



MONTAGUE

Sussex County

State Agency Opportunities & Constraints Analysis



April 19, 2010
Office of Smart Growth
Department of Community Affairs
State of New Jersey



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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CHRIS CHRISTIE
Governor

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Lt. Governor

LORI GRIFA
Acting Commissioner

April 19, 2010

The Honorable Joseph Barbagallo
Mayor, Township of Montague
277 Clove Road
Montague, New Jersey 07827

**RE: Township Montague Plan Endorsement
State Agency Opportunities and Constraints Analysis**

Dear Mayor Barbagallo:

The Office of Smart Growth (OSG) and our State agency partners have reviewed the Municipal Self Assessment Report submitted by the Township of Montague and would like to commend the Township for its active participation and dedication to the Plan Endorsement process. Please find enclosed the State Agency Opportunities and Constraints Analysis. This analysis is intended to guide the Township's community visioning process and to provide the Township with preliminary consistency issues with the State Plan and relevant State regulations. This document can be found on the OSG website at the following link: <http://nj.gov/dca/divisions/osg/plan/pe.html>.

The Office of Smart Growth and its State agency partners remain committed to working with the Township of Montague. Should you have any questions regarding the Plan Endorsement process or the enclosed Opportunities and Constraints Analysis, please feel free to contact Kate Meade, OSG Planner for Sussex County at (609) 633-8573 or via email at kmeade@dca.state.nj.us.

Sincerely,

Donna Rendeiro
Acting Executive Director

DR/km

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



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Also in this Report:

Analysis from NJ Department of Environmental Protection

Guide to NJ Farmland Assessment Act from NJ Department of Agriculture

SADC Municipal Guide - Farmland Preservation Plans from NJ Department of Agriculture

Analysis from NJ Department of Transportation

In this report: Scenes from Montague.

Introduction

On November 13th, 2009, Montague Township of Sussex County submitted a Municipal Self-Assessment Report to the New Jersey Office of Smart Growth (OSG). As such, OSG and our State Agency partners have preliminarily assessed local opportunities and constraints relating to existing development, current zoning regulations, infrastructure and natural resources. This report provides for a comparison of information within the Municipal Self-Assessment Report with the most up-to-date regional and statewide data to determine whether trend growth, or the continuance of existing development patterns, is sustainable and viable based on the information provided. Trend growth can then be compared to plan growth, or that which is aligned with the New Jersey State Development and Redevelopment Plan (State Plan) and is based on the principles of smart growth. This information is intended to guide and direct the community visioning process such that residents and other stakeholders can develop a vision for the future with a twenty-year planning horizon based on an understanding of how current land use regulations and policies will result within the context of existing infrastructure and environmental and agricultural resources. The vision shall provide for sustainable growth, recognize fiscal constraints, plan for housing needs, and call for the preservation of natural, historic and agricultural resources. By taking into consideration the findings of the Municipal Self-Assessment Report and the Opportunities and Constraints Analysis, communities can envision a both desirable and realizable future.

Background

The Township of Montague initiated the Plan Endorsement process by attending a pre-petition meeting with OSG and our partner State agencies on May 19th, 2009. On June, 9th 2009, the Township of Montague passed a resolution authorizing the creation of their Plan Endorsement Advisory Committee (PEAC), in which eight members were designated.

The Township submitted their Municipal Self Assessment Report to OSG for review in November 2009. However, OSG did not receive the digital center boundaries or commercial square footage information necessary until March 13, 2010. This submission initiated the 30-day State Agency Opportunities and Constraints Analysis, which has been provided to the Township on December



April 19, 2010. Because of the delays, OSG and State Agencies developed the O&C in 30 days instead of 45.

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

Parts of New Jersey still exhibit a predominately rural landscape, with compact towns and village centers surrounded by farms and woodlands. Farmland and open space forms a continuous, productive landscape that enhances habitat protection and maintains natural resources. The character of the rural landscape is an important asset for New Jersey, yet much of it is zoned for large-lot suburban sprawl. Current trend development destroys farmland, open space and natural features. Inflexible zoning codes and individual septic systems create homogenous tracts of single-family homes on large lots, pollute groundwater and contaminate wells. This trend also contributes to road congestion, damages local economies and eliminates rural character. plan development provides for prosperous, mixed use development in compact centers. This compact form provides for the maintenance and enhancement of contiguous farmland and open space, therefore protecting headwaters and groundwater recharge areas. Ultimately, plan development provides for the protection of rural character, while preserving and enhancing the local economy.

The current State Plan Policy Map, adopted in 2001, depicts Rural Planning Area 4, Rural & Environmentally Sensitive Planning Area 4B, Environmentally Sensitive Planning Area 5 and Parks and Natural Areas. As such, there are 2,275 acres of Rural Planning Area 3,643 acres of Rural Environmentally Sensitive 4B, 6,266 acres of Environmentally Sensitive Plan-

ning Area 5 and 16,854 acres of Parks and Natural Areas in Montague. The Draft State Plan includes 717 additional acres of Parks and Natural Areas that had previously been part of Planning Area 4, 4B or 5.

New Jersey Office of Smart Growth (OSG) Trend Analysis

The trend analysis uses a series of worksheets in which relevant zoning information, land capacity and constraints data, and standard multipliers as inputs to determine residential and commercial buildout. OSG uses the most recent U.S. Census Bureau data to determine Montague’s average household size, which was identified as 2.65 persons per household (U.S. Census Bureau, 2000 Demographic Profile Highlights).

The trend analysis performed by OSG is based on the current zoning information provided in the Municipal Self-Assessment Report. The analysis takes into account known environmental constraints and impediments to development. These constraints include identified State Plan parkland; State Agriculture Development Committee (SADC) preserved farms, wetlands (with a 25 foot buffer), the presence of Category 1 (C1) streams, (with 300 foot buffer) and identified surface water. The net result from the trend analysis determines the amount of housing and commercial space that could potentially be built given current zoning regulations. The objective of this trend analysis is to determine what the 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 Township’s zoning language into the Resi-



Summary Table	
category	acreage
<i>land consumption</i>	
environmentally constrained	23,205
currently urbanized	1,397
additional consumption	4,902
total urbanized land at buildout	6,299
<i>buildings</i>	
current residential units	1,286
new residential units	1,600
total residential units at buildout	2,886
current commercial sq ft	NA
new commercial sq ft	234,539
total commercial at buildout	NA
<i>people</i>	
current residents	3412
new residents	4238
total residents at buildout	7650
current employment	NA
new employment	244
total employment at buildout	NA

dential Buildout Method. The Commercial buildout method was customized to suit Montague’s zoning.

The zoning schedule for the Township has been attached for reference to the definitions of the various zones considered in this analysis. Tables used in calculating the results of the trend analysis have been attached as well. A brief summary of the findings is provided below and is intended to be used as a guide during the visioning process.

Residential Buildout Method

The Residential Buildout Method assumes buildout of existing residential zones at the maximum density permitted by the Township’s current zoning ordinance. Dependent upon future development pressure, the information provided in the Residential Buildout Method will come to fruition as buildout occurs. Development pressure ebbs and flows over time and a significant amount of time may pass before Montague reaches buildout. According to the 2000 Census, there are 3,412 people residing within the Township of Montague. As reference, OSG used year 2000 Census data to determine average household size, which was identified as 2.65 persons per household (median) from (U.S. Census Bureau (2000). Ameri-

Residential Buildout Method								
residential zone	total land in residential zone (acres)	total constrained land in residential zone (acres)	total developable land (acres)	total developable residential land (acres)	maximum residential density permitted (units per acre)	potential number of units	average household size (persons per unit)	number of new residents
	a	b	c=a-b	d=c*0.8	e	f=d*e	g	h=f*g
R3-Low Density Residential	9,890	5,172	4,719	3,775	0.33	1,245	2.65	3,299
R4-High Density Residential	819	594	225	180	0.39	70	2.65	185
R5-Medium Density Residential	171	58	113	90	3.03	273	2.65	723
SC-Planned Adult Residential	70	29	42	33	0.39	12	2.65	31
total	10,950	5,852	5,098	4,078		1,600		4,238
			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)							
	d: 0.8 figure is based on 20% takeup of land for right of ways (i.e. roads)							
	e: data based on current zoning							

can FactFinder: Montague Township, N.J. Retrieved March 24, 2010. <http://tinyurl.com/montagueprofile>

Montague’s 2005 Housing element indicates that Montague’s approximately 3,412 citizens reside in roughly 1,286 housing units. Montague Township’s 2005 Housing element indicates “Montague Township has experienced continuous growth in the decades from 1930 to 2000. The 1970’s saw the greatest rate of growth nearly 83% increase in population.” NJTPA’s projections indicate that Montague’s 2030 population could reach 5,530 people.

The Residential Buildout Method provides that buildout would occur when an additional 4,238 residents are added, bringing Montague Township’s population to 7,650. The Residential Buildout Method provides that potential buildout of residential units would occur when an additional 1,600 units exist within the Township. According to the 2000 U.S. Census, there are 1,286 residential units currently within Montague Township. Should the Township continue utilizing and enforcing its current zoning ordinance, buildout would result in 2,886 units.

- Low Density Residential R-3

The R-3 zone is comprised of 9,890 acres of land. 5,171 acres are constrained (952 acres are already developed, and 4,219 acres are environmentally constrained.) 3,774 acres are available for development. OSG’s analysis indicates that the zoning creates the potential for 1,245 units on 3,774 acres of vacant land.

