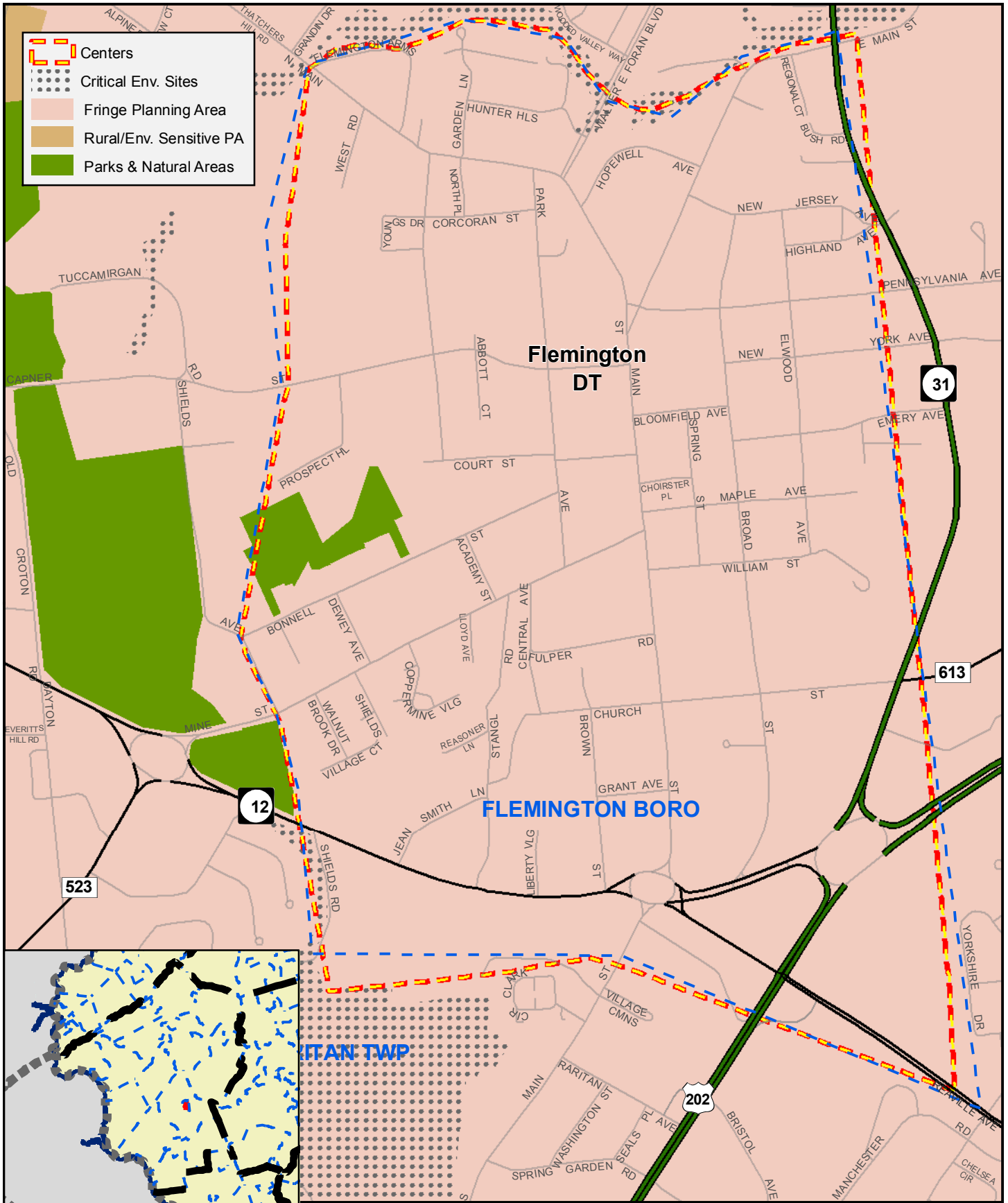
As a result of the July 2006 Environmental Update to the Preliminary State Plan Policy Map (SPPM), there were minor modifications made to the SPPM. The Environmental Update captured open space acquisitions that occurred since the previous SPPM was adopted by the SPC in 2001. All revisions to the SPPM still require State Planning Commission (SPC) approval, which will occur when the draft Final State Development and Redevelopment Plan (State Plan) is adopted.

The State Development and Redevelopment Plan Policy Map 2001 as well as the Preliminary Policy Map for the third round of Cross Acceptance has been enclosed for reference. Ultimately, the State Planning Commission will make the final determination on all amendments to the State Plan Policy Map. Additional changes proposed beyond those indicated in the Preliminary State Plan Policy Map, such as the re-designation of the Flemington Town Center, shall occur through the Plan Endorsement process.

Conclusion

The Borough of Flemington is actively planning and taking important steps to realize its planning goals through Plan Endorsement. Continued discussion will need to address the following.

- If the Borough intends to seek a waiver from any or the entire Community Visioning requirements for Plan Endorsement, a formal request that outlines the visioning efforts already performed. The outline should include dates and minutes of meetings that concerned community wide visioning. We know that some community wide planning has taken place, the Route 31 study for example. The State Planning Commission is also interested in visioning for the entire community, so please be as detailed as possible.
- In the DEP section of this report, it is mentioned that the ROSI and related GIS shapfiles need to be submitted to ensure that your information is complete and they we have the same information.
- NJ Transit highlights the need to investigating the potential for a returning passenger rail service to Flemington.
- A meeting of the Development Opportunities InterAgency Team may be useful to receive comprehensive redevelopment guidance that you are seeking for the Union Hotel.
- The Community Visioning will be better informed with a complete understanding all of the redevelopment areas and their proposed growth elements. A comprehensive understanding will be possible by with an understanding of the commercial and residential growth that is planned.



Flemington

Preliminary Plan Map



1 inch = 949 feet



NJ Department of Environmental Protection



State Development & Redevelopment Plan Plan Endorsement Opportunities & Constraints Analysis

for:

Flemington Borough, Hunterdon County

August 11, 2010

This document constitutes the Department of Environmental Protection's component of the State Opportunity and Constraints Analysis conducted as part of the Plan Endorsement process. This document should serve as a baseline to inform the rest of the Plan Endorsement process. This document provides a general overview of the Department's regulatory and policy concerns within Flemington Borough. While all efforts have been made to address all major issues, the ever evolving nature of regulatory programs and natural conditions dictates that the information contained within this document will need to be updated on a regular basis. No portion of this document shall be interpreted as granting any specific regulatory or planning approvals by the Department. This document is to be used solely as guidance for municipal planning purposes.

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Water & Wastewater Analysis

Sufficient water supply and the ability to treat wastewater are essential to any community. The following information on Water Availability and Wastewater Treatment should be used by the community to evaluate its ability to meet current and future demand for water and wastewater treatment. Using this information to plan for future development allows a municipality to estimate the number of people the current (and/or future systems) can sustain. It also provides a way for a municipality to determine where growth is most appropriate, taking into account where water can be treated and supplied.

Flemington Borough is located in Watershed Management Area 8. A Fact Sheet on WMA 8 is available at: <http://www.nj.gov/dep/watershedmgt/DOCS/WMAFactsheets/WMA08.pdf>.

Water Availability

The following information on Water Availability in Flemington Borough is based upon the best data readily available to DEP at the time of this analysis. This data should be used by Flemington Borough to inform its community vision and planning processes.

Flemington Borough is currently served by the Flemington Water Department, PWSID 1009001. The Flemington Water Department is permitted for 8.208 mgm and 24.573 mgy. As of approximately one year ago, Flemington Borough's Firm Capacity was at -0.115 mgd, indicating a shortfall in firm capacity.

FLEMINGTON WATER DEPARTMENT

PWSID: 1009001
County: Hunterdon

Last Updated: 08/26/2009

Water Supply Firm Capacity: 0.615 MGD

Available Water Supply Limits

	Allocation	Contract	Total
Monthly Limit	30.000 MGM	N/A MGM	30.000 MGM
Yearly Limit	280.000 MGY	N/A MGY	280.000 MGY

Water Demand

	Current Peak	Date	Committed Peak	Total Peak
Daily Demand	0.730 MGD	04/2005	0.000 MGD	0.730 MGD
Monthly Demand	21.792 MGM	04/2005	0.000 MGM	21.792 MGM
Yearly Demand	255.427 MGY	2004	0.000 MGY	255.427 MGY

Water Supply Deficit or Surplus

Firm Capacity	Water Allocation Permit
-0.115 MGD	8.208 MGM
	24.573 MGY

Note: Negative values (a deficit) indicate a shortfall in firm capacity and/or diversion privileges or available supplies through bulk purchase agreements.

The Deficit/Surplus tables for Public Water Systems may be found on the Department of Environmental Protection, Division of Water Supply website at <http://www.nj.gov/dep/watersupply/pws.htm>. For safe demand and firm capacity information not available on this web site please contact the Bureau of Water System and Well Permitting at 609-984-6831 or for water allocation information please contact the Bureau of Water Allocation at 609-292-2957.

Refer to [Firm Capacity and Water Allocation Analysis](#) document for a detailed description of the methodology used to calculate capacity limitations.

Attachments:

- Water Supply - Map

Wastewater Treatment

The following information on Wastewater Treatment in Flemington Borough is based upon the best data readily available to DEP at the time of this analysis. This data should be used by Flemington Borough Town to inform its community vision and planning processes.

There is one DEP-regulated wastewater facility serving Flemington Borough - Raritan Township Municipal Utility Authority. All of Flemington Borough is located within the currently adopted sewer service area.

Raritan Township MUA (NJPDES permit number NJ0022047): The average of the 30-day average flow as reported to the Department in the Discharge Monitoring Reports for this facility between January 2008 and May 2009 was 2.965 mgd; the NJPDES Permit Flow for this facility is 3.8 mgd. As such, the facility is nearing eighty percent (80%) of its permitted flow.

Based on the assumption that a residential unit uses 300 gpd, the remaining flow for this facility could accommodate approximately 2,783 new residential units. However, the Raritan Township MUA serves areas outside of the Borough and not all of the remaining flow may be available to Flemington Borough.

Water Quality Management Plan - Sewer Service Area Mapping

The Department adopted amendments to the Water Quality Management Planning rules in 2007 identifying the conditions where extension of sewer service is not appropriate. N.J.A.C. 7:15-5.24 sets forth the general policy that large contiguous areas of environmentally sensitive resources, coastal planning areas where the extension of sewers would be inconsistent with New Jersey's Coastal Zone Management program, and special restricted areas that are prone to natural hazards such as flooding, wave action and erosion should not be included in sewer service areas. The limitations on the extension of sewer service in these areas is consistent with the Department's mandate to protect the ecological integrity and natural resources of New Jersey, including water, threatened and endangered species, wetlands and unique and rare assemblages of plants.

Centralized wastewater is inappropriate for these areas because it subsidizes and otherwise encourages development in and around these natural resources at a density that is inconsistent with their protection and the environmental protection mandate of the Department. The Department has determined that the appropriate wastewater management alternative for these areas is individual subsurface sewage disposal systems that discharge less than 2,000 gallons per day, typically thought of as septic systems. Therefore, though excluded from the extension of sewer service, these areas have a wastewater management alternative that will promote a density of development consistent with the conservation of these resources.

In establishing the criteria for delineating a sewer service area boundary in consideration of environmentally sensitive areas, the Department identifies environmentally sensitive areas that are not appropriate for sewer service area as any contiguous area of 25 or more acres that contains any or all of the following four features: threatened and endangered species habitats, Natural Heritage Priority Sites, Category One stream buffers, and wetlands. The Department determined that 25 acres was the appropriate size threshold based on a statewide GIS analysis showing that at least 90 percent of the environmentally sensitive features would be excluded from sewer service area, but that the threshold should be large enough to permit the reasonable application of zoning.

The Department is currently working with the County of Hunterdon in development of a county-wide Wastewater Management Plan based upon on the recent Water Quality Management Planning rule. Flemington Borough should continue to coordinate with the County to ensure consistency between municipal planning and the County WMP.

Attachments:

- Adopted Sewer Service Area- Map

Environmental Constraints Analysis

The following section identifies those environmental constraints that should be considered by Flemington Borough in its planning efforts. Only those constraints located in Flemington Borough are addressed in this Report.

As noted in the Flemington Borough Municipal Self Assessment, there are few environmental constraints located within the Borough. The few that remain are briefly identified and described in the following sections.

Regulated Environmental Constraints

Wetlands, Category One Waters and Total Maximum Daily Loads (TMDL) are environmental constraints currently regulated by DEP. Flemington Borough should recognize these environmental constraints in its visioning and planning processes.

- Wetlands

Freshwater wetlands and transition areas (buffers) are regulated by the Freshwater Wetlands Protection Act rules (NJAC 7:7A). The Highlands rule (NJAC 7:38), which implements the Highlands Water Protection and Planning Act, prohibits nearly all disturbance within all wetlands within the Highlands Preservation Area.

Wetlands are commonly referred to as swamps, marshes, or bogs. However, many wetlands in New Jersey are forested and do not fit the classic picture of a swamp or marsh. Previously misunderstood as wastelands, wetlands are now recognized for their vital ecological and socioeconomic contributions. Wetlands contribute to the social, economic, and environmental health of our state in many ways:

- Wetlands protect drinking water by filtering out chemicals, pollutants, and sediments that would otherwise clog and contaminate our waters.
- Wetlands soak up runoff from heavy rains and snow melts, providing natural flood control.
- Wetlands release stored flood waters during droughts.
- Wetlands provide critical habitats for a major portion of the state's fish and wildlife, including endangered, commercial and recreational species.
- Wetlands provide high quality open space for recreation and tourism.

There are on-site activity limits on lands identified as wetlands. The NJ Freshwater Wetlands Protection Act requires DEP to regulate virtually all activities proposed in the wetland, including cutting of vegetation, dredging, excavation or removal of soil, drainage or disturbance of the water level, filling or discharge of any materials, driving of pilings, and placing of obstructions. The Department may also regulate activities within 150 feet of a wetland - called the transition area or buffer.

It should be noted that wetlands identified based on aerial photo interpretation are not appropriate for use in determining the true extent of wetlands on a specific site.

- Total Maximum Daily Loads (TMDLs)

A TMDL for Fecal Coliform to address 48 streams in the Raritan Water Region, which includes Walnut Brook in Flemington Borough, was approved on September 29, 2003.