- High Density Residential R-4

Properties are zoned R-4 in one contiguous area. The zone is comprised of 819 acres of land. 594

of these acres are constrained (254 are already developed and 340 are environmentally constrained.) 180 acres remain available for development. OSG’s analysis indicates that the zoning creates the potential for 70 units on 180 acres of vacant land.

- Medium Density Residential R-5

Properties are zoned R-5 in one contiguous area. The zone is comprised of 172 acres of land. 58 of these acres are constrained. (45 acres are already developed and 13 acres are environmentally constrained.) OSG’s analysis indicates that the zoning creates the potential for 273 units on 90 acres of vacant, developable land.

- Planned Adult Residential SC

Properties are zoned R-D in one contiguous area. The zone is comprised of 70 acres. 28 acres are constrained (7 are developed and 22 are environmentally constrained.) 33 acres of developable land remain. OSG’s analysis indicates that the zoning creates the potential to produce 12 units on 33 acres of vacant, developable land.

Commercial Buildout-Building Cover Method

The Commercial Buildout Method assumes buildout of currently designated commercial zones at the maximum density permitted under current zoning regulations. While encouraging the growth of commercial businesses within the Township is admirable, zoning for such commercial enterprises must be realistic and planned according to the Township’s vision – a vision which should include mixed use centers thus encouraging Township residents to live within close proximity to where they work and shop to minimize auto use, reduce traffic congestion and enhance pedestrian mobility. Dependent

upon future development pressure, the information provided in the Commercial Buildout Method will come to fruition as buildout occurs. Development pressure ebbs and flows over time and a significant amount of time may pass before Montague reaches buildout.

OSG staff used a building cover method to measure the buildout of commercial zones. Montague’s zoning doesn’t contain building coverage regulations. However, Montague’s two Commercial zones C-1/ Neighborhood Commercial and C-2/Highway Commercial contain bulk standards that which provided proxy building coverage regulations. At present time, the Township’s zoning creates the potential for an additional 243,538 square feet of commercial space, creating the potential for 243 new jobs. The NJTPA/ MPO Projection for employment growth is 1,290 jobs, an increase of 771 jobs between 2010 and 2030.

- C-1 Neighborhood Commercial

Properties are zoned Neighborhood Commercial in two noncontiguous areas. Buildings in the C-1 zone must be two stories. This zone is comprised of 181 acres. 83 acres are constrained. (42 acres are developed, 41 are environmentally constrained.) 97 acres are considered developable. OSG’s analysis indicates that the zoning creates the potential for 72,372 square feet of commercial space structures on 97 acres of vacant land.

- C-2 Highway Commercial

Properties are zoned C-2 in one contiguous areas. This zone is comprised of 854 acres. 449 acres are constrained. (84 acres are already developed and 364 acres are environmentally constrained.) OSG’s analysis indicates that the zoning creates the potential for 171,167 square feet of commercial space structures on 406 acres of vacant land.

- C-D Conservation District

The Conservation Zone is by far the largest zones in Montague. This zone contains lands owned by the New Jersey Division of Fish and Wildlife, the United States government, privately owned lands and municipally owned lands. There are 17,519 acres of land in the zone. 16,821 acres are constrained, (13 acres are developed and 16,808 are environmentally constrained.) 698 developable acres remain. The zoning in this district allows civic uses including:

Churches, parish houses and Sunday school buildings on lots greater than 5 acres

Hospitals on lots greater than 10 acres

Municipal buildings on lots greater than 2 acres

Day schools on lots greater than 5 acres

Public libraries, museums and art galleries on lots greater than 2 acres

These uses should be clustered together in one area. The Township’s zoning allows for these uses to be spread out across the 698 acres. The Township should consider an additional “civic zone” to provide coordinated access to these uses.

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,

Commercial Buildout - Building Cover Method									
commercial zone	total land in commercial zone (acres)	total constrained land in commercial zone (acres)	total developable land (acres)	percentage of land allowed to be covered by building (%)	maximum amount of land to be covered by building (acres)	maximum number of stories allowed	maximum amount of floorspace (sq ft)	floorspace per job (sq ft)	number of jobs
	a	b	c=a-b	d	e=a*d/100	f	g=e*f*43560	h	i=g/h
retail									
C-1 Neighborhood Commercial	181	83	97	0.46	1	2	72,372	1,000	72
C-2 Highway Commercial	854	449	406	0.46	4	1	171,167	1,000	171
office									
CD Conservation District	17,519	16,821	698	NA	NA		NA	NA	NA
total	18,554	17,353	1,201		5		243,539		244
			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)									
d, f: data based on current zoning									
h: data based on COAH standards									



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 with the State Plan and to identify potential changes that could be made to achieve a greater level of consistency with statewide planning policy.

Montague Township did not provide comments to the Sussex County Planning Board, the Negotiating Entity for Sussex County municipalities, for negotiation with OSG and the SPC.

The changes negotiated during Cross-acceptance III have been incorporated into the 2010 Draft Final version of the State Development and Redevelopment Plan. The 2001 Policy Map, as well as the 2010 Draft Final Policy Map have 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 Draft Final Policy Map shall occur through the Plan Endorsement process.

Smart Growth & Montague

OSG's staff assesses municipal plans to ensure that municipalities take advantage of all the opportunities available to plan high performance places. The bar for this assessment is New Jersey's State Plan.

It's crucial that the development that occurs will add sustainable economic value to the community. The development that takes place should create mixed use retail/residential/office spaces that can be adapted for a diverse mix of tenants over the next 50 years so that when a retail tenant moves out, that space will be quickly filled; ensuring the long term economic vibrancy of the community. Having a proximal consumer base that lives or works within a short walking distance will help to ensure that the buildings will retain their use and value over time.

State Agencies have concerns about the potential for center based development in Montague. A significant portion of the expired center consists of the High Point County Club around Holiday Lake. The potential for sewer/septic capacity, a grid street system, and mixed use are limited in this area because of the existing layout. NJDEP has listed their concerns on page 21 of their O&C report. If Montague takes the steps necessary to acquire additional capacity in the expired center, State Agencies would support the designation. NJDEP can provide technical assistance if the Township would like the additional capacity. State Agencies are comfortable the portion of the center that spans 206 from Clove Road to Phillips Lane in the vicinity of the Montague Elementary School.

Request for State Agency Assistance

The Municipal Self Assessment (page 63-64) requests State Agency Assistance for many items. Many of these requests are reasonable and can be coordinated with Action Plan items. Additional information will be needed if the Township expects meaningful assistance from OSG and State Agencies. Montague Township is interested in State financial and/or technical assistance for the following planning initiatives and projects:

Transportation, Streetscape, Pedestrian and Alternative Transportation Improvements

- Provide funding to increase pedestrian and bike connections throughout the Town Center.
- Provide funding to complete streetscape projects in the Town Center, i.e. street furniture, lighting, sidewalks, etc.
- Provide funding for gateway beautification.

NJDOT Centers of place grants cover these costs. The Township will be able to apply for these funds once the



centers are designated. The Township can also apply for the Transportation Enhancement funds, Local Aid (including Local Aid's bikeway program) or Safe Routes to School if the project meets the criteria for these programs.

Public Transportation and Alternate Modes

- Provide funding and technical assistance in developing a neighborhood electric vehicle program for the center. The Township planned to apply for funds from the Regional Greenhouse Gas Initiative (RGGI) to implement this proposal. Funds are no longer available for the RGGI program.
- Public transportation which ties into existing county and state mass transit systems.

NJ transit doesn't provide any service in the vicinity of Montague. The closest NJ Transit bus station is in Frankford. Sussex County provides a bus route which includes a stop at the Sussex County Mall. OSG will need more details if we are to provide the Township with meaningful assistance.

Water and Sewer Improvements

- Provide assistance in developing sewer service areas in the Town Center.

NJDEP is providing assistance through the WMP and will provide technical assistance should Montague choose to upgrade existing facilities.

Overlap with Sandyston

Sandyston submitted a Municipal Self Assessment July 24th 2009 and requested similar assistance. From a fiscal perspective it is absolutely imperative that both

municipalities work together and do not compete with one another or duplicate effort. Both municipalities would like help constructing a welcome center. Both municipalities contain the same park lands run by the same agencies. Both municipalities will have to find suitable land to build the welcome center and help coordinate/finance the construction. Both municipalities will have to find volunteers who are willing to give up their weekends to staff the welcome center. It seems superfluous to have two welcome centers. Both Sandyston and Montague made the following requests:

- Higher visibility in state tourism advertising campaigns.

The NJ Division of Travel and Tourism distributes rolling grants funds to Destination Marketing Organizations (DMO). The Sussex County Chamber of Commerce is Sussex County's designated DMO. The DMOs produce and distribute marketing materials. The Sussex County Chamber of Commerce (SCCC) has a general Tourism website that contains links to businesses in the County that are members of the Chamber of Commerce. <http://www.sussexcountychamber.org/skylands-members.asp>

If the municipality would like to coordinate advertising opportunities it might be advantageous to become a member of the SCCC. Montague and Sandyston could form a local economic development committee that gathers information for recreation destinations as well as related businesses to post to the Chamber of Commerce site. Each site/business could have an individual link with specific information to help guide tourists. This might be unnecessarily complex because many individual websites would have to be created for every site/business. The two municipalities could work together to create a municipal wide website. Members of the Chamber of Commerce can upload materials to the state website. <http://www.visitnj.org/>.

There is a non profit organization called Celebrate New Jersey (<http://www.celebratenj.com/>) that provides and maintains a map with points of interest all over New Jersey. Montague and Sandyston could work with Celebrate New Jersey to mark points of interest.

- Provide assistance in coordinating reviews with state and federal park agencies for amenities in the parks in Montague, i.e. access points and parking areas, etc.

Montague Township may apply for Green Acres funding for both land preservation and park and recreation projects. OSG staff is preparing maps that

include current and proposed parking areas, fishing areas, boat launches, campsites, playgrounds, trails, swimming areas, hunting areas, overlooks and bathrooms for Federal and State Parks. These maps will be reviewed by stakeholders and prepared for the citizens to comment on during visioning.

- Provide funding and technical assistance to increase access to state parks, publicly preserved open space and wildlife management areas for recreation activities.

Montague Township may apply for Green Acres funding for both land preservation and park and recreation projects. OSG staff is preparing maps that include current and proposed parking areas, fishing areas, boat launches, campsites, playgrounds, trails, swimming areas, hunting areas, overlooks and bathrooms for Federal and State Parks. These maps will be reviewed by stakeholders and prepared for the citizens to comment on during visioning.

- Provide funding and technical assistance to provide way finding signage throughout the Township.

OSG staff is preparing maps that include current and proposed parking areas, fishing areas, boat launches, campsites, playgrounds, trails, swimming areas, hunting areas, overlooks and bathrooms for Federal and State Parks. Once these maps are prepared, stakeholders and citizens will have to work together to identify common uses and the routes/parking necessary to accommodate these uses.

- Further development and promotion of a canoe trail and launch sites.

OSG staff is preparing maps that include current and proposed parking areas, fishing areas, boat launches,



Office of Smart Growth

campsites, playgrounds, trails, swimming areas, hunting areas, overlooks and bathrooms for Federal and State Parks. Stakeholders and citizens can comment on current and proposed facilities during visioning. This task should be coordinated with wayfinding signage exercises to ensure that boaters can get back to their cars efficiently.

OSG staff would like to create a Parks and Recreation subcommittee with two volunteers from the Plan Endorsement Advisory Committees of both Montague and Sandyston to resolve these issues. Volunteers would have to be able to review additional documents and attend meetings with Park representatives.

Sandyston also requested that the State provide technical and financial assistance to sustain businesses within the Township and promote additional economic development and jobs. Because market conditions, the labor force and commercial development potential are similar in both municipalities, OSG recommends that both municipalities work together. OSG staff would like to create an economic development subcommittee with two volunteers from Montague and Sandyston's Plan Endorsement Advisory Committees to resolve these issues. Volunteers will be able to work with Main Street New Jersey staff and attend courses on downtown revitalization.

Tourism and Economic Development

- Provide funding and technical assistance for creation of scenic routes through the Township. The following information is available at NJDOT's website: <http://www.state.nj.us/transportation/community/scenic/>

The sponsor of a scenic byway can be a grassroots group, a municipality or a county. The sponsor must fill out the New Jersey Scenic Byways Application. Applications with a regional scope are preferred. The New Jersey Scenic Byways Advisory Committee will review and comment on the application for the NJDOT Commissioner who will ultimately approve or disapprove it. Following this, a corridor management plan must be submitted within five years of designation. The byway may be eligible to receive federal funds to complete this plan. Once declared a New Jersey State Scenic Byway, the sponsor must complete a Scenic Byway Corridor Management Plan. This plan must include a scenic inventory, long term management and maintenance recommendations, view shed management (including land use), economic benefits, funding needs



and sources and any other relevant information. Following the approval, NJDOT will provide Scenic Byway signs for their placement along the route. It is designated on state maps and in the New Jersey Travel Guide.

An outstanding designated state scenic byway may also be submitted for nomination as a National Scenic Byway if it meets the requirements of the national program. The National Scenic Byway application process is described at the following website: http://bywaysonline.org/nominations/application/guide/guide_intro

- Provide funding and program assistance for creating a façade, signage and landscaping improvement program.

OSG will need additional information to respond to this request. Is Montague requesting model ordinances, installment purchases, tax breaks or façade easements? Many of the façade improvement opportunities are specifically for historic properties. Would this program be municipal wide?

- Provide funding and technical assistance in developing high-tech and green initiatives such as community-wide wireless internet access in the center and alternative energy sources within the center.

Sustainable Jersey may have information that is available. OSG and DEP can assist with municipal aggregation. <http://www.sustainablejersey.com/>

Grants and Planning Assistance

- Provide Smart Future Grants to Assist with Plan Endorsement Action Plan Items.
- Provide funding and/or technical assistance for the visioning process.

- Provide funding and technical assistance for open space acquisition and farmland preservation.

There are no Smart Future Grants available at this time. If grant funds become available municipalities pursuing Plan Endorsement will receive priority. OSG will provide technical assistance for the visioning process. Montague Township may apply for Green Acres funding for both land preservation and park and recreation projects. The Township may apply for Planning Incentive Grants from SADC. It would be helpful for the Municipality to determine their Planning Incentive Grant “Area” up front so that Montague can begin working with the Department of Agriculture and discuss potential areas with the citizens during visioning.

ZONING SETBACKS AND REQUIREMENTS

NEW SINGLE FAMILY HOMES, ADDITIONS/IMPROVEMENTS MUST MEET THE FOLLOWING BULK REQUIREMENTS:

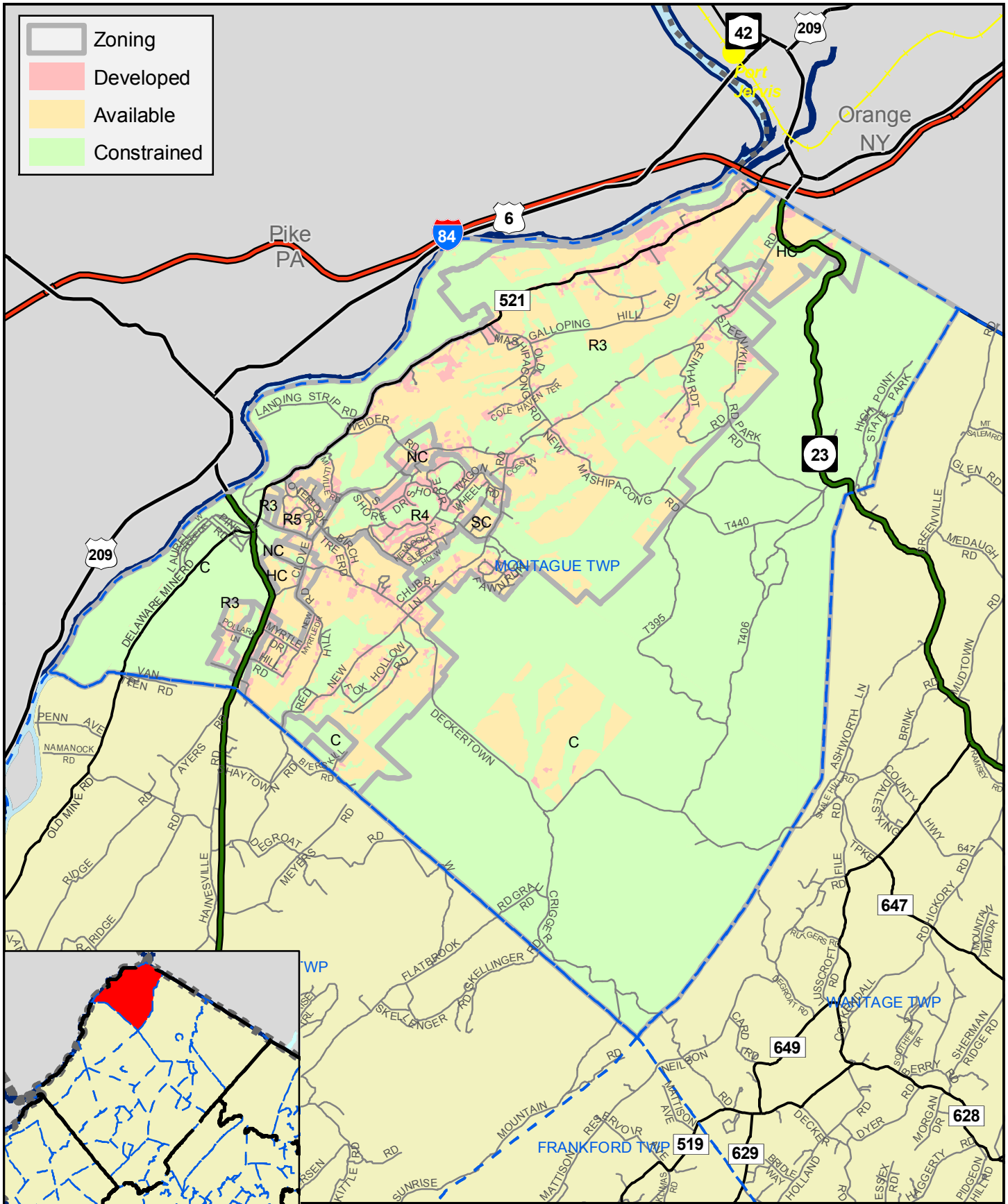
Zone:	R3 – Low Density Residential
Lot Size:	130,680 sq. ft or (3) acres
Minimum Lot Frontage:	150 feet (as measured at edge of R.O.W)
Lot Width:	150 feet
Lot Depth:	200 feet
Front Yard Setback:	50 feet
Side Yard Setback:	35 feet
Rear Yard Setback:	35 feet
Maximum Lot Coverage:	10%
Maximum Building Height:	35 feet