In accordance with Section 303(d) of the Federal Clean Water Act (CWA) (33 U.S.C. 1315(B)), the State of New Jersey is required biennially to prepare and submit to the USEPA a report that identifies waters that do not meet or are not expected to meet SWQS after implementation of technology-based effluent limitations or other required controls. This report is commonly referred to as the 303(d) List. In accordance with Section 305(b) of the CWA, the State of New Jersey is also required biennially to prepare and submit to the USEPA a report addressing the overall water quality of the State's waters. This report is commonly referred to as the 305(b) Report or the Water Quality Inventory Report. The Integrated Water Quality Monitoring and Assessment Report combine these two assessments and assigns waterbodies to one of five sublists on the Integrated List of Waterbodies. Sublists 1 through 4 include waterbodies that are generally unimpaired (Sublist 1 and 2), have limited assessment or data availability (Sublist 3), or are impaired due to pollution rather than pollutants or have had a TMDL or other enforceable management measure approved by EPA (Sublist 4). Sublist 5 constitutes the traditional 303(d) list for waters impaired or threatened by one or more pollutants, for which a TMDL may be required.

Therefore, in accordance with Section 305(b) and 303(d) of the Federal Clean Water Act (CWA), the State of New Jersey, Department of Environmental Protection (Department) is required to assess the overall water quality of the State's waters and identify those waterbodies with a water quality impairment for which TMDLs may be necessary. A TMDL is developed to identify all the contributors of a pollutant of concern and the load reductions necessary to meet the Surface Water Quality Standards (SWQS) relative to that pollutant. The Department has developed over 400 TMDLs to date, several of which as identified in the table below encompass Flemington Borough.

The Department fulfills its assessment obligation under the CWA through the Integrated Water Quality Monitoring and Assessment Report, which includes the Integrated List of Waterbodies (303(d) list) and is issued biennially. The *Integrated List of Waterbodies* is adopted by the Department as an amendment to the Statewide Water Quality Management Plan, as part of the Department's continuing planning process pursuant to the Water Quality Planning Act at N.J.S.A.58:11A-7 and the Statewide Water Quality Management Planning rules at N.J.A.C. 7:15-6.4(a). The Department proposes and upon approval of the United States Environmental Protection Agency Region 2 subsequently adopts the TMDL to the appropriate WQMP(s).

A TMDL represents the assimilative or carrying capacity of a waterbody, taking into consideration point and nonpoint sources of pollutants of concern, natural background, and surface water withdrawals. A TMDL quantifies the amount of a pollutant a water body can assimilate without violating a state's water quality standards and allocates that load capacity to known point and nonpoint sources in the form of waste load allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, a margin of safety (MOS) and, as an option, a reserve capacity (RC). The Department's TMDL Reports may be downloaded from the Division of Watershed Management's web site at:

www.state.nj.us/dep/watershedmgmt/tmdl.htm.

The Department recognizes that TMDLs alone are not sufficient to restore impaired stream segments. The TMDL establishes the required pollutant reduction targets while the implementation plan identifies some of the regulatory and non-regulatory tools to achieve the reductions, matches management measures with sources, and suggests responsible entities for non-regulatory tools. This provides a basis for aligning available resources to assist with implementation activities. Projects proposed by the State, local government units and other stakeholders that would implement the measures identified within the impaired watershed are a priority for available State (for example, CBT) and federal (for example, 319(h)) funds. In addition, the Department's ongoing watershed management initiative will develop detailed watershed restoration plans for impaired stream segments in a priority order that will identify more specific measures to achieve the identified load reductions. Urban stormwater runoff was primarily identified in the TMDL document as the primary source of fecal NPS loading. Urban land use will be addressed primarily by stormwater regulation through the municipality's MS 4 permit.

Environmental Constraints to Avoid

Threatened and Endangered Species Habitat and Natural Heritage Priority Sites are geographically-identified environmental constraints prioritized for protection by DEP's mandate to protect the ecological integrity and natural resources of New Jersey. DEP recommends avoidance of these areas, to the extent possible, in order to protect these ecosystems from degradation and destruction.

While Threatened and Endangered Species Habitat and Natural Heritage Priority Sites are not specifically regulated as such, the species and sites that are the basis for this information are considered in several DEP regulatory and planning programs - such as the Freshwater Wetlands Program, Water Quality Management Planning, and the Flood Hazard Area Control Act rule.

▪ Threatened & Endangered Species Habitat

The New Jersey Endangered Species Conservation Act was passed in 1973 and directed the New Jersey Department of Environmental Protection (DEP) to protect, manage and restore the state's endangered and threatened species. The DEP Endangered and Nongame Species Program (ENSP) has since become the voice for more than 400 species of wildlife in New Jersey, with success stories related to the Bald Eagle, the Peregrine Falcon, the Pine Barrens Tree frog, the Osprey, and others. There are currently 73 endangered and threatened wildlife species in New Jersey. Wildlife professionals within DEP's Endangered and Nongame Species Program oversee research, conservation and protection of rare wildlife species such as the bog turtle, great blue heron, piping plover, bobcat, and other animals that are struggling to survive here in New Jersey.

ENSP has developed the Landscape Project to identify and systemically map the habitat most critical for New Jersey's fish and wildlife populations. This tool is being used to gauge healthy ecosystems and help identify areas appropriate for protection while giving citizens and local government officials valuable scientific information about their municipalities. The Landscape Project ranks habitat patches by the status of the species present, as follows:

- **Rank 5** is assigned to patches containing one or more occurrences of at least one wildlife species listed as endangered or threatened on the Federal list of endangered and threatened species.
- **Rank 4** is assigned to patches with one or more occurrences of at least one State endangered species.
- **Rank 3** is assigned to patches containing one or more occurrences of at least one State threatened species.

Note that the Landscape Project has been updated relatively recently, and released in two versions. Flemington Borough is partially covered by both version 2.1 and 3.0. Version 3.0 was developed specifically for the Highlands Region. This version was developed using a new methodology and based on updated species occurrence data. Version 3.0 also identifies vernal habitats. These are areas that contain pools that have been field-verified by the Department and have been determined to meet both the physical and biological characteristics of a vernal habitat in accordance with N.J.A.C. 7:7A-1.4. Version 2.1 was developed using the same protocols as Version 2.0, but updated with more recent species siting data. For additional information on the Landscape Project, see [New Jersey's Landscape Project](#).

There are no areas identified as habitat for threatened and endangered species in Flemington Borough. However, there are limited areas of habitat for priority species – Rank 2 – that is discussed below in the ‘Environmental Constraints to Consider’ section. The attached *Threatened & Endangered Species Habitat map* shows the extent of habitat in Flemington Borough, including habitat for priority species.

Environmental Constraints to Consider

Groundwater Recharge Areas, Wellhead Protection Areas, and Priority Species Habitat are geographically-identified environmental constraints recognized as important for the protection of water quality and biodiversity of New Jersey. DEP recommends avoidance of these areas, to the extent possible, in order to minimize the impact to water quality and species habitat.

- **Well Head Protection Areas**

Areas of land surrounding public community wells, known as Well Head Protection Areas, from which contaminants may move through the ground to be withdrawn in water taken from the well, have been delineated. Protection of the public health, safety and welfare through protection of ground water resources, ensures a supply of safe and healthful drinking water.

Well Head Protection Areas (WHPA) are mapped areas calculated around a Public Community Water Supply (PCWS) well in New Jersey that delineates the horizontal extent of ground water captured by a well pumping at a specific rate over a two-, five-, and twelve-year period of time for confined wells. The confined wells have a fifty foot radius delineated around each well that defines the well head protection area, which must be acquired and controlled by the water purveyor in accordance with Safe Drinking Water Regulations (see NJAC 7:10-11.7(b)1).

WHPA delineations are conducted in response to the Safe Drinking Water Act Amendments of 1986 and 1996 as part of the Source Water Assessment Program (SWAP). The

delineations are the first step in defining the sources of water to a public supply well. Within these areas, potential contamination will be assessed and appropriate monitoring will be undertaken as subsequent phases of the NJDEP SWAP. WHPA delineation methods are described in "[Guidelines for Delineation of Well Head Protection Areas in New Jersey](#)".

Updates for Public Community Water Supply Well Head Protection Areas are described in [Well Head Delineations Updates List](#).

A complete list of individual Public Community Water Supply Well Head Protection Area delineations are described in [Well Head Delineations List](#).

- Priority Species Habitat

Similar to threatened and endangered species, the DEP Endangered Non-Game Species Program also considers "priority species." Priority Species are nongame wildlife that are considered to be species of *special concern* as determined by a panel of experts. These species warrant special attention because of some evidence of decline, inherent vulnerability to environmental deterioration, or habitat modification that would result in their becoming a Threatened species. This category would also be applied to species that meet the foregoing criteria and for which there is little understanding of their current population status in the state. The Landscape Project ranks habitat patches by the status of the species present, as follows:

- **Rank 2** is assigned to patches containing one or more occurrences of at least one non-listed State priority species.

Attachments:

- Land Use/Land Cover (2007) – Map
- TMDLs – Map
- Threatened, Endangered & Priority Species Habitat – Map
- Wellhead Protection Areas – Map

Contaminated Areas Considerations

All New Jersey municipalities can be home to contaminated sites, whether the contamination comes from industrial, agricultural, retail, or even residential sources. The information provided in this section is intended to help municipal officials identify known contaminated areas and incorporate consideration of these areas into planning efforts. The existence of a contaminated area does not necessarily mean that it is inappropriate for development or redevelopment. Nonetheless, the severity of the contamination, the potential for remediation, and the potential impact on human health must be considered before development or redevelopment plans are underway.

Known Contaminated Sites List

The Known Contaminated Sites List for New Jersey 2005 includes those sites and properties within the state where contamination of soil or ground water has been identified, or where there has been, or there is suspected to have been, a discharge of contamination. This list of Known Contaminated Sites may include sites where remediation is either currently under way, required but not yet initiated or has been completed. The data included here dates from 2001. Additionally, new contaminated sites have been identified since the creation of this list and are not included here. For further information contact NJDEP's Site Remediation Program and Waste Management (SRWM) lead program, which are identified with each site listed in this data base. Contact information for SRWMs lead program can be acquired at <http://www.state.nj.us/dep/srp/kcs-nj/>.

The Known Contaminated Sites in New Jersey report (<http://www.nj.gov/dep/srp/kcs-nj/>) is produced by NJDEP in response to N.J.S.A. 58:10-23.16-17 that requires preparation of a list of sites affected by hazardous substances. It also satisfies the Site Remediation Program's obligations under the New Jersey New Residential Construction Off-Site Conditions Disclosure Act (N.J.S.A 46:3C1 et seq.).

Known Contaminated Sites - Classification Exception Areas (CEA)

Classification Exception Areas are DEP designated areas of groundwater contamination meeting certain criteria and associated with Known Contaminated Sites or sites on the Site Remediation Program (SRP) Comprehensive Site List. CEAs are institutional controls in geographically defined areas within which the New Jersey Ground Water Quality Standards (NJGWQS) for specific contaminants have been exceeded. When a CEA is designated for an area, the constituent standards and designated aquifer uses are suspended for the term of the CEA. A public understanding of where groundwater is known to be contaminated can help prevent inappropriate well placement, preventing potential health risks and can minimize unintended contaminant plume migration. Contaminants of concern within a CEA record are described in one of two ways, either in a field named for the contaminant, e.g., benzene; or listed in a general contaminant field, e.g., VO.

The Department has identified multiple CEAs within Flemington Borough:

Facility	CEA No.	Type	Address	KCSL	Contaminants
Penn Color Inc.	E95241	CEA	80 Park Ave.		1,1-Dichloroethene, Chromium, hexavalent chromium, pH
Hess Service Station #30237	403	CEA-VO	Rt. 31	NJL000057976	Benzene, MTBE
Leon's BP (Hayne's Oil)	90-02-08-1357	CEA-VO	Rt. 12 & Main St.		Benzene, MTBE, TBA, Lead PB
Krausz's Food Store	395	CEA-VO	Park Ave. & N. Main St.	NJL600199350	Benzene, MTBE, TBA, TICS, Xylenes

For further information about Classification Exception Areas see:

http://www.state.nj.us/dep/srp/guidance/cea/cea_guide.htm

<http://www.state.nj.us/dep/srp/regs/guidance.htm#cea>

Toxic Release Inventory

The Toxics Release Inventory (TRI) Program is administered by the U.S. Environmental protection Agency, and compiles the TRI data on toxic chemical releases and waste management activities reported annually by certain industries as well as federal facilities. The goal of the Toxics Release Inventory program is to provide communities with information about toxic chemical releases and waste management activities and to support informed decision making at all levels by industry, government, non-governmental organizations, and the public. See <http://www.epa.gov/tri/> for more information.

The Department has mapped (1989) two TRI sites within Flemington Borough:

<u>Facility</u>	<u>Address</u>	<u>Facility ID</u>
Penn Color Inc.	80 Park Ave.	18912300001
Unisys Corp.	Rt. 202 North	67506400001

Attachments:

- o Contaminated Sites – Map

Preserved Lands & Historic Resources

Open space preservation helps to protect New Jersey's rich natural, historic, and cultural heritage. It ensures that animal and plant habitats are protected and that areas of scenic beauty and agricultural importance are preserved. It safeguards streams and water supplies and provides opportunities to enjoy the outdoors. Open space preservation lies at the core of the quality of life of New Jersey's communities - from the most urbanized cities to the most remote rural areas of the state. Besides enhancing the quality of life, protecting open space can provide economic benefits. It can help a community avoid the costly mistakes of misusing available resources. Protected open space usually raises the taxable value of adjacent properties and is less costly to maintain than the infrastructure and services required by residential development. Even taking into account the increased tax base that results from development, open space usually proves easier on the municipal budget in the long-run.

Historic preservation is the identification, evaluation, and protection of historic and archaeological resources so that they continue to play an integral, vibrant role in their communities. New Jersey's historic properties and the environment in which they exist are irreplaceable assets that contribute to the quality of life that residents enjoy and expect. Historic properties are the physical links to our past, providing meaning to the present and continuity with the future. They are the physical records of the events and people that shaped New Jersey's history. Historic properties add visual and intellectual spirit to the physical environment that New Jersey residents experience daily.

Preserved Lands

Based on the Department's records, the following table (*Green Acres Program – Open Space Database*) represents the preserved open space lands located in Flemington Borough. DEP recognizes that its records may be incomplete or incorrect, and appreciates all assistance in keeping its records up-to-date.