Zone: <i>High Point Country Club</i>	R-4 – High Density Residential
Lot Size:	17,000 sq. ft. (Lots with an area of 22,000 sq. feet or less shall be limited to only (1) residential unit.
Lot Width:	100 feet
Lot Depth:	150 feet
Front Yard Setback:	30 feet
Side Yard Setback:	20 feet
Rear Yard Setback:	25 feet
Maximum Lot Coverage:	25%
Minimum Livable floor area:	1,200 sq. ft. per single family home
Maximum Building Height:	35 feet

Zone:	R-5 Medium Density Residential
Lot Size:	130,680 sq. ft or (3) acres
Lot Width:	150 feet
Lot Depth:	250 feet
Front Yard Setback:	30 feet
Side Yard Setback:	20 feet
Rear Yard Setback:	25 feet
Maximum Lot Coverage:	10%
Maximum Building Height:	35 feet

Zone:	C-1 Neighborhood Commercial
Lot Size:	40,000 sq. ft.
Lot Width:	150 feet at building line
Lot Depth:	250 feet
Front Yard Setback:	40 ft depth from R.O.W or 60' from center line whichever is larger
Side Yard Setback:	25 feet
Rear Yard Setback:	25 feet or 50 ft. adjoining a residential zone)
Minimum Building Height:	35 feet

Zone:	C-2 Highway Commercial
Lot Size:	40,000 sq. ft.
Lot Width:	150 feet
Lot Depth:	250 feet
Front Yard Setback:	40 ft depth from R.O.W or 60' from center line whichever is larger
Side Yard Setback:	25 feet
Rear Yard Setback:	25 feet (50 ft. adjoining a residential zone)



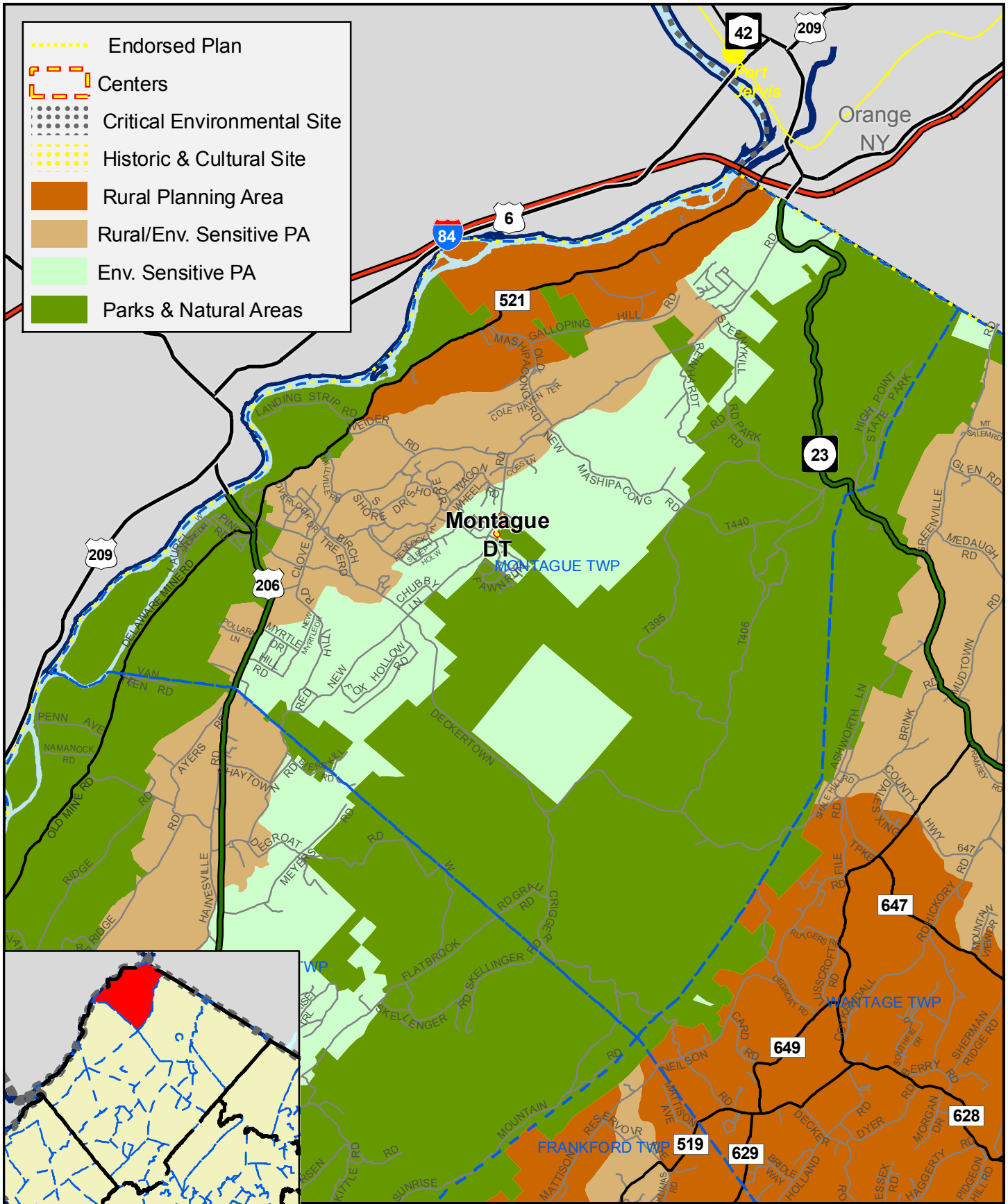
Montague

OSG Land Analysis



1 inch = 7,541 feet





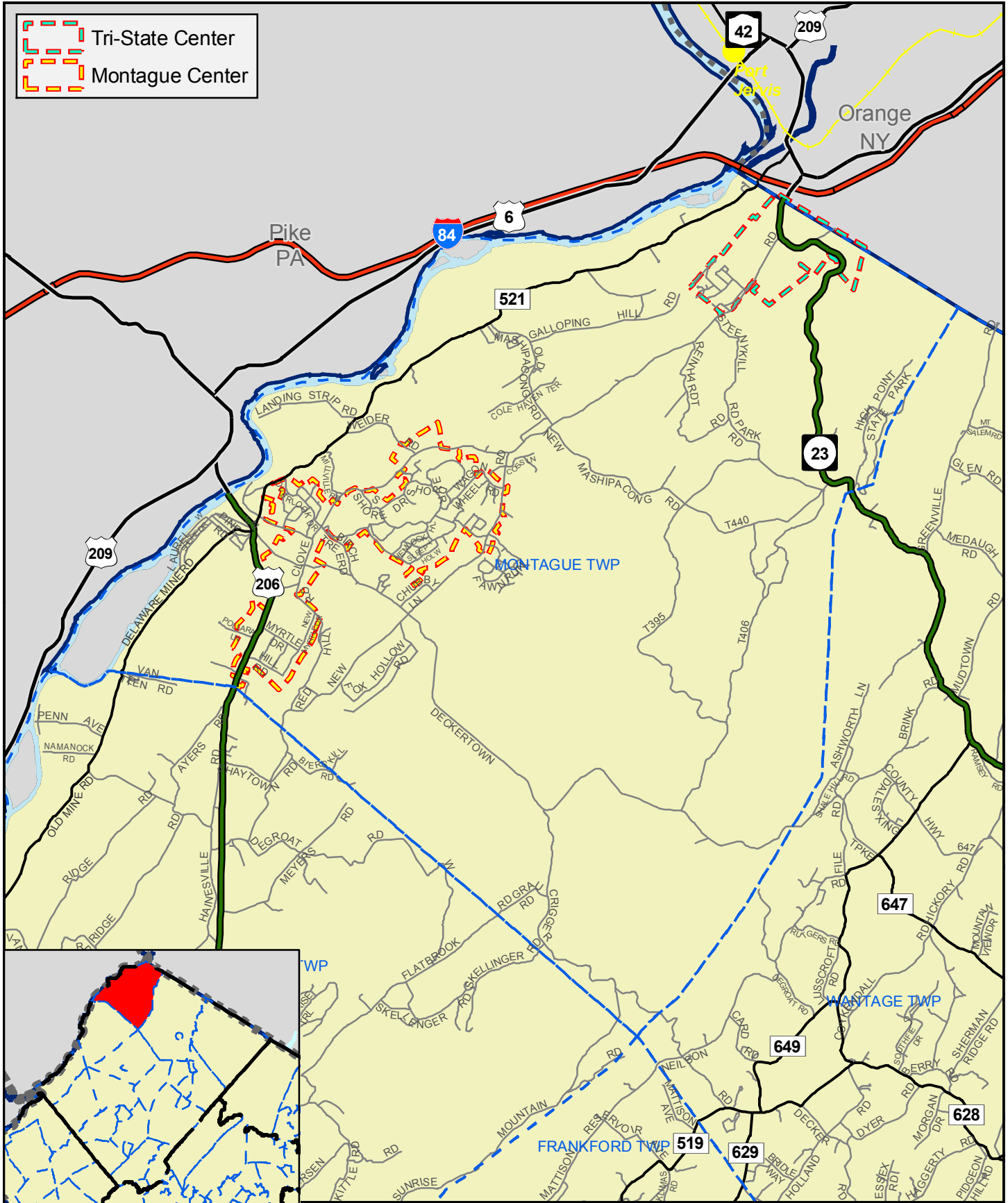
Montague

2001 State Plan Policy Map



1 inch = 7,541 feet





Montague

Proposed Centers



1 inch = 7,541 feet



NJ Department of Environmental Protection



State Development & Redevelopment Plan Plan Endorsement Opportunities & Constraints Analysis

for:

Montague Township, Sussex County

April 5, 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 Montague Township. 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.

Montague Township is located in Watershed Management Area 1. A Fact Sheet on WMA 1 is available at: <http://www.nj.gov/dep/watershedmgt/DOCS/WMAFactsheets/WMA01.pdf>.

Water Availability

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

Montague Township is comprised of four HUC11's, Shimers Brook/Clove Brook, and the northern portions of Walpack Bend/Montague Riverfront, Little Flat Brook and Big Flat Brook. Montague Township is currently served by Montague Water Company, PWSID 1914002. Montague Water Company possesses a water allocation permit totaling 13.0 MGM and 80 MGY, withdrawing water from unconfined groundwater sources in the Shimers Brook/Clove Brook and Walpack Bend/Montague Riverfront HUC11 watersheds. Montague Water Company has a monthly surplus of 8.815 MGM and 35.909 MGY of water based on their current water allocation permit and surplus deficit analysis performed by the Bureau of Water Allocation.

HUC11	HUC11 Name	Available Water for D/C (MGD)	1990-1999 D/C Water Loss (MGD)	Current (1990-1999) Remaining Available Water for D/C Uses (MGD)	Full Allocation D/C Water Loss (MGD)	Full Allocation Remaining Available Water for D/C Uses (MGD)	Additional Demand 2010 (MGD)	Water Available for D/C Uses In 2010 (MGD)	Additional Demand 2020 (MGD)	Water Available for D/C Uses In 2020 (MGD)
02040104090	Shimers Brook/Clove Brook	1.0	0.4	0.6	0.4	0.5	0.1	0.5	0.1	0.5
02040104110	Walpack Bend/Montague Riverfront	0.5	0.0	0.5	0.1	0.5	0.0	0.5	0.0	0.5
02040104130	Little Flat Brook	0.6	0.0	0.6	0.0	0.5	0.0	0.6	0.0	0.6
02040104140	Big Flat Brook	1.1	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
02040104150	Flat Brook	0.6	0.0	0.6	0.0	0.6	0.0	0.6	0.0	0.6

MONTAGUE WATER COMPANY

PWSID: 1914002

Last Updated: 09/19/08

Water Supply Firm Capacity: 0.907 MGD

Available Water Supply Limits

	Allocation	Contract	Total
Monthly Limit	13.000 MGM	N/A MGM	13.000 MGM
Yearly Limit	80.000 MGY	N/A MGY	80.000 MGY

Water Demand

	Current Peak	Date	Committed Peak	Total Peak
Daily Demand	0.135 MGD	05/2006	0.000 MGD	0.135 MGD
Monthly Demand	4.185 MGM	05/2006	0.000 MGM	4.185 MGM
Yearly Demand	44.091 MGY	2006	0.000 MGY	44.091 MGY

Water Supply Deficit or Surplus

Firm Capacity	Water Allocation Permit
0.772 MGD	8.815 MGM
	35.909 MGY

Note that the available capacity identified above is available throughout the watershed and is not necessarily available to Montague Township.

There are multiple Non-Community Water System serving specific uses in Montague Township.

PWSID	Water System Name	Population Served	Water System Type
1917302	STOKES S F - OLD LO	1	Noncommunity Transient
1917302	STOKES S F - OLD LO	4	Noncommunity Transient
1917302	STOKES S F - OLD LO	100	Noncommunity Transient
1917302	STOKES S F - OLD LO	174	Noncommunity Transient
1917303	STOKES S F - REQ SHOP	4	Noncommunity Transient
1917303	STOKES S F - REQ SHOP	25	Noncommunity Transient
1917304	NJDEP STOKED STATE FOREST DEPOT	200	Noncommunity Transient
1917305	STOKES S F - HASKINS	75	Noncommunity Transient
1917305	STOKES S F - HASKINS	342	Noncommunity Transient
1917309	STOKES S F - STEAM MILL	25	Noncommunity Transient
1917310	STOKES S F - SHOTWELL	25	Noncommunity Transient
1917310	STOKES S F - SHOTWELL	100	Noncommunity Transient
1917312	STOKES S F - HEADQUARTERS	4	Noncommunity Transient
1917312	STOKES S F - HEADQUARTERS	25	Noncommunity Transient
1917312	STOKES S F - HEADQUARTERS	83	Noncommunity Transient
1917314	NJDEP STOKES STATE FOREST - STONY LAKE	150	Noncommunity Transient
1917314	NJDEP STOKES STATE FOREST - STONY LAKE	228	Noncommunity Transient
1917315	STOKES S F - CABIN 16	25	Noncommunity Transient
1917315	STOKES S F - CABIN 16	142	Noncommunity Transient
1917316	STOKES S F - KITTLE	30	Noncommunity Transient
1917316	STOKES S F - KITTLE	83	Noncommunity Transient
1917318	STOKES S F - NEW LO	25	Noncommunity Transient
1917318	STOKES S F - NEW LO	100	Noncommunity Transient
1917344	COLINS APPLE PIT	5	Noncommunity Transient
1917344	COLINS APPLE PIT	300	Noncommunity Transient
1917321	MONTAGUE-WALPACK SCHOOL	200	Noncommunity Non-transient
1917321	MONTAGUE-WALPACK SCHOOL	226	Noncommunity Non-transient
1917345	MONTAGUE MUNICIPAL BUILDING	2	Noncommunity Transient
1917345	MONTAGUE MUNICIPAL BUILDING	3	Noncommunity Transient
1917345	MONTAGUE MUNICIPAL BUILDING	25	Noncommunity Transient
1917345	MONTAGUE MUNICIPAL BUILDING	30	Noncommunity Transient
1913320	LAFAYETTE MUNICIPAL BUILDING	4	Noncommunity Transient

Attachments:

- Watershed Management Areas & Watersheds (HUC11) – Map
- Water Supply - Map

Wastewater Treatment

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

There are seven mapped sewer service areas serving Montague Township. There are multiple areas identified as general service areas-discharge to groundwater < 20,000 gpd, including a relatively large area surrounding the Tri-State Mall, and an area surrounding the Montague Elementary School in the western portion of the Montague Center. Note that this general service area will not be recognized in future amendments to wastewater management plans.

High Point Country Club (NJPDES permit number NJG0139866), which serves the eastern half of the Montague Center, has a planning flow of 0.720 MGD.

Montague Elementary School (NJPDES permit number NJ0105058) has a planning flow of 0.009 MGD, and is limited in scope to the existing facility.

All other mapped sewer service areas are identified as T1 permits and are limited to serving existing sewage generating facilities. These areas include the Tri-State Mall (NJPDES permit number NJG0078085), High Point State Park Bath House (NJPDES permit number NJG0072141), Rockview Valley Campground (NJPDES permit number NJG0085910), and Cedar Ridge Campground (NJPDES permit number NJG0085928).

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 Sussex in development of a county-wide Wastewater Management Plan based upon on the recent Water Quality Management Planning rule.

Montague Township should continue to coordinate with the County to ensure consistency between municipal planning and the County Wastewater Management Plan (WMP).

Amendments to the Groundwater Quality Standards (N.J.A.C. 7:9C) have also been adopted in recent years. The primary amendment related to this analysis is the establishment of 2 mg/L (or parts per million, or ppm) nitrate as representative of the existing ground water quality statewide, for the purpose of evaluating compliance with the antidegradation policy at N.J.A.C. 7:9C-1.8(a). The implications of this proposal are that the Department will not approve a wastewater management plan amendment unless the existing ground water quality of 2 mg/L nitrate will be maintained on a HUC 11 watershed basis. Based on this policy, the Department has developed a "septic density" for each HUC 11 watershed in the State that identifies what the *comparable residential zoning density* would be in order to meet the groundwater quality goal. Note that the Department does not recommend uniformly zoning at these densities across the HUC 11 watershed. DEP intends this comparable residential zoning density to represent the total number of units that, if built, would not result in a degradation of groundwater quality by exceeding the 2 mg/L nitrate limit. Instead, the Department advocates center-based development, clustering, and protection of environmental features and agricultural land.

The following table indicates the watershed and the residential density allowed under the nitrate limit.

HUC 11	HUC 11 Name	% Township in HUC 11	2 mg/L Nitrate Limit
02020007000	Rutgers Creek tribs	0.8%	6.8 acres/residential unit
02020007020	Papakating Creek	1.1%	6.5 acres/residential unit
02040104090	Shimers Brook / Clove Brook	49.1%	6.7 acres/residential unit
02040104110	Walpack Bend / Montague Riverfront	8.5%	6.1 acres/residential unit
02040104130	Little Flat Brook	10.9%	6.4 acres/residential unit
02040104140	Big Flat Brook	29.7%	6.9 acres/residential unit

Attachments:

- Wastewater Treatment - Map

Environmental Constraints Analysis

The following section identifies those environmental constraints that should be considered by Montague Township in its planning efforts. These environmental constraints are divided into 3 sections - Regulated Constraints, Constraints to Avoid, and Constraints to Consider.