Facility	Block/Lot	Interest	Type	Funded
Memorial Park	39/10	ET/FE	M	N
Community Park	15/25, 39/10, 50/6	TE/FE	M	Y

Interest: ET/FE - Entire Taking/Fee Simple; **Type:** M – Municipal;

Funded?: Y - Park received Green Acres funding

Historic Resources

The NJ Historic Preservation Office administers a variety of programs that offer protection for historic properties. The HPO consults with federal agencies under Section 106 of the National Historic Preservation Act for federally funded, licensed or permitted projects. At the state level, the New Jersey Register of Historic Places Act requires that actions by state, county, or local governments, which may impact a property listed in the New Jersey Register of Historic Places, be reviewed and authorized through the HPO. The HPO also provides advice and comment for a number of permitting programs within the Department of Environmental Protection, including some permits required under the [Land Use Regulation Program](#).

The most effective way to protect historic resources and promote our architectural and archaeological heritage is through local stewardship. When implemented at the local level, historic preservation activities may take the form of master plan elements, comprehensive zoning ordinances, regulated code enforcement, or public education and outreach programs. Local initiatives have far reaching effects on preserving historic resources for future generations. The HPO provides technical assistance, training, and other resources for historic preservation to New Jersey's communities through a variety of programs.

The following New Jersey and National Registers of Historic Places listings include properties and historic districts in New Jersey for which a formal action was taken by the State Historic Preservation Officer or designee. The listings are current through the end of 2002, and the HPO will update these listings on a periodic basis to reflect ongoing additions and corrections.

The listings itemize the buildings, structures, sites, objects, and districts listed on the New Jersey Register of Historic Places (SR) and the National Register of Historic Places (NR). They also include resources that have received Certifications of Eligibility (COE), opinions of eligibility from the State Historic Preservation Officer (SHPO Opinion), or Determinations of Eligibility (DOE) from the Keeper of the National Register. These properties and historic districts all meet the New Jersey and National Register criteria for significance in American history, archaeology, architecture, engineering or culture, and possess integrity of location, design, setting, materials, workmanship, feeling and association. Properties that have been entered on the New Jersey and/or National Registers of Historic Places are listed by their historic names, which may be different from their current names. Properties that have SHPO Opinions or DOE's are listed by their historic name, when known. The New Jersey and National Registers of Historic Places for Hunterdon County can be found at <http://www.state.nj.us/dep/hpo/identify/lists/hunterdon.pdf>.

Permit Extension Act

On September 6, 2008 Governor Jon S. Corzine signed the Permit Extension Act of 2008 (P.L. 2008, Chapter 78). For your information and convenience, DEP provides information at <http://www.nj.gov/dep/opppc/extension.htm>. If the Department's Permit Extension Act website does not address the particular circumstances of a permit holder or applicant, questions may be submitted in writing to NJ Department of Environmental Protection, Office of Permit Coordination and Environmental Review, P.O. Box 423, Trenton, New Jersey 08625-0423, by phone at (609) 292-3600, or at <http://www.nj.gov/dep/opppc/permitcoor.htm>.

Notice of Permit Extension Act Provisions

Take notice that, pursuant to the “Permit Extension Act of 2008” (Act), P.L. 2008, c. 78, approvals, as defined in section 3 of the Act, including any Department authorization in the form of a permit, approval, license, certification, waiver, letter of interpretation, agreement, center designation, or any other executive or administrative decision, except for administrative consent orders, which expire during the period of January 1, 2007 through July 1, 2010, are hereby extended through July 1, 2010. This Act automatically extends any approvals granted by the Department of Environmental Protection, including, but not limited to, those issued under the authority of the following statutes:

- (A) Waterfront Development Law, N.J.S.A. 12:5-1 et seq.
- (B) Wetlands Act of 1970, N.J.S.A. 13:9A-10 et seq.
- (C) Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.
- (D) Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.
- (E) Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.
- (F) Well Drilling Permits, N.J.S.A. 58:4A-5 et seq.
- (G) Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.
- (H) The Realty Improvement Sewerage and Facilities Act (1954), N.J.S.A. 58:11-23 et seq.; and N.J.S.A. 58:11-25.1 et seq.
- (I) Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.
- (J) Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.
- (K) Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

Nothing in the Act shall have the effect of extending:

1. any permit or approval issued within an environmentally sensitive area as defined in the Act;
2. any permit or approval within an environmentally sensitive area issued pursuant to the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq.;
3. any permit or approval issued pursuant to the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., except where work has commenced, in any phase or section of the

development, on any site improvement, as defined in paragraph (1) of subsection a. of section 41 of the Municipal Land Use Law, N.J.S.A. 40:55D-53 or on any buildings or structures; or

4. any coastal center designated pursuant to the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq., that as of March 15, 2007

(a) had not submitted an application for plan endorsement to the State Planning Commission, and

(b) was not in compliance with the provisions of the Coastal Zone Management rules at N.J.A.C. 7:7E-5B.6;

5. any permit or approval issued pursuant to federal assumption or delegation. The Act shall not affect any administrative consent order issued by the Department in effect or issued during the extension period, nor shall it be construed to extend any approval in connection with a resource recovery facility as defined in N.J.S.A. 13:1E-137.

Nothing in the Act shall affect the ability of the Commissioner of the Department to revoke or modify a specific permit or approval, or extension thereof pursuant to the Act, when that specific permit or approval contains language authorizing the modification or revocation of the permit or approval by the Department.

In the event that any approval tolled pursuant to the Act is based upon connection to a sanitary sewer system, the approval's extension shall be contingent upon the availability of sufficient capacity, on the part of the treatment facility, to accommodate the development whose approval has been extended. If sufficient capacity is not available, those permit holders whose approvals have been extended shall have priority with regard to the further allocation of gallonage over those approval holders who have not received approval of a hookup prior to the date of enactment of the Act. Priority regarding the distribution of further gallonage to any permit holder who has received the extension of an approval pursuant to the Act shall be allocated in order of the granting of the original approval of the connection. Further, nothing in the Act shall be deemed to extend the obligation of any wastewater management planning agency to submit a wastewater management plan or plan update, or the obligation of a municipality to submit a wastewater management plan or plan update, pursuant to the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq. and the Water Quality Management Planning rules, N.J.A.C. 7:15, adopted by the Department effective July 7, 2008. Nothing in the Act shall be construed or implemented in such a way as to modify any requirement of law that is necessary to retain federal delegation to, or assumption by, the State of any authority to implement a federal law or program.

Finally, nothing in the Act shall be deemed to extend or purport to extend any permit or approval issued by the government of the United States or any agency or instrumentality thereof, or to any permit or approval by whatever authority issued of which the duration or effect or the date or terms of its expiration are specified or determined by or pursuant to law or regulation of the federal government or any of its agencies or instrumentalities.

Attachments:

- Permit Extension Act Environmentally Sensitive Areas – Map

Summary of Major Issues

1. Center Boundary & Planning Areas

- DEP supports the designation of Flemington Borough as a Town Center.
- DEP recommends that the undeveloped area located within the floodplains, and along the length, of the Walnut Brook and Walnut Brook unnamed tributary in the southwest corner of the Borough, be identified as a Critical Environmental Site.
- DEP recommends that undeveloped area located within the floodplains, and along the length, of the Bushkill Brook and Bushkill Brook unnamed tributary, including mapped wetlands along the northern boundary of the Borough, be identified as a Critical Environmental Site.

2. Water Supply

- As noted within this report, the Flemington Borough Water Department has a shortfall in the capacity to handle water supply demand. The Borough must plan to address this issue in order to adequately serve existing and future population.

3. Open Space

DEP's open space data appears to differ from that identified in Flemington Borough's MSA. DEP requests that Flemington Borough submit both GIS shapefiles and its ROSI.

4. Flooding Issues

Flooding issues should be addressed within the Borough's All Hazard Mitigation Plan which is required by FEMA. This plan allows the Borough to be eligible for several mitigation grant programs for flood mitigation and disaster relief. These grant programs are administered through the Office of Emergency Management (OEM) within State Police.

5. Transfer of Development Rights

One of the purposes of a designated center is to accommodate growth that would otherwise occur in the environs. While Flemington Borough may be significantly developed, there is still remaining areas for development and redevelopment, even if limited. As such, DEP recommends that Flemington Borough consider participating in the Highlands Council TDR program as a means to benefit from the existence of the Region. Participation in the Highlands TDR program provides certain benefits to the Town such as enhanced planning grants from the Council of up to \$250,000; eligibility for a grant to reimburse the reasonable costs of amending municipal development regulations, and; the authorization to impose impact fees. It would also serve to protect water quality and natural resources in the Highlands Region that benefit – directly or otherwise – the citizens of the Borough.

6. Grant & Loan Programs

DEP's grant and loan programs are listed at: <http://www.nj.gov/dep/grantandloanprograms/>.

Requests for Assistance

Following are the Flemington Borough requests for State Assistance as provided in the MSA (*in italics*), for which DEP is the primary contact, and DEP's response.

Potable water and wastewater

a. Resolution of water quality – arsenic- NJDEP

The Flemington Borough MSA notes that the water quality standard for arsenic results in the need for remediation of the wells serving the municipal water utility. However, the MSA does not specify exactly what assistance it is seeking.

b. Infiltration within collection system- NJDEP

The Flemington Borough MSA notes that infiltration in its wastewater system is an issue, and is seemingly being addressed. However, the MSA does not specify exactly what assistance it is seeking.