Regulated Environmental Constraints

Wetlands, Category One Waters and Total Maximum Daily Loads (TMDL) are environmental constraints currently regulated by DEP. Montague Township 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.

- **Category One (C1) Waterbodies & Associated Buffers**

Category One designations are established in the Surface Water Quality Standards (NJAC 7:9B) – specifically in the tables in N.J.A.C. 7:9B-1.15(c) through (g) - for purposes of implementing the antidegradation policies set forth at N.J.A.C. 7:9b-1.5(d). These waters are designated to provide for their protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance (habitat, water quality, and biological functions), exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resource(s).

The Stormwater Management rule (NJAC 7:8) is implemented through DEP Land Use and local regulation. The rule regulates development within 300 feet, and stormwater discharges within 150 feet, of Category One waterways and their tributaries, upstream within the same HUC14 subwatershed. The Stormwater rule establishes a 300-foot Special Water Resource Protection Area (SWRPA) along Category One (C1) waters and certain tributaries that applies only when a “major development” is proposed.

The Flood Hazard Area Control Act (FHACA) rule (N.J.A.C. 7:13) also establishes a 300-foot riparian zone along C1 waters and their upstream tributaries within the HUC-14. This FHACA rule applies to any activity that requires approval in the rule. The Riparian Zone under the FHACA rule is the land and vegetation both within a regulated waterbody and within either 50 feet, 150 feet or 300 feet from the top of bank of a regulated waterbody. Given the many important ecological functions that a healthy riparian zone provides, adequately preserving such areas is essential to protecting New Jersey's natural resources and water supply.

For the purposes of this analysis, the Department is providing generalized information and mapping of C1 waterbodies and associated buffers. This analysis should be used only as a general planning tool. Specific development proposals may be affected, consistent with the information provided above.

The following waterbodies in Montague Township are designated as Category One:

- Beerskill Creek
- Beerskill Creek (UNT)
- Big Flat Brook
- Clove Brook
- Clover Brook (UNT)
- Forked Brook
- Hainesville Pond
- High Point Country Club Lake 1
- Lake Marcia
- Little Flat Brook
- Marshicapong Pond
- Mill Brook
- Mill Brook (UNT)
- Parker Brook
- Parker Brook (UNT)
- Sawmill Pond
- Shimers Brook
- Shimers Brook (UNT)
- White Brook

Attachments:

- Surface Water Quality Standards & Flood Prone Areas – Map

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. Montague Township is partially covered by version 2.1. 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 areas identified as habitat including, but not limited to, Bog Turtle (Rank 5), Timber Rattlesnake, Bobcat, Bald Eagle, Blue-spotted Salamander, Red-shouldered Hawk and American Bittern (Rank 4), Barred Owl, Bobolink, Cooper's Hawk, Red-headed Woodpecker, Savannah Sparrow, Silver-bordered Fritillary, and Wood Turtle (Rank 3). The attached *Threatened & Endangered Species Habitat map* shows the extent of habitat in Montague Township (including habitat for priority species – Rank 2 – that is discussed below in the 'Environmental Constraints to Consider' section).

In addition, as part of the update of the Sussex County WMP, DEP performed a more detailed (though still desktop) analysis of the threatened and endangered species habitat identified by the Landscape Project surrounding designated centers with sewer service area. Montague Town Center

was one such area. That analysis has informed delineation of draft sewer service area in the Sussex County WMP and DEP's comments on the Montague Center in this Report. That analysis split habitat patches into 4 categories:

- Conflict Areas – those sites critical to the survival of a species;
- Mitigation Areas – those sites that could be included in sewer service area (or centers) upon implementation of appropriate off-setting mitigation in the environs;
- Further Review – those areas where on-site analysis is needed;
- Unsuitable – those areas, upon further analysis, determined to not meet suitability requirements for valued species.

- Natural Heritage Priority Sites

Through its Natural Heritage Database, the DEP Office of Natural Lands Management (ONLM) identifies critically important areas to conserve New Jersey's biological diversity, with particular emphasis on rare plant species and ecological communities. The database provides detailed information on rare species and ecological communities to planners, developers, and conservation agencies for use in resource management, environmental impact assessment, and both public and private land protection efforts. Using the database, ONLM has identified 343 Natural Heritage Priority Sites (NHPS), representing some of the best remaining habitat for rare species and rare ecological communities in the state. In addition, each NHPS includes a Biodiversity Rank according to its significance for biological diversity using a scale developed by The Nature Conservancy, the network of Natural Heritage Programs and the New Jersey Natural Heritage Program. The global biodiversity significance ranks range from B1 to B5. The state biodiversity significance ranks for sites in the Highlands Region range from V1 to V5. Therefore, all sites have been assigned a global biodiversity rank (B rank), but not all sites have been assigned a state biodiversity rank (V rank).

There are 10 NHPS mapped in Montague Township. A description of those sites and applicable biodiversity ranks follow:

- **B2** - Very high significance on a global level, such as the most outstanding occurrence of any ecological community. Also includes areas containing other occurrences of elements that are critically imperiled globally, a good or excellent occurrence of an element that is imperiled globally, an excellent occurrence of an element that is rare globally, or a concentration (4+) of good occurrences of globally rare elements or viable occurrences of globally imperiled elements.
- **B3** - High significance on a global level, such as any other viable occurrence of an element that is globally imperiled, a good occurrence of a globally rare element, an excellent occurrence of any ecological community, or a concentration (4+) of good or excellent occurrences of elements that are critically imperiled in the State.
- **B4** - Moderate significance on a global level, such as a viable occurrence of a globally rare element, a good occurrence of any ecological community, a good or excellent occurrence or only viable state occurrence of an element that is critically imperiled in the State, an excellent occurrence of an element that is imperiled in the State, or a concentration (4+) of good occurrences of elements that are imperiled in the State or excellent occurrences of elements that are rare in the State.
- **B5** - Of general biodiversity interest.

SITENAME	DESCRIPTION	BOUNDJUST	BIODIV RANK	BIODIVCOMM
Montague Rivershore-Bridge	Rock ledges and seepage areas along Delaware River.	Includes wetland and upland buffers for endangered plant species.	B2	An assemblage of endangered plant species and rare plant communities.
Mashipacong Bogs	This site is situated on the westerly side of the Kittatinny Mountains. The habitat is generally hilly in nature with a rocky, mixed oak forest. On the northern edge of the site lie two glacial bogs, known as Lost Lake Bogs, that are surrounded by a large black spruce-tamarack swamp. Mashipacong Pond is found on the southeastern side of the site. An extensive glacial bog is found along the northern edge of Mashipacong Pond. There are several small streams running through the property including Forked Brook, which drains to the south into Stokes State Forest and Parker Brook, which drains in a southwesterly direction into High Point State Forest property.	Two separate primaries are included in this design. The western primary area includes the two glacial bogs, known as Lost Lake Bogs and the black spruce-tamarack swamp that connects them. The bogs are approximately 2000 feet apart. The eastern primary area includes Mashipacong Pond and a glacial bog and black spruce swamp both located at the northern edge of the lake. The secondary boundary encompasses both primaries, the surrounding uplands that drain into these wetlands and two additional wetlands areas, one north of Lost Lake Bogs and the other north of Mashipacong Pond.	B3	Contains high quality examples of several state significant natural communities and plant species.
Steam Mill Site	Hemlock woods along stream with numerous sphagnum seepage areas.	Bounds drawn to include the known extent of rare plant populations plus adjacent buffer land.	B4	The site contains five State-listed Endangered Plant Species and one State-listed Endangered Animal.
Sawmill Pond Swamp	A large beaver-flooded meadow dominated by sedges and herbs, surrounded by upland hardwood forest, and including a separate mixed conifer-hardwood swamp.	Bounds drawn to include significant wetland habitat for rare plant and animal species and upland buffer in the topographic drainage basin.	B4	The site contains a rare insect, a State Threatened bird species, and two State Endangered plant species.
High Point	A high elevation ridge top with pitch pine/scrub oak forest, exposed rocky outcrops, and chestnut oak forests.	Secondary boundaries drawn to include entire ridge that contains rare plant habitat and pitch pine/scrub oak forest.	B4	Contains a viable example of the state rare ridge top pitch pine/scrub oak forest and a state endangered plant species.
Millville Ravine	A narrow, ravine with a mixture of deciduous and evergreen tree species. A number of small, mossy seeps occur along the streamside.	Primary boundary includes rare species habitat and suitable contiguous habitat. Secondary boundary includes upland buffer.	B4	Contains good population of a state listed endangered plant species.
Kuser Cedar Swamp	An evergreen swamp forest with portions dominated by Atlantic white cedar; surrounded by a mixed oak and chestnut oak dominated upland forest.	Boundaries drawn along edge of swamp forest to include entire wetland that provides habitat for the rare natural community and rare plant species.	B4	Contains a viable example of a globally rare natural community.
Montague Woods	Wooded slope of hillside.	Includes extent of endangered plant population plus lands that drain toward the plants.	B4	One federally listed endangered plant species.
Montague Rivershore-White Brook	Woods along the Delaware River.	Includes upland habitat for rare plants.	B5	Two special concern plants.
Montague Rivershore-West	Rock ledges and seepage areas along Delaware River.	Includes wetland and upland buffer for rare plants.	B5	Two special concern plant species.

Attachments:

- Threatened, Endangered and Priority Species Habitat – Map
- Threatened and Endangered Species Habitat Center Analysis - Map
- Natural Heritage Priority Sites – Map

Environmental Constraints to Consider

Groundwater Recharge 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.

- **Groundwater recharge areas**

Groundwater recharge areas are those sites where a high volume of precipitation and surface waters infiltrate into the soil and act to resupply surface and ground waters. Protection of these areas from over-development, and addressing stormwater runoff for these areas, directly affects the water quality of both drinking water supplies and water-based habitats.

The New Jersey Geological Survey (NJGS) has developed ground water recharge data sets using several data factors, such as land use patterns, impervious surface amounts, soil types, precipitation, and evaporation rates, among others, to calculate the amount of water each area of the state normally contributes to the underlying aquifers. The data are reported and mapped in several standard categories, in units of inches per year.

For the State Planning process, the original ground water recharge data, calculated for each Watershed Management Area, were converted to a volume-based rating, and then grouped into three classes to simplify further analysis, based on the percent contribution to the total recharge amounts. Those undeveloped areas contributing the highest one-third of the recharge volume in each Watershed Management Area were selected as high priority for protection. The final Ground Water Recharge layer used for this analysis includes all undeveloped areas in the state that were identified as contributing the highest one-third of the recharge volume in the appropriate Watershed Management Area.

- **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:

- Groundwater Recharge Areas – 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/>.

Note: There are some sites found in the 'official' KSCNJ list that do not exist in the GIS mapped version. There were about 50 sites that either had poor address descriptions and could not be located accurately or are 'sites' that actually describe a case covering several locations and cannot be expressed by a single point. These problem sites were intentionally omitted from the GIS map.

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.).

There are more Known Contaminated Sites identified on the KCSNJ list in Montague Township than are shown on the attached map.

Attachments:

- 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 tables represent the preserved open space lands located in Montague Township. DEP recognizes that its records may be incomplete or incorrect, and appreciates all assistance in keeping its records up-to-date.

Local/Non-Profit Owned Open Space

BLOCK	LOT	GISACRES	NAME	USE	TYPE	GATYPE	STATUS
4	43.01	16.36	MONTAQUE WOODS	MISC	NP	NP	ET/FEE
19	35	954.94	Mashipacong Bogs Preserve	PRESERVE	NP	NP	ET/FEE

Status: ET/FEE - Entire Taking/Fee Simple;
Type: NP - Non Profit

State Owned Open Space

BLOCK	LOT	GISACRES	NAME	OWNER	USE
1	29	57.6	HIGH POINT	PF	SP
4	10.01	44.4	HIGH POINT	PF	SP
6	7.01	15.2	HIGH POINT	PF	SP
		387	HIGH POINT	PF	SP
		1289.2	DRYDEN KUSAR	PF	NA/SP
4	37	42	HIGH POINT	PF	SP
4	37.1	19.2	HIGH POINT	PF	SP
4	52	150.5	STOKES/HIGH POINT	PF	SF
5	34	65.8	HIGH POINT	PF	SP
		180.6	REINHARDT	NLT	PRESERVE
4	51.02	7.7	STOKES/HIGH POINT	PF	SF
5	37	7.9	HIGH POINT	PF	SP
9	2.09	5	REINHARDT	NLT	PRESERVE
8	1	13.2	REINHARDT	NLT	PRESERVE
5	1	556.4	HIGH POINT	PF	SP
		1008.4	HIGH POINT	PF	SP
9	12	5.8	REINHARDT	NLT	PRESERVE
9	16.02	36.4	REINHARDT	NLT	PRESERVE
10	4	6.8	REINHARDT	NLT	PRESERVE
10	1	145	HIGH POINT	PF	SP
8	24	146.7	HIGH POINT	PF	SP
11	1	399.8	HIGH POINT	PF	SP
10	7	8.8	HIGH POINT	PF	SP
24	2	1757	HIGH POINT	PF	SP
21	1	123.3	HIGH POINT	PF	SP
19	19	75.3	HIGH POINT	PF	SP
		4445.2	HIGH POINT	PF	SP
20	1	7.4	HIGH POINT	PF	SP
11	2	7.9	HIGH POINT	PF	SP
20	2	65.1	HIGH POINT	PF	SP
19	25	74.5	HIGH POINT	PF	SP
20	3	170.5	HIGH POINT	PF	SP

19.01	5	0.7	HIGH POINT	PF	SP
20	4	71.5	HIGH POINT	PF	SP
22	1	35.2	HIGH POINT	PF	SP
23	1	636.9	HIGH POINT	PF	SP
22	2	17.1	HIGH POINT	PF	SP
23	2	92.7	HIGH POINT	PF	SP
23	3	82.6	HIGH POINT	PF	SP
39	29	14.8	HIGH POINT	PF	SP
19	14	17.2	HIGH POINT	PF	SP
46	22	5.7	HAINESVILLE	FGW	WMA
46	17	0.4	HAINESVILLE	FGW	WMA
46	15.01	0.7	HAINESVILLE	FGW	WMA
46	15	3.8	HAINESVILLE	FGW	WMA
46	12.01	0.6	HAINESVILLE	FGW	WMA
46	12	5.7	HAINESVILLE	FGW	WMA
46	18	1.2	HAINESVILLE	FGW	WMA
46	23	0.8	HAINESVILLE	FGW	WMA
46	11	2.6	HAINESVILLE	FGW	WMA
46	10	9.9	HAINESVILLE	FGW	WMA
46	19	0.3	HAINESVILLE	FGW	WMA
46	20	0.3	HAINESVILLE	FGW	WMA
46	14	0.5	HAINESVILLE	FGW	WMA
46	26	93.5	HAINESVILLE	FGW	WMA
46	10.02	4.8	HAINESVILLE	FGW	WMA
46	21	1	HAINESVILLE	FGW	WMA
48.01	32	22.4	HIGH POINT	PF	SP
48	5.03	52.9	HIGH POINT	PF	SP
48.01	1	2.5	HIGH POINT	PF	SP
48	46	2.9	HIGH POINT	PF	SP
48	19.01	10	HIGH POINT	PF	SP
48	17	139.5	HIGH POINT	PF	SP
46	26.01	0.9	HAINESVILLE	FGW	WMA
48	19.08	4.5	HAINESVILLE	FGW	WMA
48	19.09	6	HAINESVILLE	FGW	WMA
48	22	121.3	HAINESVILLE	FGW	WMA
48	21.01	0.8	HAINESVILLE	FGW	WMA
		14659.9	STOKES	PF	SF
48	23	63.5	HAINESVILLE	FGW	WMA
24	3	247.9	HIGH POINT	PF	SP
48	27.07	11.2	STOKES	PF	SF
48	27.06	14.8	STOKES	PF	SF
48	27.05	5.1	STOKES	PF	SF
24	4	76.6	HIGH POINT	PF	SP
24	5	1.9	HIGH POINT	PF	SP
1	29	57.6	HIGH POINT	PF	SP
4	10.01	44.4	HIGH POINT	PF	SP

Owner - current owner / agency managing the property

- FGW – Fish, Game & Wildlife
- NLT - The Natural Lands Trust
- PF - Division of Parks and Forestry

Use - Current specific use of property

- NA/SF - Natural Area inside a State Forest
- NA/SP – Natural Rea inside a State Park
- SF – State Forest
- SP – State Park
- WMA – Wildlife Management Area

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 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 Sussex County can be found at <http://www.state.nj.us/dep/hpo/identify/lists/sussex.pdf>.

Attachments:

- Open Space – Map
- Historic Resources – Map

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. Open Space

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

2. Steep Slopes

DEP requests that the Steep Slope data used in the MSA be submitted.

3. Historic Preservation

The State Historic Preservation Office (SHPO) has reviewed Montague Township's documents and supplied the following comments.

- Historic Preservation Master Plan Element

The Historic Preservation Element should include significantly more detail about the history of the community and surviving historic resources representing that history. The Historic Preservation Element should contain a complete list of all known historic properties within the municipality with an accompanying map. This will afford more consideration in the municipal planning process than reference in an inventory alone.

Additional historic properties may exist within the municipality. Survey efforts would be done to amplify the list.

- Historic Preservation Commission

DEP recommends that Montague Township adopt a MLUL-compliant historic preservation ordinance creating a historic preservation commission.

- Certified Local Government

Upon adoption of such an MLUL-compliant ordinance, DEP recommends that Montague Township apply to SHPO for designation as a Certified Local Government (CLG). Designation as a CLG comes with additional benefits. For additional information see:

<http://www.state.nj.us/dep/hpo/3preserve/local.htm#clg>.

- Review the NJ Historical Commission's (NJ Department of State) grant program at <http://www.nj.gov/state/divisions/historical/grants/>.

4. Center Boundary

Montague Town Center

DEP does not support re-designation of the Montague Town Center at this time.

- There are multiple reasons that the western half of the existing center (generally, west of Rolling Ridge Road) is inappropriate for center designation. The area is largely undeveloped and appears to be zoned primarily for low-density development, contrary to the intent of a center to accommodate growth while relieving growth pressure in the environs.