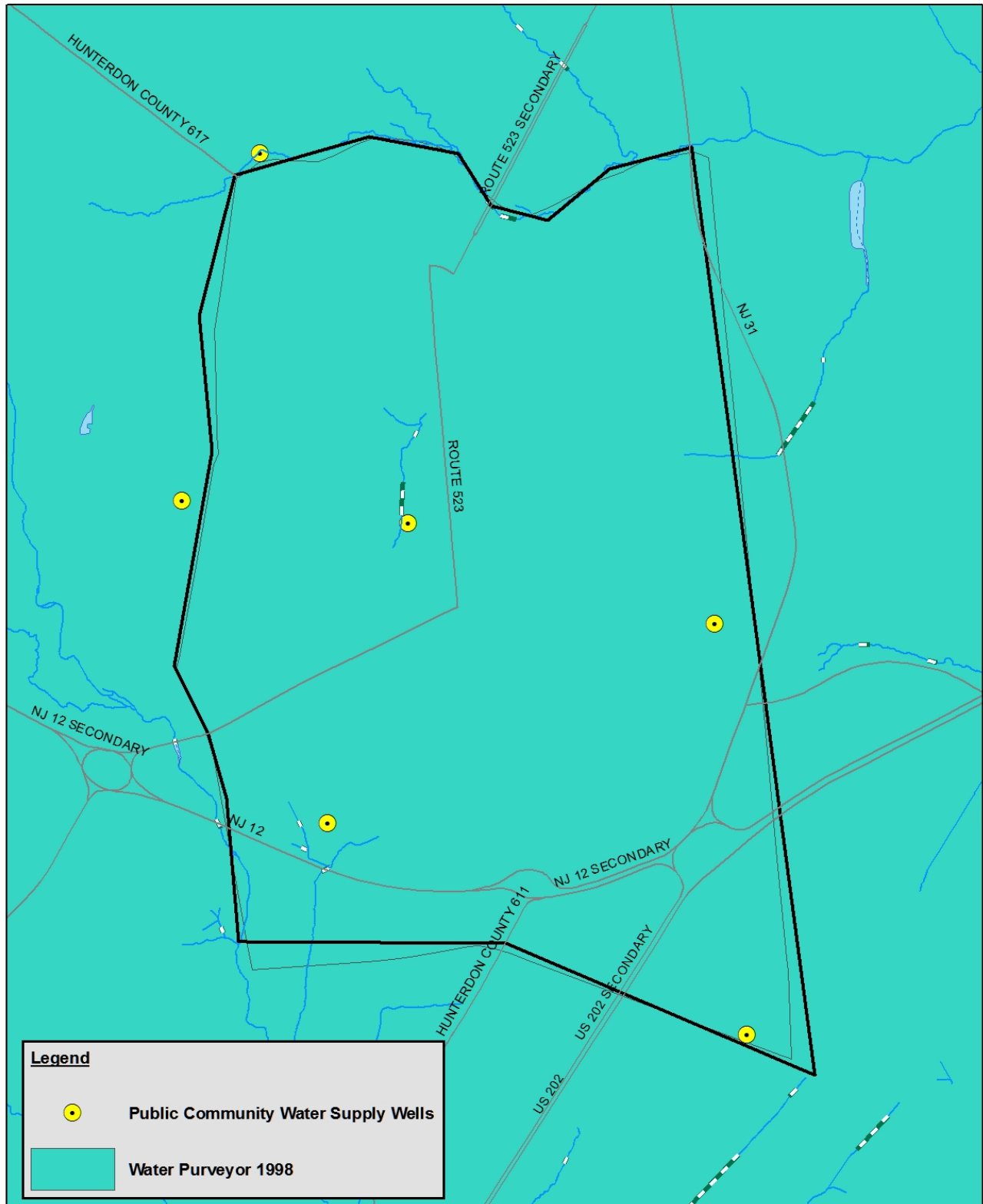
Redevelopment

a. Site remediation-NJDEP

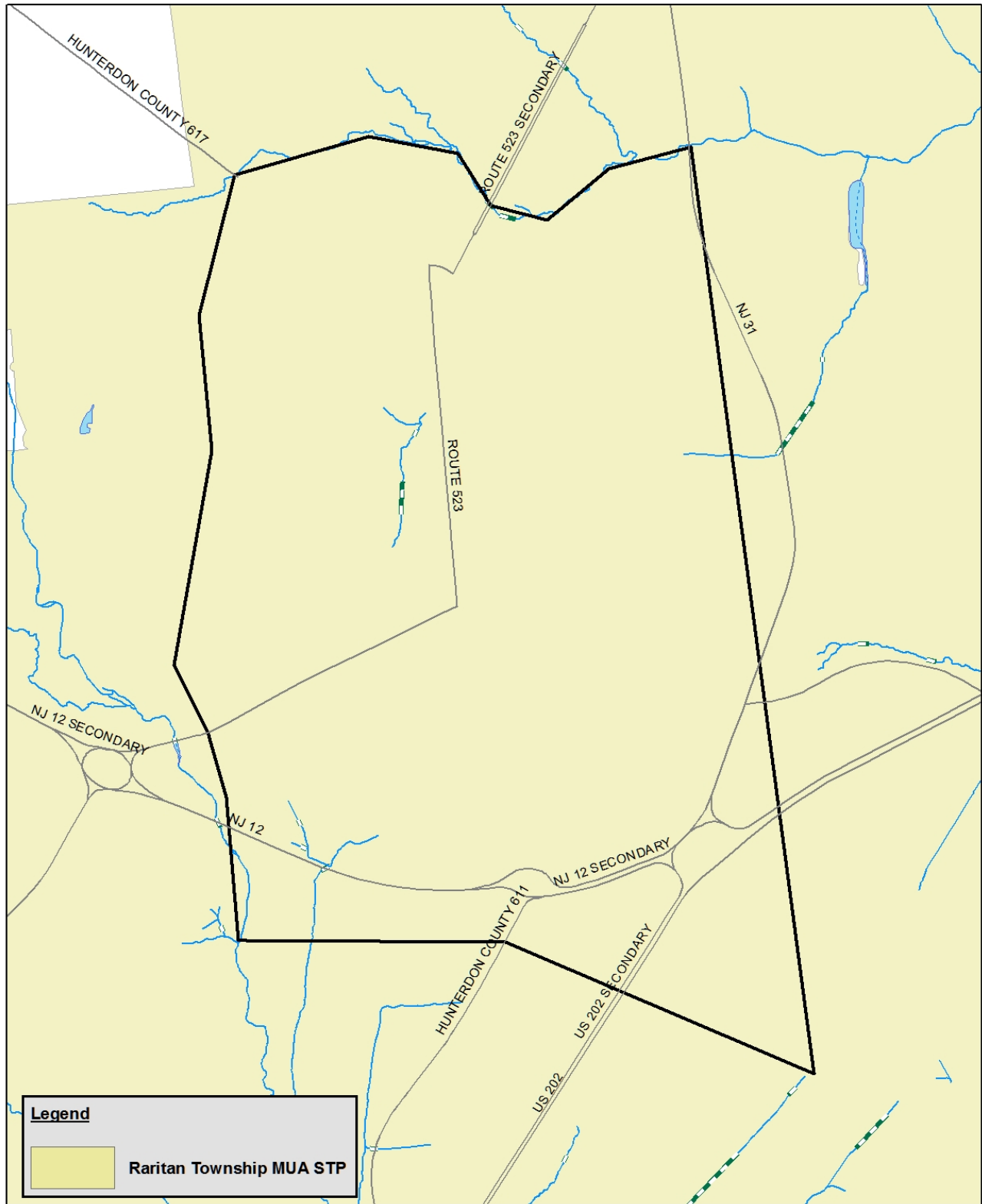
The Flemington Borough MSA notes that contamination of specific sites makes redevelopment “challenging”. However, the MSA does not specify exactly what assistance it is seeking.

Maps

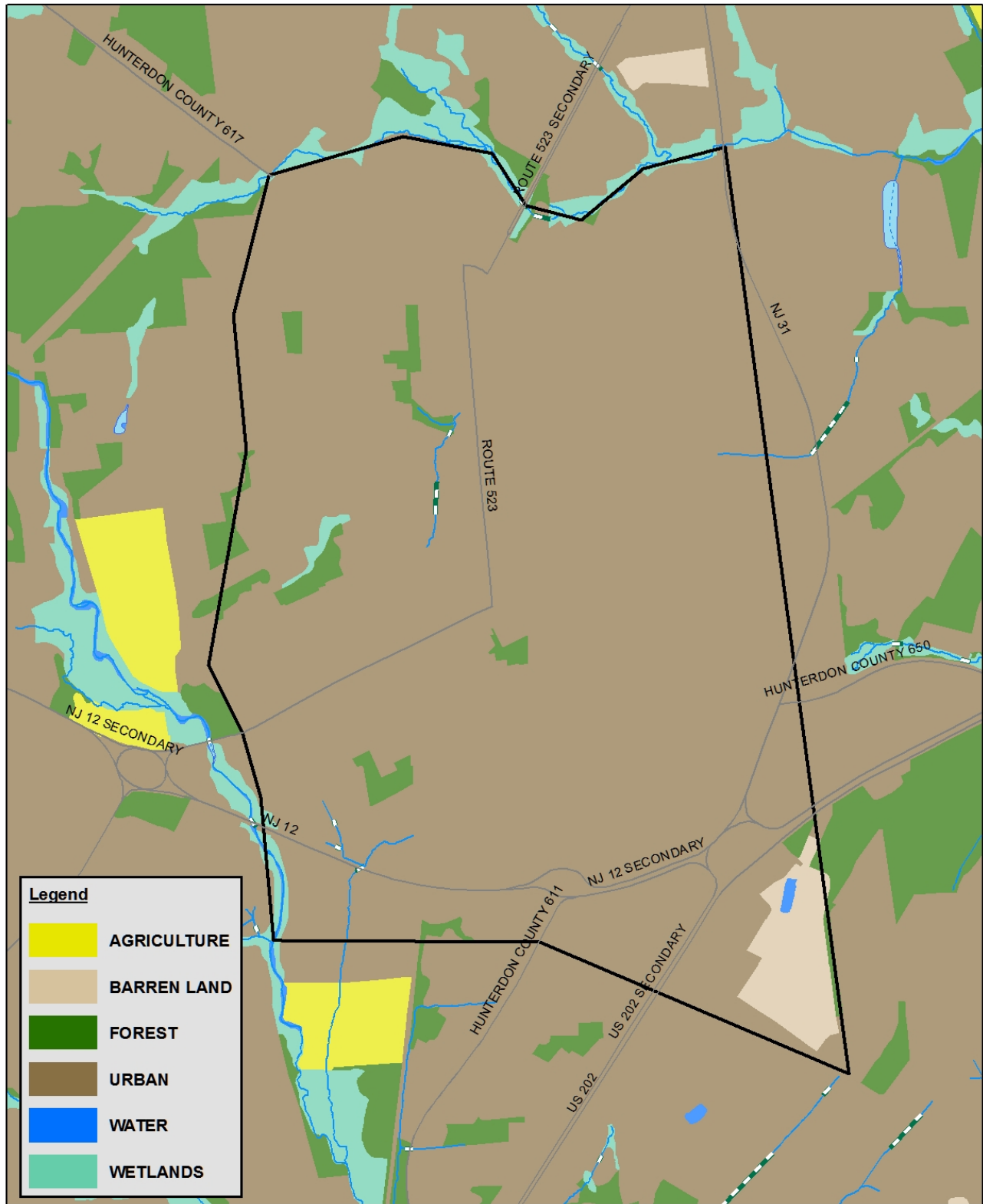
DEP Opportunities & Constraints Analysis
Flemington Borough, Hunterdon County
Water Supply



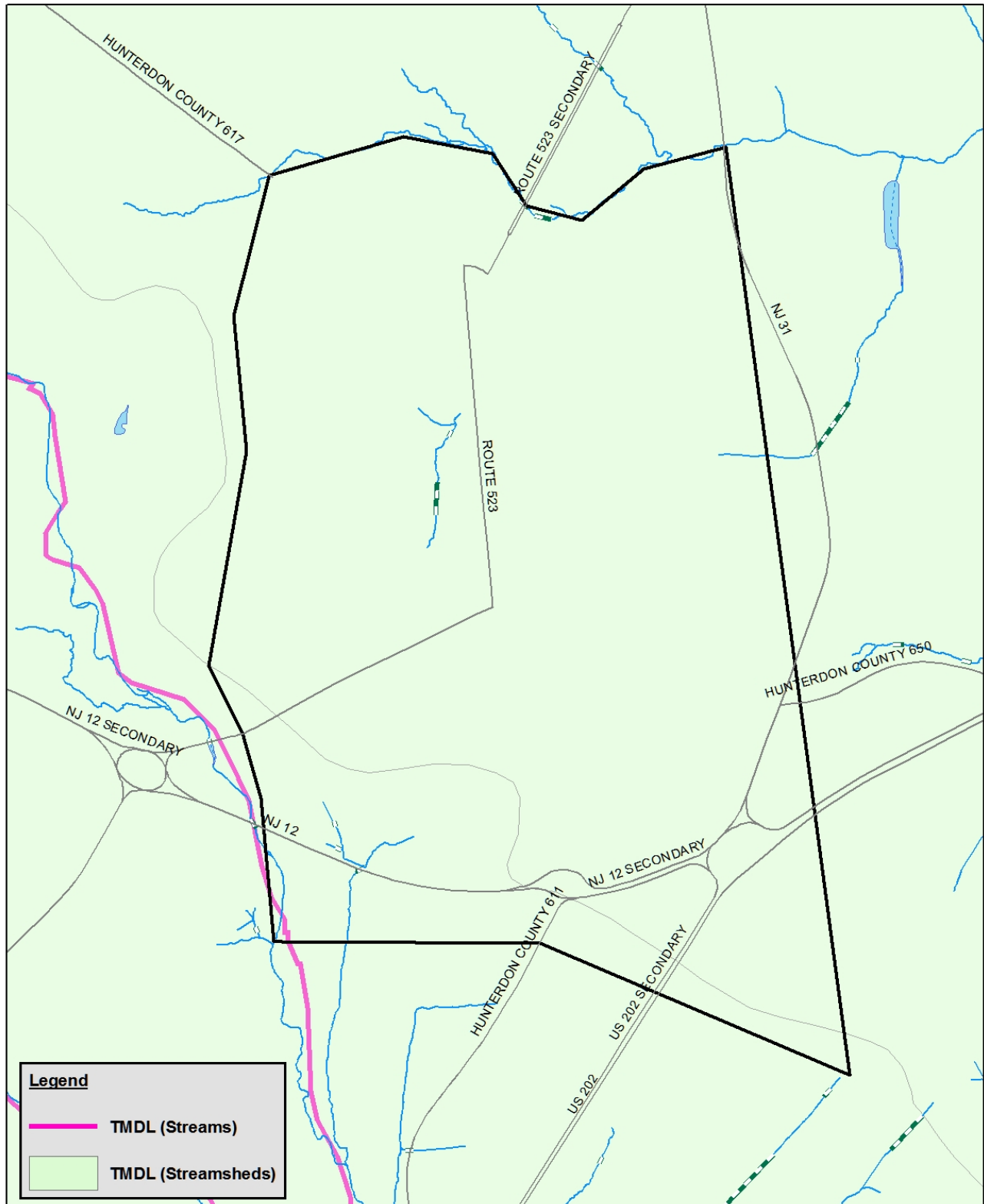
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Flemington Borough, Hunterdon County
Adopted Sewer Service Area**



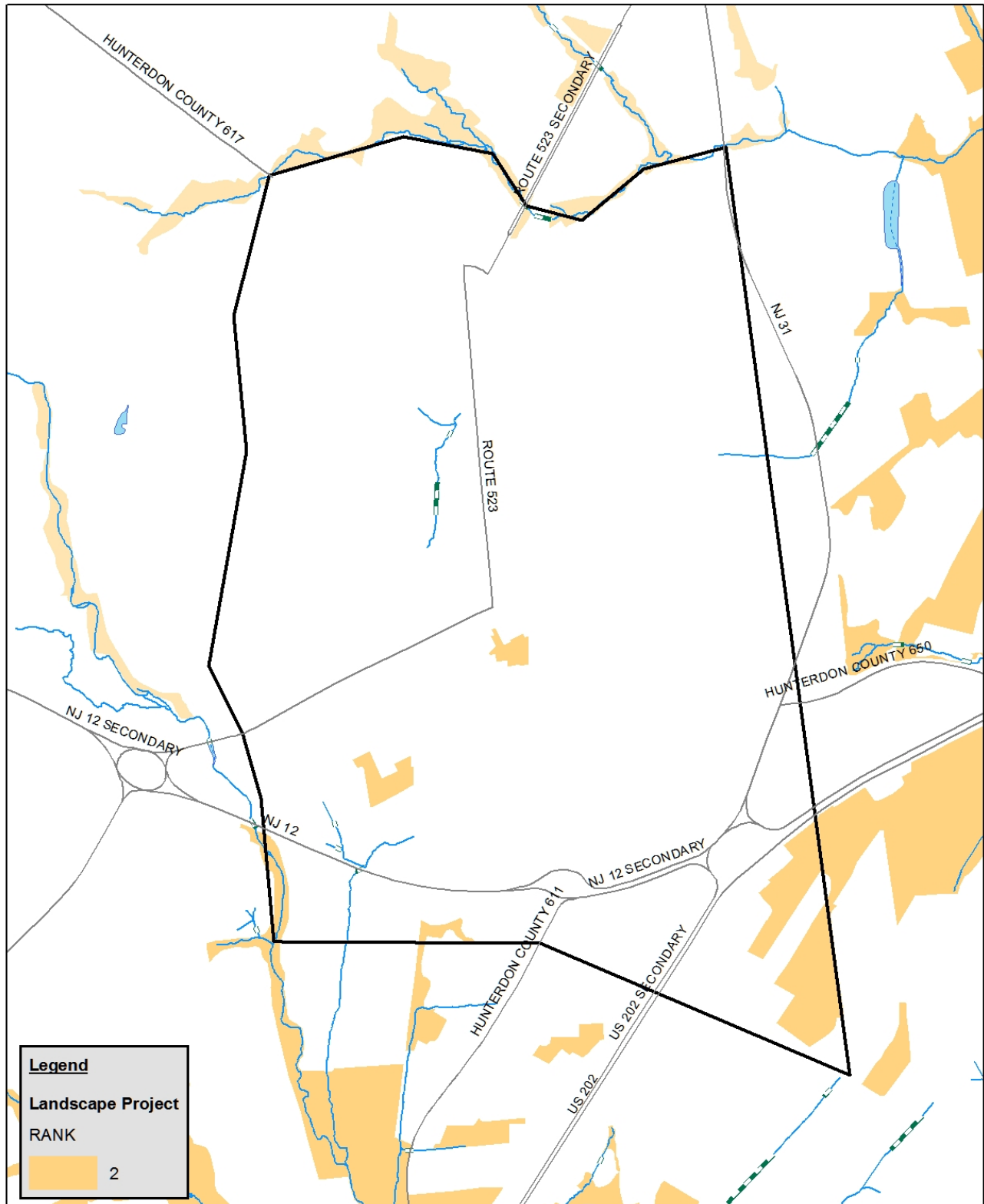
DEP Opportunities & Constraints Analysis
Flemington Borough, Hunterdon County
Land Use/Land Cover (2007)



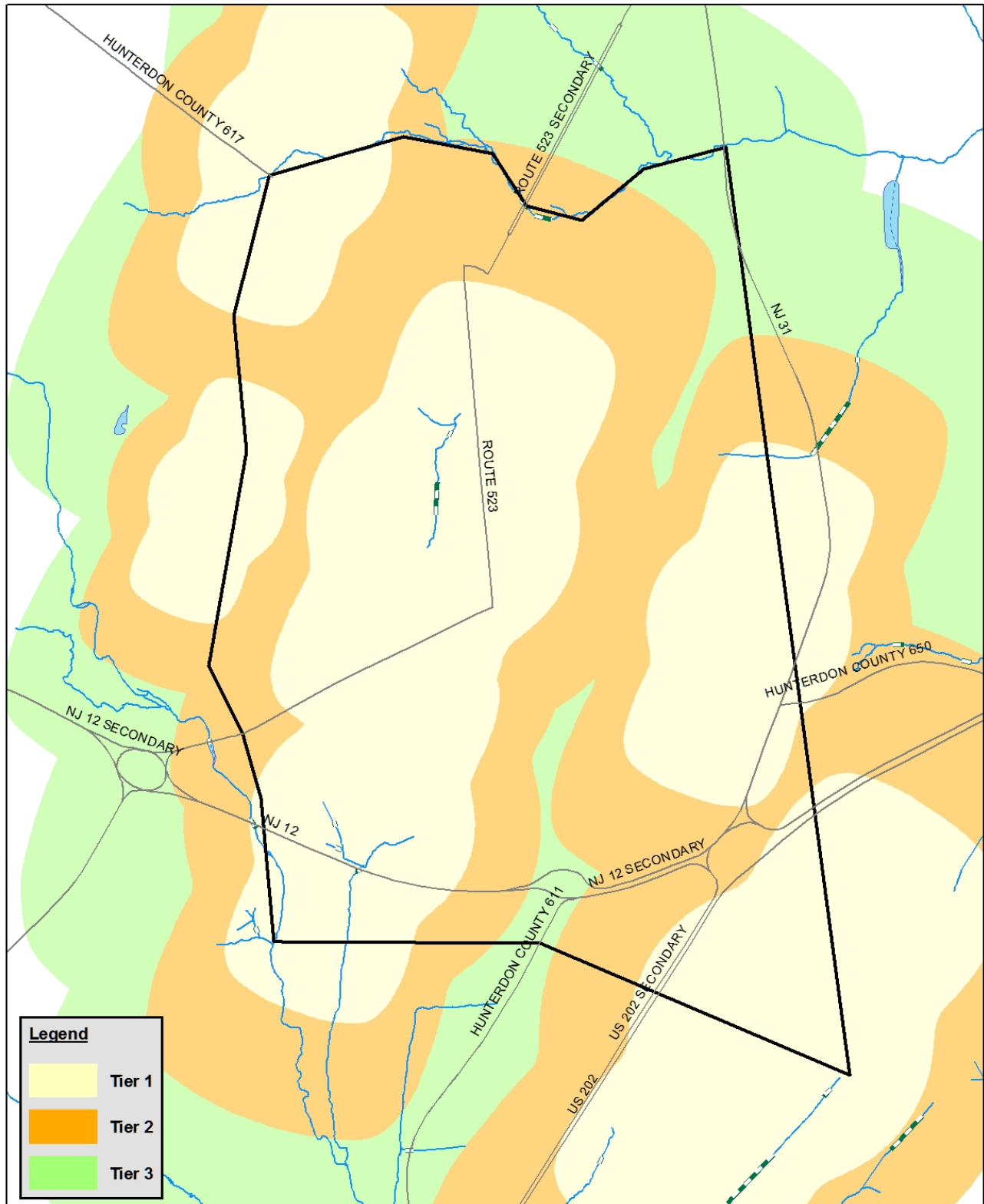
**DEP Opportunities & Constraints Analysis
Flemington Borough, Hunterdon County
Total Maximum Daily Loads**



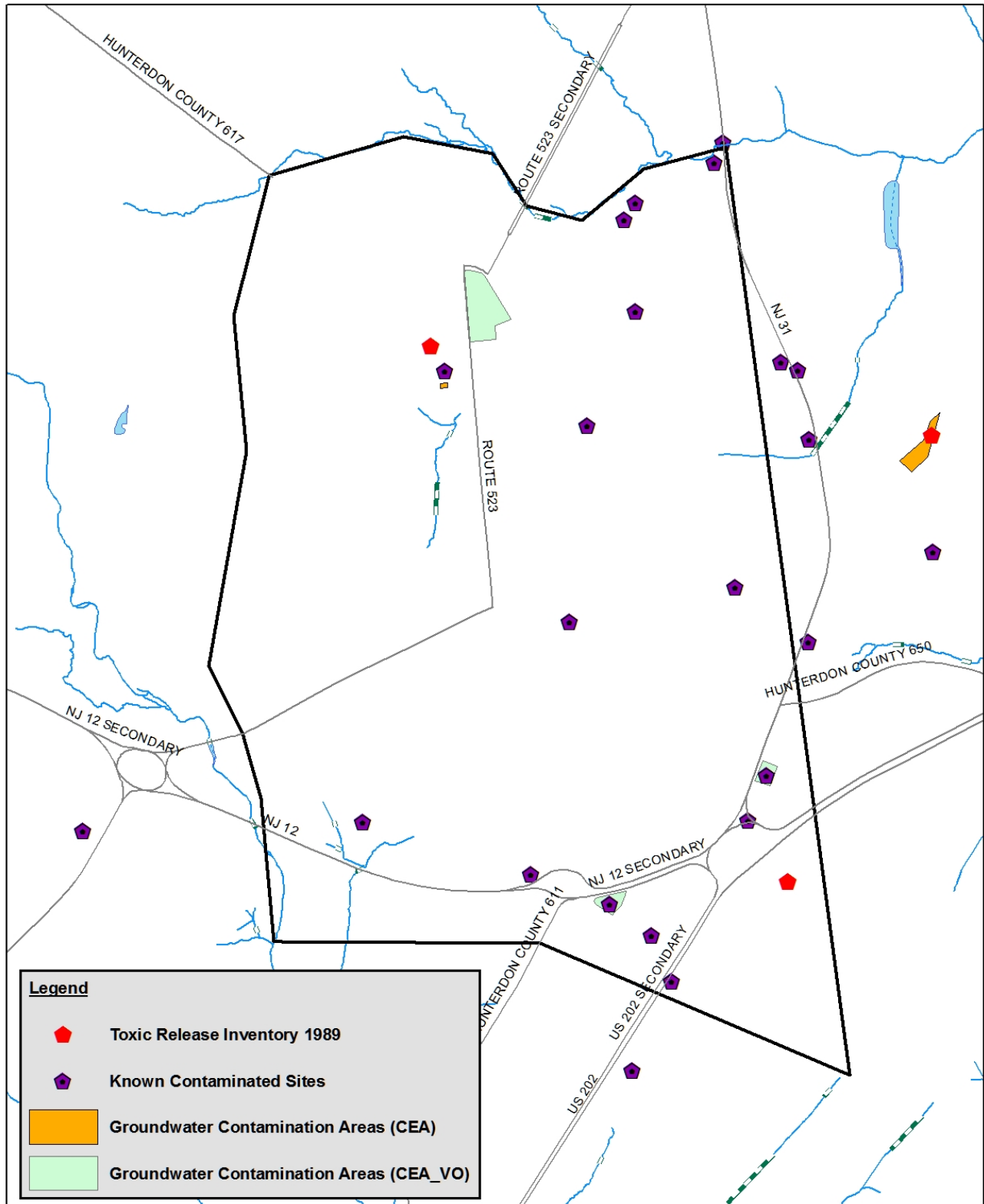
**DEP Opportunities & Constraints Analysis
Flemington Borough, Hunterdon County
Threatened & Endangered Species Habitat**



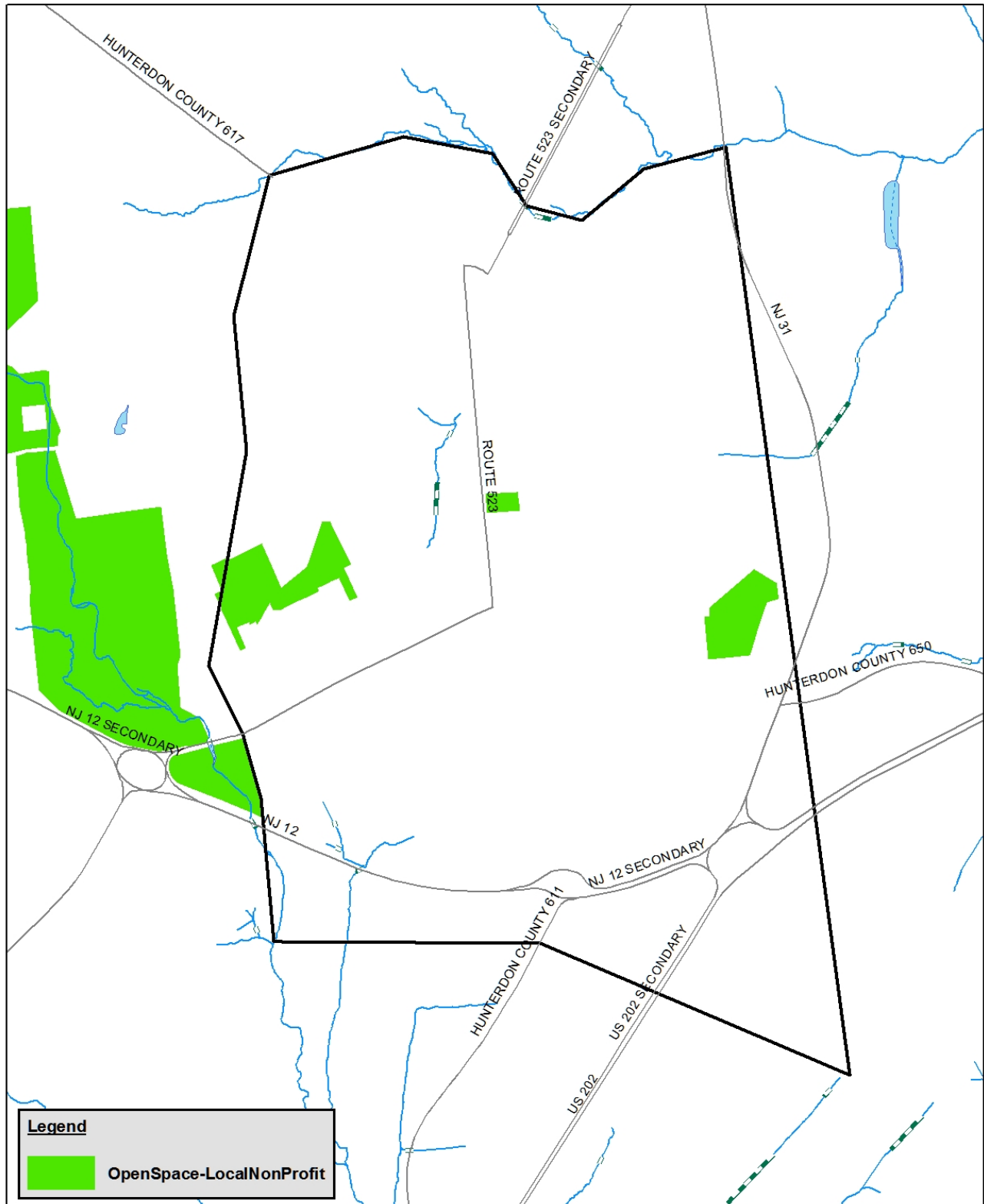
DEP Opportunities & Constraints Analysis
Flemington Borough, Hunterdon County
Wellhead Protection Areas



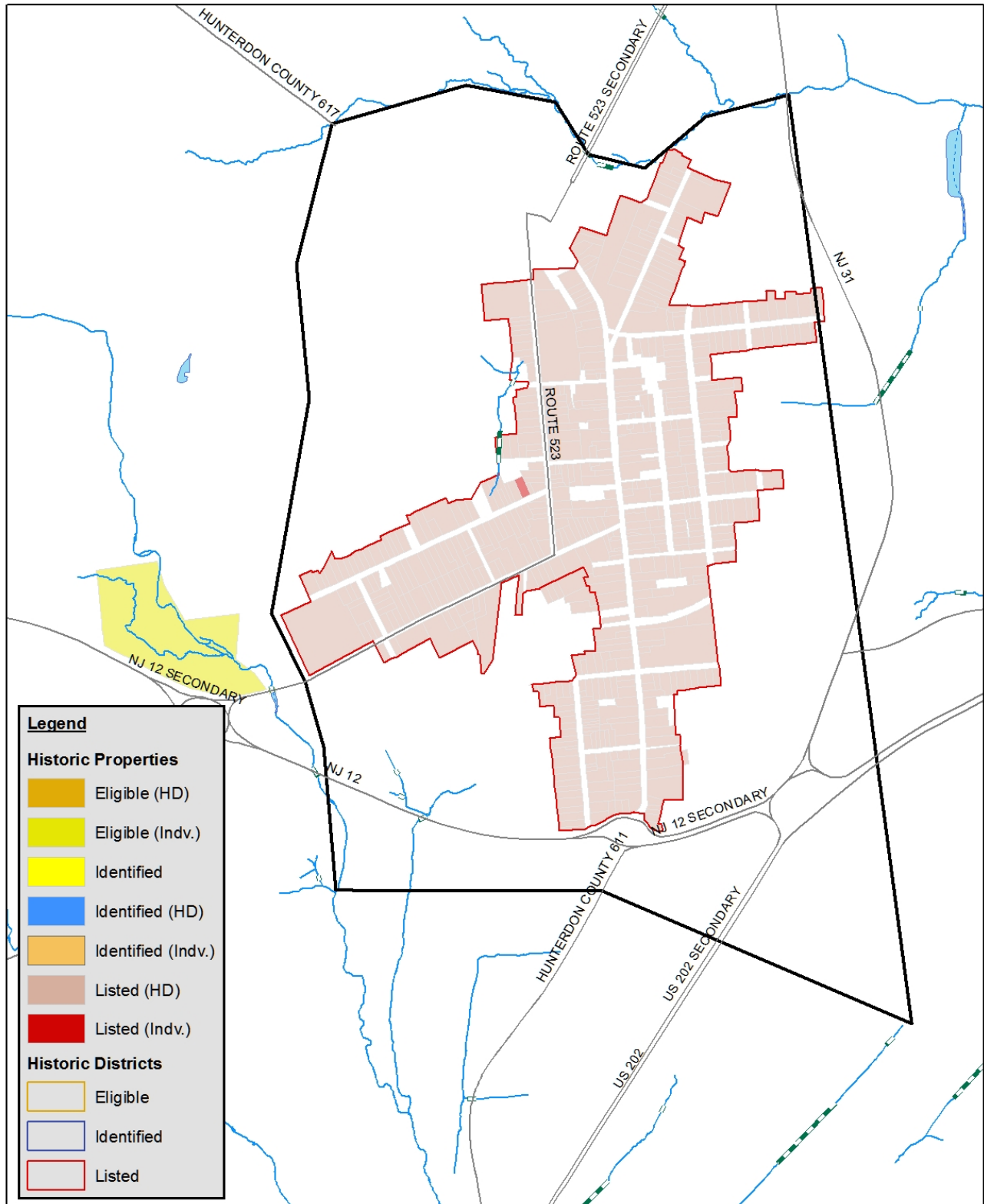
DEP Opportunities & Constraints Analysis
Flemington Borough, Hunterdon County
Contaminated Sites



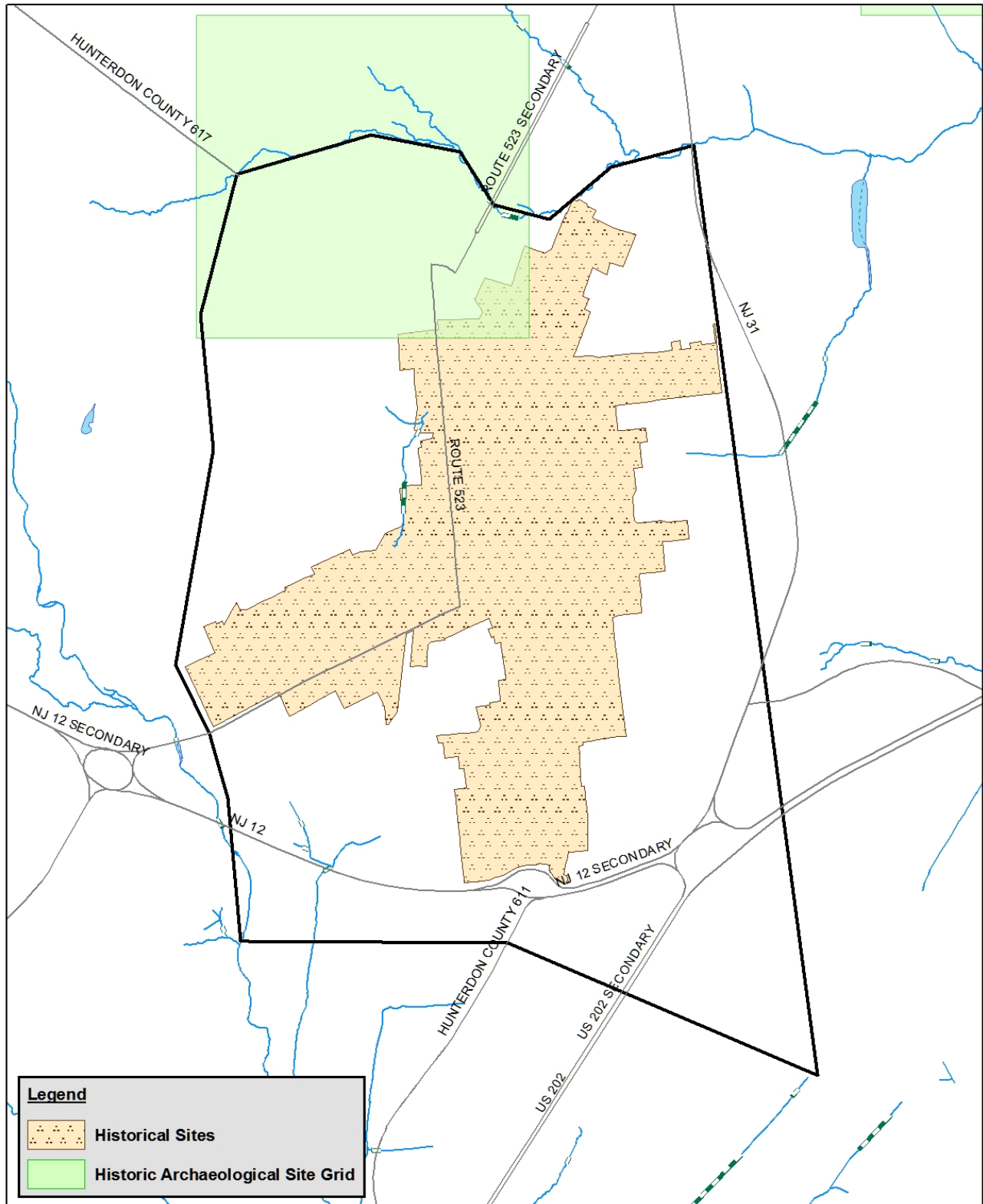
DEP Opportunities & Constraints Analysis
Flemington Borough, Hunterdon County
Open Space



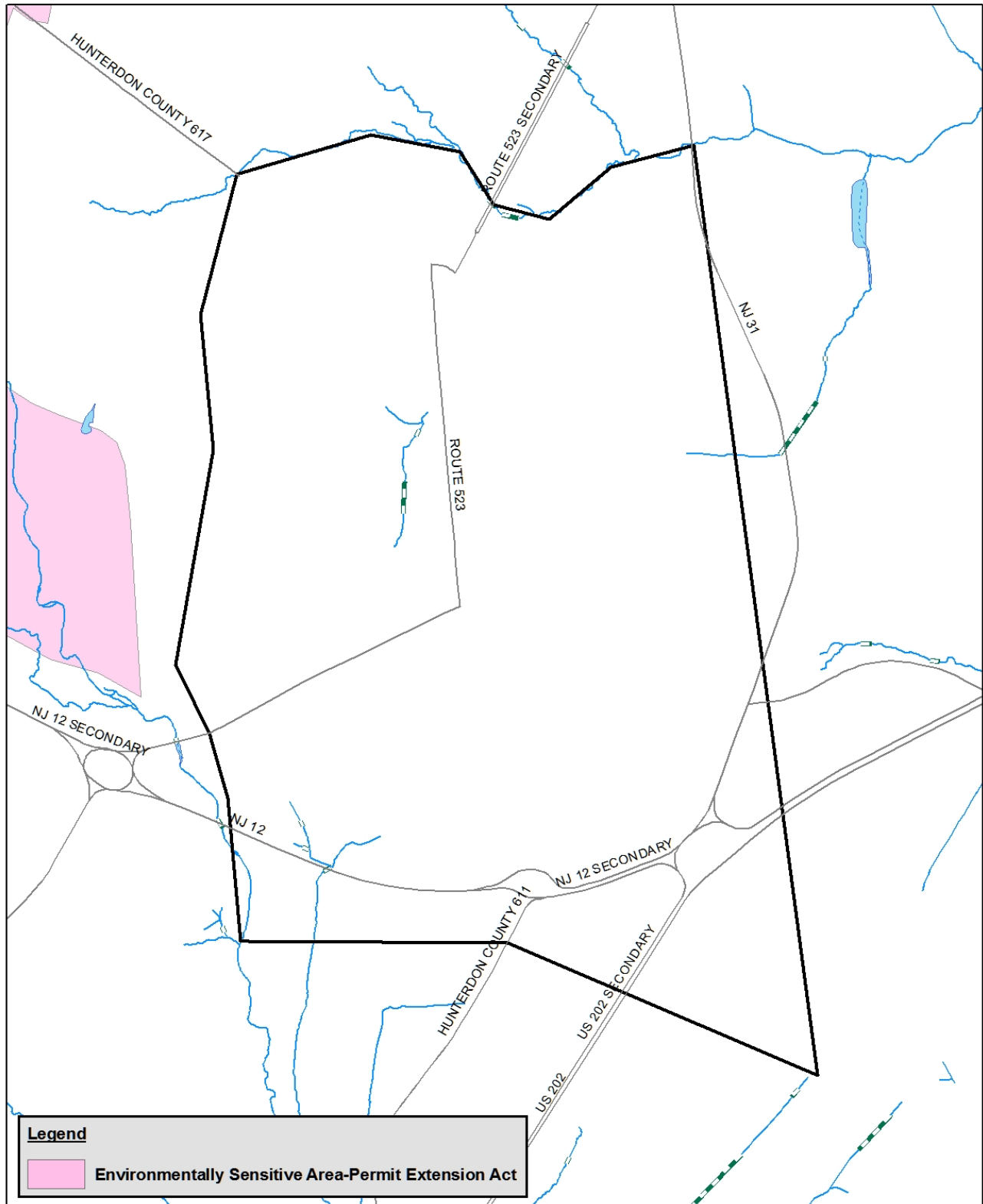
**DEP Opportunities & Constraints Analysis
Flemington Borough, Hunterdon County
Historic Resources 1**



DEP Opportunities & Constraints Analysis
Flemington Borough, Hunterdon County
Historic Resources 2



DEP Opportunities & Constraints Analysis
Flemington Borough, Hunterdon County
Permit Extension Act



NJDEP Office of Planning and Sustainable Communities

The Office of Planning and Sustainable Communities was formed to facilitate the Department's move toward a proactive planning approach based on principles of sustainability and environmental capacity-based planning.

Mission

To coordinate the [sustainable development](#) and [environmental capacity-based planning](#) policies of the Department and proactively work with other state agencies, regional entities, local governments and other groups to incorporate these policies into all levels of land use and environmental planning.

Background

In January, 2007, the Department of Environmental Protection (DEP) adopted its [Policy Priorities and Action Plan](#) which outlines the strategic direction of the agency over the next three years. The Plan identifies eight broad goal areas and underlying objectives.

One of the eight goal areas is Sustainable Growth:

Maximize use of department resources to encourage sustainable growth and livable communities by incorporating consistent criteria for the protection of natural resources and development of smart growth and green design principles into DEP rulemaking, priority setting and planning efforts, other state smart and economic growth priorities, and in regional and local planning efforts.

The first objective of this goal is:

“Incorporate sustainable growth and environmental protection criteria into state, regional and local planning.”

At the core of this goal is a recognized need for more progressive statewide environmental planning by the Department to help inform the local land use development and redevelopment process. Historically, the Department has engaged primarily in environmental planning in targeted areas based on statutory direction. Critically important work has been done in such areas as water quality management planning, water supply master planning, habitat protection planning (Landscape Project) and county/state solid waste planning. DEP is now committed to ensuring that these various planning programs are integrated and coordinated so that our guidance to regional and local planning agencies is consistent, comprehensive and supportive of both local and state priorities.

In a significant business practice improvement, DEP is also committed to implementing the Sustainable Growth goal by broadening the scope of its major project review process by requiring consideration and rewarding incorporating of green design the principles and practices.

Office of Planning and Sustainable Communities

401 E. State Street, 7 Floor West
P.O. Box 418
Trenton, NJ 08625-0418
Phone: (609) 292-2178
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NJ DEPARTMENT OF TRANSPORTATION

**State Development and Redevelopment Plan
Plan Endorsement
Opportunities and Constraints Analysis**

For:

Borough of Flemington, Hunterdon County

August 10, 2010

This document constitutes the New Jersey Department of Transportation's component of the State Opportunities and Constraints Analysis conducted as part of the Plan Endorsement process. This document provides a collection of the most recent data and information that exists in the Department pertaining to transportation features, studies, projects, grants, designations and other significant issues as applicable. The document should serve as a baseline to inform the remainder of the Plan Endorsement process. It should be understood that this assessment reflects conditions as they presently exist, and that changes may occur at any time during the Plan Endorsement process.

NJDOT has examined the following categories for pertinent data:

State Highways

Route 12	MP 11.00 – 11.69
Route 31	MP 22.02 – 22.30, MP 22.94 – 23.14
Route 202	MP 11.14 – 11.54

Straight Line Diagram sheet is attached.

State Highway Access Management Code – Access Levels and Desirable Typical Sections

According to the attached table, Route 12 from milepost 10.95 – 11.69 is classified as Access Level 4 (driveway with provision for left-turn access via left-turn lane), with a desirable typical section (DTS) of 4A (four lanes, divided, with shoulders or parking). The designation of a Center would not change the access classifications for this segment.

Route 31 from milepost 22.02 – 23.14 is classified as Access Level 3 (right-turn access with provision for left-turn access via jughandle), with a DTS of 4A. The designation of a Center would not change the access classifications for this segment.

Route 202 from milepost 11.14 – 11.54 is classified as Access Level 3 with a DTS of 4A. The technical update of Appendix B of the Access Code revealed the need to change the DTS between mileposts 11.14 and 11.36 from 4A to 6A (six lanes, divided, with shoulders or parking), based upon current information. The designation of a Center would not change the access classification for this segment.

Congestion Management System

According to the attached chart, part of this section of Route 12 is classified as “Not Congested”. Part of this section of Route 31 is classified as “Very Congested”. Part of this section of Route 202 is classified as “Moderately Congested.”

Major Capital Projects/Initiatives and Mitigation Projects

The FY 2010-2019 Statewide Transportation Improvement Program (STIP) and the FY 2011 Capital Program, as well as the FY 2010-11 Study and Development Program, contain the Route 31/202 Flemington Circle project. The Circle Elimination originally was scoped as a grade separation costing approximately \$35 million. The project has been re-scoped as part of a “Smart Growth” study and a two-lane roundabout or similar at-grade solution is now proposed at this location. This solution is more compatible with future community views. Initial traffic studies show that the project will work at this location and be safer than the existing conditions, as well as significantly less expensive to construct. No right-of-way need is anticipated. The Flemington Circle project is expected to enter Final Design by the end of Calendar Year 2010. The project will comply with the State Highway Access Management Code and the Department’s new Complete Streets policy.

The FY 2010-11 Study and Development Program contains the Route 31 Integrated Land Use and Transportation Plan for the completion of the South Branch Parkway and other elements of the Plan as needed. This project will provide congestion mitigation in the Flemington area, from the interchange of Route 31 and Bartles Corner Road to Route 202 east of Voorhees Corner Road, and will include a two-lane parkway.

NJDOT also plans to improve Route 31 in neighboring Raritan Township. The Route 31 Integrated Land Use and Transportation Study concluded that existing Route 31 between the intersection of Route 202, Route 31 and Route 12 and the Raritan River, where the Route 31 dualization ends, should be a consistent five-lane section. The project will widen Route 31 southbound from Main Street to Church Street to five lanes, including a center turning lane.

The Route 12 South Main Street Roundabout from milepost 11.22 – 11.69 is under construction, with an estimated completion date of October 2010. The project will convert the existing traffic circle to a modern roundabout to promote better safety and traffic flow.

Designated Transit Villages

Not Applicable

Designated Scenic Byways

Not Applicable

Open Local Aid Grant Projects

In FY 2008, Hunterdon County received a non-infrastructure Safe Routes to School grant, in the amount of \$46,000, that included Flemington Borough.

Corridor Studies

A Route 202 Corridor Assessment and Multimodal Plan, a subregional study managed by Somerset and Hunterdon Counties, was completed in June 2009.

Local Planning Assistance Projects

Not Applicable. However, the Borough could seek assistance in the future to study selected recommendations in the Circulation Plan.

Bicycle and Pedestrian Local Planning Assistance Projects

Not Applicable.

Public Use/General Aviation Airports

Not Applicable.

Rail Freight Lines

The Rail Freight Assistance Program has given numerous grants to the Belvidere and Delaware River Railroad for improvements to the freight network. Most recently, the Department awarded a grant \$385,000 for improvements at Goat Curve in FY 2008, and \$245,000 for the Three Bridges Interchange improvements in FY 2009. The B &DR also has submitted a grant proposal in the amount of \$225,000 for the Three Bridges Advance Track. Presently, the B &DR, which connects to the heavily used Norfolk Southern Lehigh Line, is the only rail line serving Flemington. It delivers over 700 carloads of material to four customers in the vicinity.

It should be emphasized that rail freight not only acts as a valuable transportation resource, but constitutes an economic engine and important element of job creation.

Traffic Engineering and Safety Initiatives

At Route 31 and East Main Street, the Borough Police Department has requested that Traffic Engineering explore removal of the No Turn on Red sign on the northbound approach of Route 31.

Existing and Planned Park-and-Rides

The one park-and-ride facility within Flemington is located at One Church Street in Liberty Village at Route 12. The lot has 100 spaces and is at full capacity. Liberty Village owns and the lot and it is operated by TransBridge Bus Line.

Other Significant Issues

None at this time.

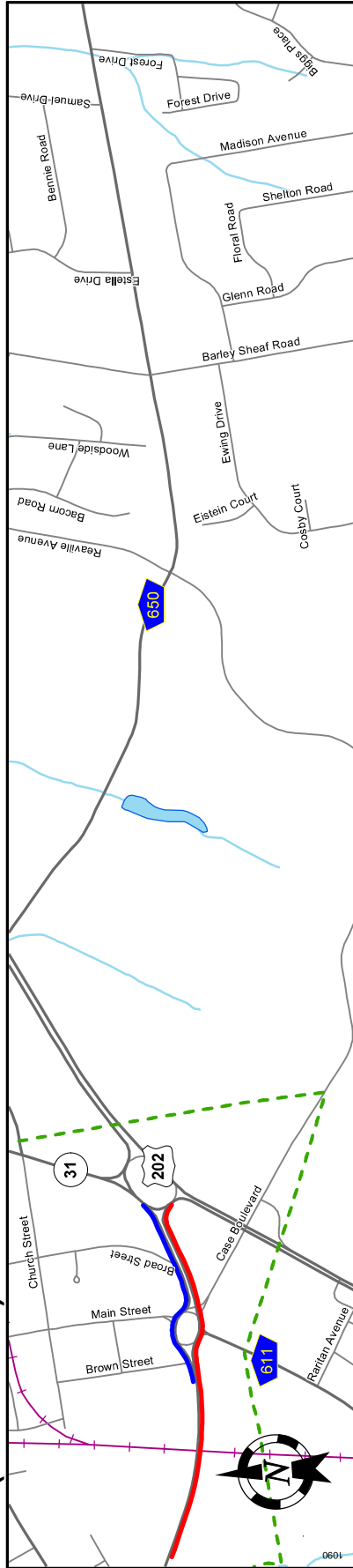
ATTACHMENTS

Straight Line Diagram Sheet
Access Classification Table
Congestion Management System Chart

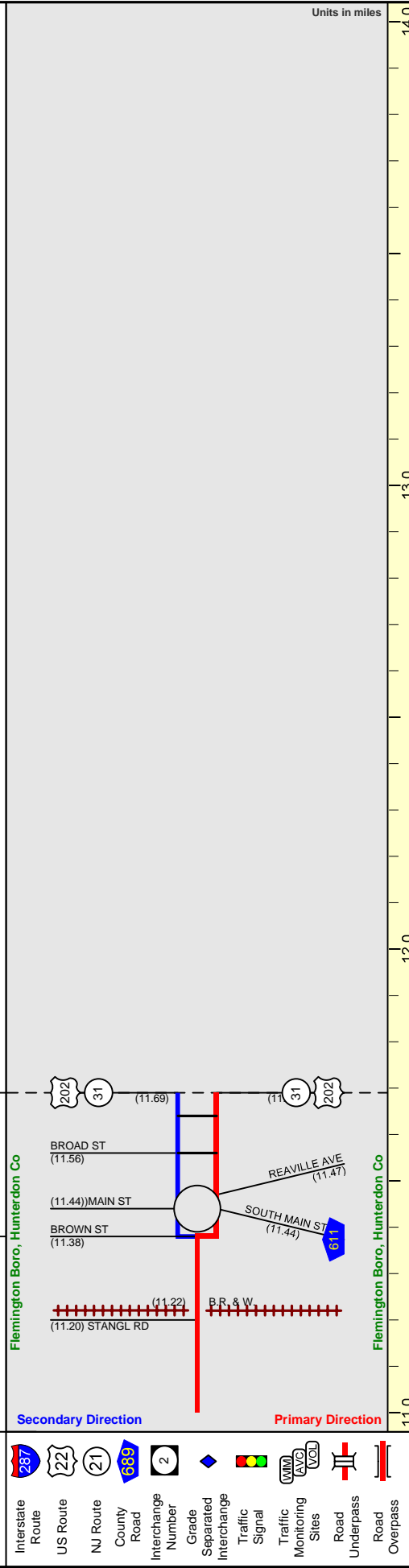
NOTE: GIS data layers have been provided to the OSG GIS unit by the NJDOT GIS unit.

Mile Posts: 11.000 - 11.690

NJ 12 (West to East)



Pavement	30	24
Shoulder	0	8
Number of Lanes	1	2
Speed Limit	40	30
Street Name	Samuel Hill Highway	



Street Name	Samuel Hill Highway	
Jurisdiction	N.J.D.O.T.	
Functional Class	Urban Minor Arterial	
Federal Aid - NHS Sy	STP	
Control Section	1002	
Speed Limit	40	30
Number of Lanes	2	1
Med. Type	None	Unprotected
Med. Width	0	VAR
Pavement	24	30
Shoulder	8	0
Traffic Volume	16,215 (2004)	
Traffic Sta. ID	5-4-314	
Structure No.		
Enlarged Views		

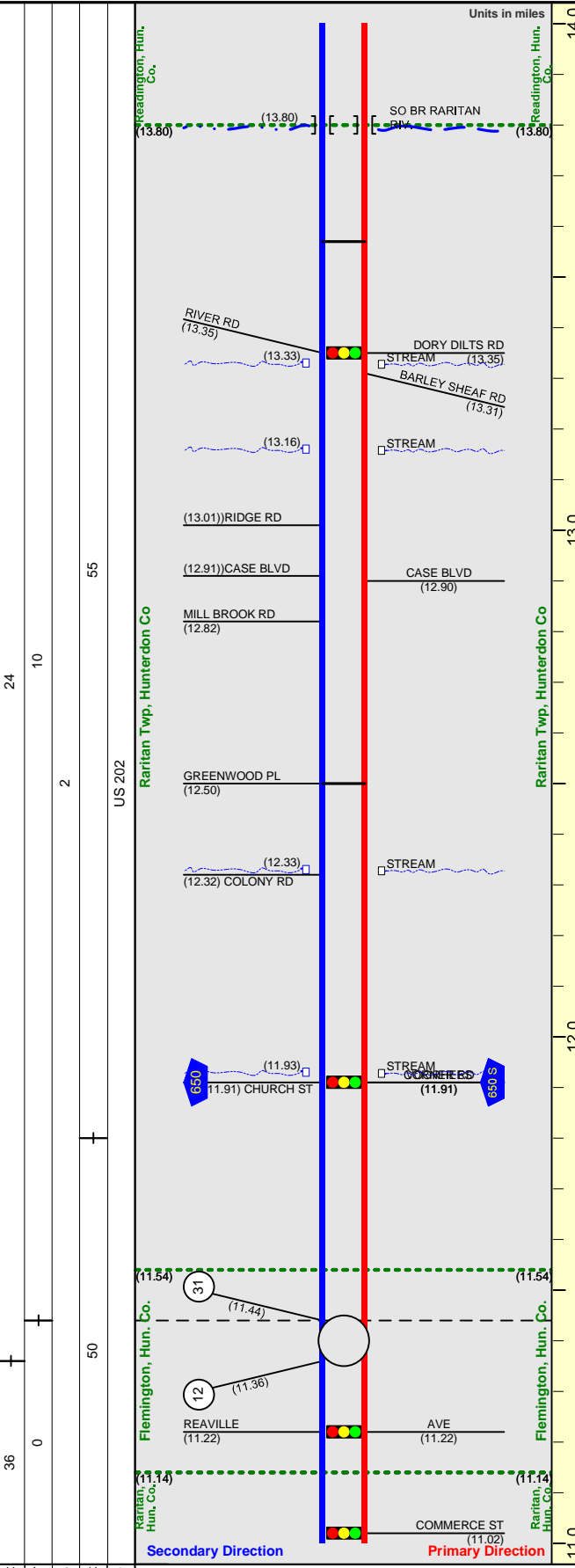
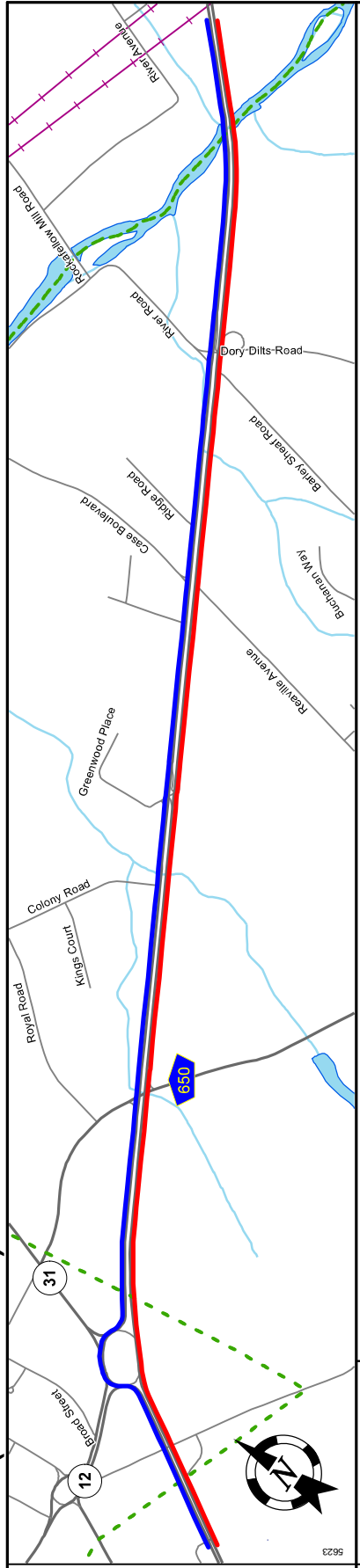
End NJ 12 MP=11.69

Date last inventoried: January 2009

SRI = 00000012

Mile Posts: 11.000 - 14.000

US 202 (South to North)



Pavement	Shoulder	Number of Lanes	Speed Limit	Street Name	Interstate Route	US Route	NJ Route	County Road	Interchange Number	Grade	Separated Interchange	Traffic Signal	Traffic Monitoring Sites	Road Underpass	Road Overpass
			50	US 202	287	22	21	689	2						
Street Name	Jurisdiction	Functional Class	Federal Aid - NHS Sy	Control Section	Speed Limit	Number of Lanes	Med. Type	Med. Width	Pavement	Shoulder	Traffic Volume	Traffic Sta. ID	Structure No.	Enlarged Views	
US 202	N.J.D.O.T.	Urban Principal Arterial	STRAHNET Non-Inter.	1021	55	2	Unprotected	28	24	8	25,889 (2009)	5-5-053	1021,158	1021,151,150	
MP 11.44	End Duplic.	With NJ 31	MP=21.95												

Date last inventoried: July 2006

SRI = 00000202

Mile Posts: 22.020 - 23.000

NJ 31 (South to North)

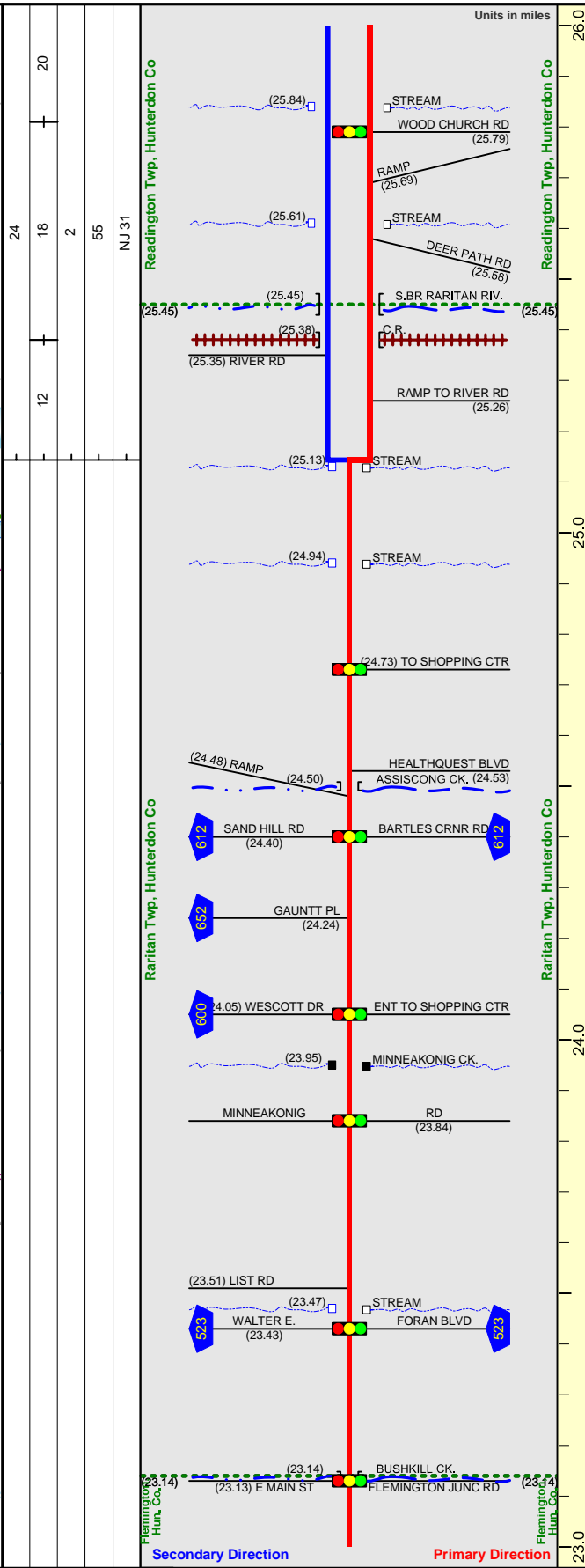
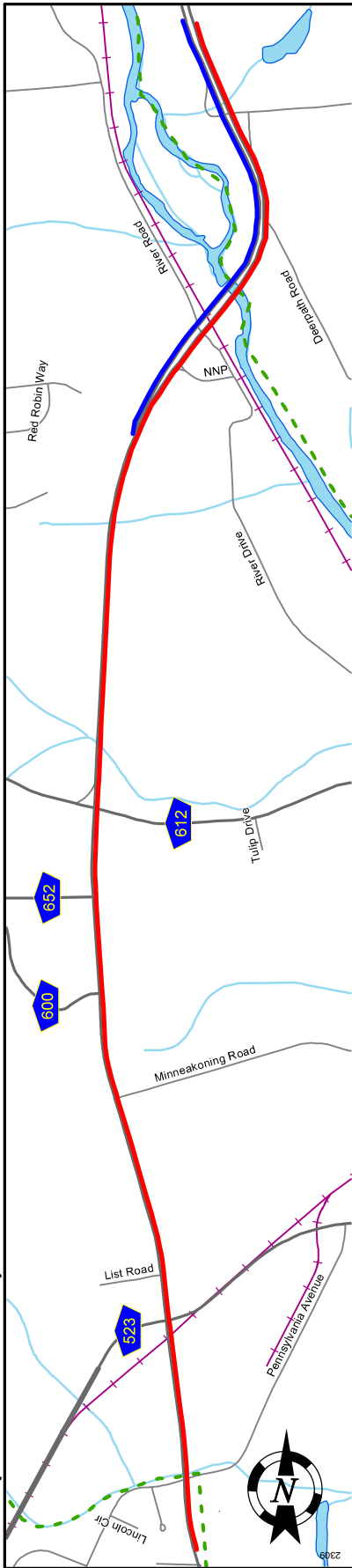


Pavement	18
Shoulder	0
Number of Lanes	1
Speed Limit	40
Street Name	NJ 31
Interstate Route	287
US Route	22
NJ Route	21
County Road	689
Interchange Number	2
Grade	◆
Separated Interchange	◆
Traffic Signal	◆
Traffic Monitoring Sites	◆
Road Underpass	◆
Road Overpass	◆

Street Name	NJ 31
Jurisdiction	N.J.D.O.T.
Functional Class	Urban Principal Arterial
Federal Aid - NHS Sy	NHS
Control Section	1012
Speed Limit	40
Number of Lanes	3
Med. Type	None
Med. Width	0
Pavement	60
Shoulder	0
Traffic Volume	8
Traffic Sta. ID	1012150
Structure No.	1012151
Enlarged Views	N/A

Mile Posts: 23.000 - 26.000

NJ 31 (South to North)



Street Name	NJ 31									
Jurisdiction	N.J.D.O.T.									
Functional Class	Urban Principal Arterial									
Federal Aid - NHS Sy	NHS									
Control Section	1012									
Speed Limit	40	45	50	55	55	55	55	55	55	55
Number of Lanes	3	5	3	3	2	2	2	2	2	2
Med. Type	None									
Med. Width	36	55	36	36	24	24	24	24	24	VAR
Pavement	8									
Shoulder	18									
Traffic Volume	20,447 (2009)									
Traffic Sta. ID	5-7133									
Structure No.	1012152	N/A	1012153	1012154	N/A	1012155	1012156	1012157	1012158	N/A
Enlarged Views	N/A									

SRI = 00000031 Date last inventoried: February 2008

ROUTE (SRI)	MILEPOST		Existing Appendix B			Proposed Appendix B		
	BEGIN	END	DTS	AL	CELL	DTS	AL	CELL
00000022	28.60	31.50	4A	3	1	4A	3	7
00000022	31.50	33.88	6A	3	1	6A	3	7
00000022	33.88	37.10	6A	3	1	6A	3	1
00000022	37.10	38.80	4A	3	1	4A	3	1

ROUTE (SRI)	MILEPOST		Existing Appendix B			Proposed Appendix B		
	BEGIN	END	DTS	AL	CELL	DTS	AL	CELL
00000022	38.80	39.26	4A	3	1	6A	3	1
00000022	39.26	41.59	4A	3	1	4A	3	1

ROUTE (SRI)	MILEPOST		Existing Appendix B			Proposed Appendix B		
	BEGIN	END	DTS	AL	CELL	DTS	AL	CELL
00000028	0.00	2.22	2A	4	3	2A	5	9
00000028	2.22	2.25	2A	5	6	2A	5	9
00000028	2.25	3.00	2A	5	6	2A	5	6

ROUTE (SRI)	MILEPOST		Existing Appendix B			Proposed Appendix B		
	BEGIN	END	DTS	AL	CELL	DTS	AL	CELL
00000028	3.70	5.08	2A	5	6	2A	5	6
00000028	5.08	6.23	2A	4	3	2A	5	6
00000028	6.23	6.24	2A	4	3	4D	4	5
00000028	6.24	6.25	2A	4	3	4D	4	2
00000028	6.25	6.80	4D	4	2	4D	4	2
ROUTE (SRI)	MILEPOST		Existing Appendix B			Proposed Appendix B		
	BEGIN	END	DTS	AL	CELL	DTS	AL	CELL
00000012	10.95	11.69	4A	4	10	4A	4	10

ROUTE (SRI)	MILEPOST		Existing Appendix B			Proposed Appendix B		
	BEGIN	END	DTS	AL	CELL	DTS	AL	CELL
00000031	22.02	22.10	4A	3	1	4A	3	4
00000031	22.10	23.13	4A	3	4	4A	3	4

ROUTE (SRI)	MILEPOST		Existing Appendix B			Proposed Appendix B		
	BEGIN	END	DTS	AL	CELL	DTS	AL	CELL
00000202	11.14	11.36	4A	3	1	6A	3	1
00000202	11.36	11.51	4A	3	1	4A	3	1



New Jersey Department of Transportation

Bureau of Systems Planning

CMS Priority Ranking

NJ 12 (MP 11.00 - 11.69), Flemington Boro., Hunterdon County

CMS Link Number	Route	Begin Milepost	End Milepost	One-Way ADT (2006) (Veh./Day)	No. of Lanes (NB/EB)	No. of Lanes (SBWB)	V/C Max	Overall Score	Priority Rating	System Top Percentile	County	County Top Percentile	MPO	MPO Top Percentile
195	12	10.91	11.34	4864	1	1	0.49	3.15	Low	83	Hunterdon	56	NJTPA	86
196	12	11.34	11.50	3702	1	1	0.37	2.40	Low	92	Hunterdon	71	NJTPA	94
197	12	11.50	11.69	2560	2	2	0.13	0.83	Low	100	Hunterdon	96	NJTPA	100

NJ 31 (MP 22.02 - 22.30), (MP 22.94 - 23.14) Flemington Boro., Hunterdon County

CMS Link Number	Route	Begin Milepost	End Milepost	One-Way ADT (2006) (Veh./Day)	No. of Lanes (NB/EB)	No. of Lanes (SBWB)	V/C Max	Overall Score	Priority Rating	System Top Percentile	County	County Top Percentile	MPO	MPO Top Percentile
1742	31	21.95	22.03	10000	2	2	0.27	2.46	Low	91	Hunterdon	68	NJTPA	93
1743	31	22.03	22.22	10000	2	1	0.68	5.39	Medium	46	Hunterdon	17	NJTPA	52
1744	31	22.22	23.14	10000	1	1	1.04	6.58	Medium	26	Hunterdon	4	NJTPA	31

Part of this section of NJ 31 is "Very Congested".

US 202 (MP 11.14 - 11.54) Flemington Boro., Hunterdon County

CMS Link Number	Route	Begin Milepost	End Milepost	One-Way ADT (2006) (Veh./Day)	No. of Lanes (NB/EB)	No. of Lanes (SBWB)	V/C Max	Overall Score	Priority Rating	System Top Percentile	County	County Top Percentile	MPO	MPO Top Percentile
754	202	11.15	11.44	15736	2	3	0.78	5.06	Medium	51	Hunterdon	26	NJTPA	57
755	202	11.44	12.10	11858	2	2	0.76	4.40	Low	62	Hunterdon	39	NJTPA	67

Part of this section of US 202 is "Moderately Congested".

- Highest Score in this section

The Overall Score shown above considers V/C ratio and ADT per lane. Each factor is weighted 50%. Priority Ratings are based on the Overall Score of 0 to 10, as follows:

HIGH = 7.00+

MEDIUM = 5.00 - 6.99

LOW < 5.00

Memorandum

TO: Barry Ableman
FROM: Chuck Latini, PP, AICP
DATE: August 12, 2010
SUBJECT: Flemington Borough (Hunterdon County)
Opportunities and Constraints Review

The goals articulated in the Flemington Borough Self Assessment report are admirable and reach into the future with a vision that they would be proud to pursue.

The Borough's 2007 Master Plan Reexamination Report recommended investigating the potential for a return of passenger rail service, the Circulation Plan cited the fact that track already exists from Liberty Village to Three Bridges, where it connects to 18 miles of Norfolk/Southern freight rail track to Bound Brook and ultimately Newark. While this is true, running transit service that far west given the densities between Bound Brook and Flemington are difficult to substantiate.

The self assessment further notes the efforts of the Flemington Rail Coalition to return commuter rail service, along with the fact that the proposal was already endorsed by Hunterdon and Somerset Counties and by the affected townships (Raritan, Readington and Hillsborough). The Circulation Plan shows a potential area near Liberty Village where a future train station and related parking could be sited. In light of the Borough's self-assessment and regional context and feasibility of implementing transit service in the future remains unclear and in need of study.

Based upon an analysis of the Borough's Self-assessment and relevant planning documents related to population, employment, zero car household density, regional location and accessibility to job centers, Flemington has a medium-high transit score. According to the applicable modes of transit based on area and future growth, a medium-high score is indicative of development patterns that are fairly cohesive and conducive for Transit service. Surrounding the Borough however are development patterns that are not conducive for sound and reasonable levels of transit service which presents a challenge to the Borough's vision to bring rail service to its residents. While the chart below reveals what types of service appear reasonable from a service standpoint, when a community is located somewhat removed from the remainder of an existing system, a more regional approach becomes important to consider.

TRANSIT SCORE CATEGORY	FIXED GUIDEWAY TRANSIT FEASIBILITY	BUS & OTHER TRANSIT SERVICE CRITERIA	INTERMODAL/ ACCESS TO TRANSIT
MEDIUM-HIGH (2.5 to 7.5)	<ol style="list-style-type: none"> 1. Medium/Low Capital Cost Electric LRT- At least 50% of the line must be on pre-existing rail/utility/median etc. ROW. Must connect to High Transit Score area with 30,000+ jobs in center/. 2. Commuter Rail/Diesel LRT-Must connect to High Transit Score area Terminus with 30,000-60,000 jobs. 3. Bus Priority Treatment-Queue Jumps/Bus Pullouts with 6+ Buses/ Peak Hour on Arterials and at New Development. NJDOT design standards. Bus lanes and peak direction bus only use of shoulders as in High Transit Score areas. 	<ol style="list-style-type: none"> 1. Express Bus service with primarily walk access to High Transit Score Areas 2. Medium Intensity Local Bus Service- Majority of day span (12-18 Hours), with average 30 minute frequency. 3. "Wheels" Type mini-bus service to suburban employment centers from line-haul transit and local area. 	<ol style="list-style-type: none"> 1. Shuttle Bus to Rail/LRT /Express Bus if minimum of 500 peak period boarding riders 2. Structured Parking for Fixed Guideway Transit if 1000+ peak period boarding riders at stop. 3. Surface Park-Ride for All Other Fixed Guideway /Express Bus/ Ferry Service 4. Local Bus Transfer Points

Recently the Borough discussed this new potential rail service with NJ TRANSIT official. That discussion yielded an agreement to study this service potential. It must be cited that numerous challenges are ahead of this planning analysis. Some of the challenges ahead include:

- o The highly active Norfolk-Southern freight truck line is part of the Borough's proposal. It is likely costly track work will be necessary
- o Communities along this line are at very low densities thus limiting potential ridership numbers.
- o Travel times to major job centers are lengthy thus making bus service a potentially faster option.
- o Capacity of the Raritan Valley Rail Line when this potential service meets it in Bound Brook will be limiting.

While not impossible to achieve, especially given the interest cited in their report, it will be an effort nonetheless. Given NJ TRANSIT's commitment to aid in studying this potential, we support the Borough's efforts to think comprehensively about their community and look forward toward working with them and the DOT.

If you have any questions or require further information, please do not hesitate to contact me at (973) 491-8597.