Further, as identified by the Landscape Project and the analysis of threatened and endangered species habitat in and around designated centers as part of the update of the Sussex County WMP, the area includes extensive threatened and endangered species habitat. In order to include this habitat within the center, on-site habitat evaluations are needed to determine its suitability and

value. The results of these evaluations will assist in determining whether this area is appropriate, or if additional steps are necessary, for inclusion in a center.

- The eastern half of the existing center (generally, the area surrounding Holiday Lake) has numerous issues that make it difficult to identify as a center.

The lake and golf course that runs throughout the area break up an already thinly developed area. Shimers Brook and its tributaries run through the area, and, along with the lake itself, are Category One waters. State regulated buffers around these waters, including the lake, will significantly impact potential development in the area. Additionally, large areas of habitat within the center have been identified as critical to the survival of a threatened or endangered species, or would require that a mitigation program/strategy be agreed upon before inclusion in a center could be approved.

Finally, there are significant wastewater capacity issues in this area. To support higher density development - which the Municipal Self Assessment states is a goal for the center - the existing T1-permitted facility would require substantial improvement in treatment capacity. An upgrade of this facility will result in the need for an individual NJPDES-Discharge to Groundwater permit, and likely a significant modification to the existing facility, or a completely new sewage treatment plant. Depending on the specifics (size, location) of the facility, and due to the potential impact to surface water quality of the multiple Category One water bodies in the area, the facility may also require advanced treatment measures to meet anti-degradation requirements. DEP believes that such a facility would require extensive planning and technical analysis before it could be permitted, and strongly recommends that the Township consider the cost of this work before engaging in any additional planning for a center in this area.

For these reasons, DEP does not believe that the Montague Town Center is appropriate for center re-designation at this time. Should Montague Township take the necessary steps to identify an appropriate wastewater treatment alternative that can support additional growth while protecting water quality, undertake the analyses necessary to determine the value of the threatened and endangered species habitat, and identify an appropriate threatened and endangered species habitat mitigation program/strategy, DEP would support designation. DEP will provide the Township assistance should it decide to take these steps.

It is DEP's understanding that one of the primary reasons that Montague Township wishes to see this area designated as a center is to obtain approval for sewer service area. DEP notes that the current WQMP rule does not require the area be a designated center to obtain that approval.

Tri-State Center

DEP does not support designation of the proposed Tri-State Village Center. However, the area including, and immediately surrounding, the Tri-State Mall appears to meet the definition and intent of a Commercial-manufacturing Node; DEP supports such a designation.

- DEP's review of the Tri-State Center is based on a shapefile provided by the Office of Smart Growth, which was based on a 2008 report provided by the municipality.
- DEP notes that there is little existing development within the proposed Tri-State Center; it being primarily limited to the Tri-State Mall along the NJ/NY border, and low-density residential development in the southern end of the proposed center. Further, the existing development is separated by undeveloped areas dominated by forest, including wetlands, category one waters, and threatened and endangered species habitat.
- The area proposed as the Tri-State Village Center is dominated by environmentally sensitive features, including a category one waterway (Clove Brook) and associated 300' buffers, wetlands

and flood prone areas. Virtually all of the undeveloped land within the proposed center is identified as habitat for threatened and endangered species, including Timber Rattlesnake, Cooper's Hawk, Barred Owl, Bobcat, Blue-spotted Salamander, Red-headed Woodpecker, Red-shouldered Hawk, and Silver-bordered Fritillary.

- The criteria for designating Village Centers intends for the center to be “capable of being served by a wastewater treatment system to meet applicable standards.” Currently, only the Tri-State Mall is served by centralized sewer, and that of an individual discharge to groundwater, limited to that facility.
- Portions of the proposed center are also identified by DEP as preserved open space, including portions of High Point State Park.

Future Centers

While DEP does not support designation of the Montague Town Center or Tri-State Village Center at this time, DEP does believe that the potential for smaller centers (Hamlet, Village) exists within the Township. For example, a smaller area within the Tri-State Center, or an area near the Montague Elementary School along Route 206 may be appropriate.

5. Planning Areas

DEP recommends multiple changes to the Planning Areas for Montague Township. Included with this report is a rough map presenting DEP's recommended changes. The starting point for DEP's recommendations was the draft State Plan Policy Map currently available on the Office of Smart Growth website. DEP's open space data was used to identify Parks and Natural Areas (PA8).

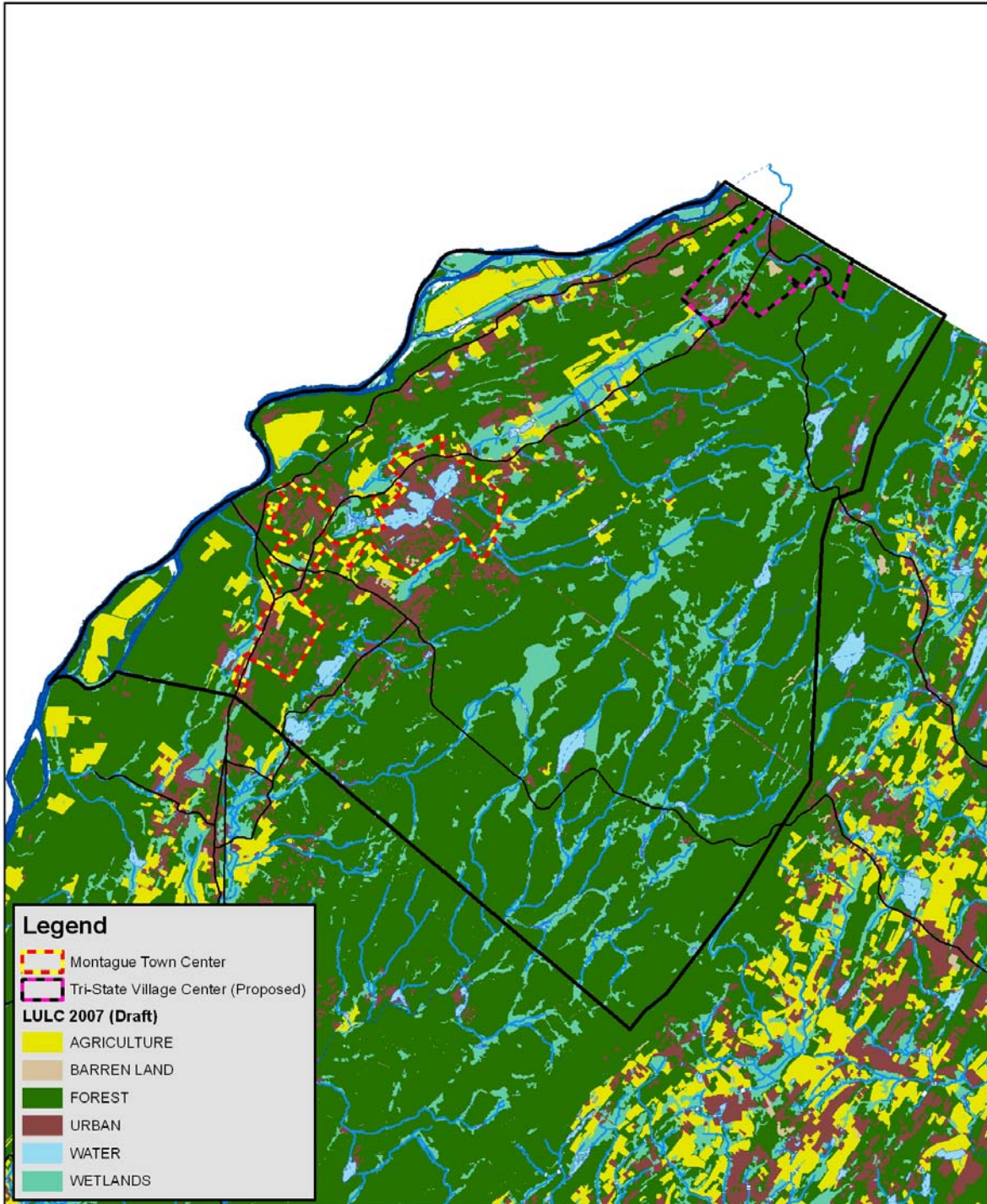
- Rural Planning Area (PA4) – DEP recommends that PA4 in Montague Township be considerably cut back, generally including that area north of County Route 521, north/east of Delaware Water Gap Park. The area previously identified as PA4 south of County Route 521 includes little land in agricultural use, is densely forested, is threatened & endangered specie habitat (Rank 4), and includes the Montague Woods NHPS.
- Rural/Environmentally-Sensitive Planning Area (PA4b) – DEP recommends that PA4b in Montague Township also be considerably cut back. DEP's recommendation delineates PA4b to include large blocks of active agriculture and preserved farms. The area previously identified as PA4b includes little land in agricultural use, and the land that does remain is insufficient to warrant its own Planning Area. The area also includes the Millville Ravine NHPS, extensive threatened and endangered species habitat, including multiple sites critical to the survival of a species, and multiple Category One waterbodies, making it more appropriate as Environmentally Sensitive Planning Area (PA5).
- DEP recommends that all lands not identified as PA4, PA4b or PA8, be identified as Environmentally Sensitive Planning Area (PA5). These lands include multiple NHPS, multiple Category One waterbodies, extensive threatened and endangered species habitat, and are primarily forested.
- DEP recognizes that there are existing agricultural operations within the areas proposed for change to PA5. Neither this report, the planning area change, nor the State Plan, impede the continuation of agricultural activity on those lands.

6. Grant & Loan Programs

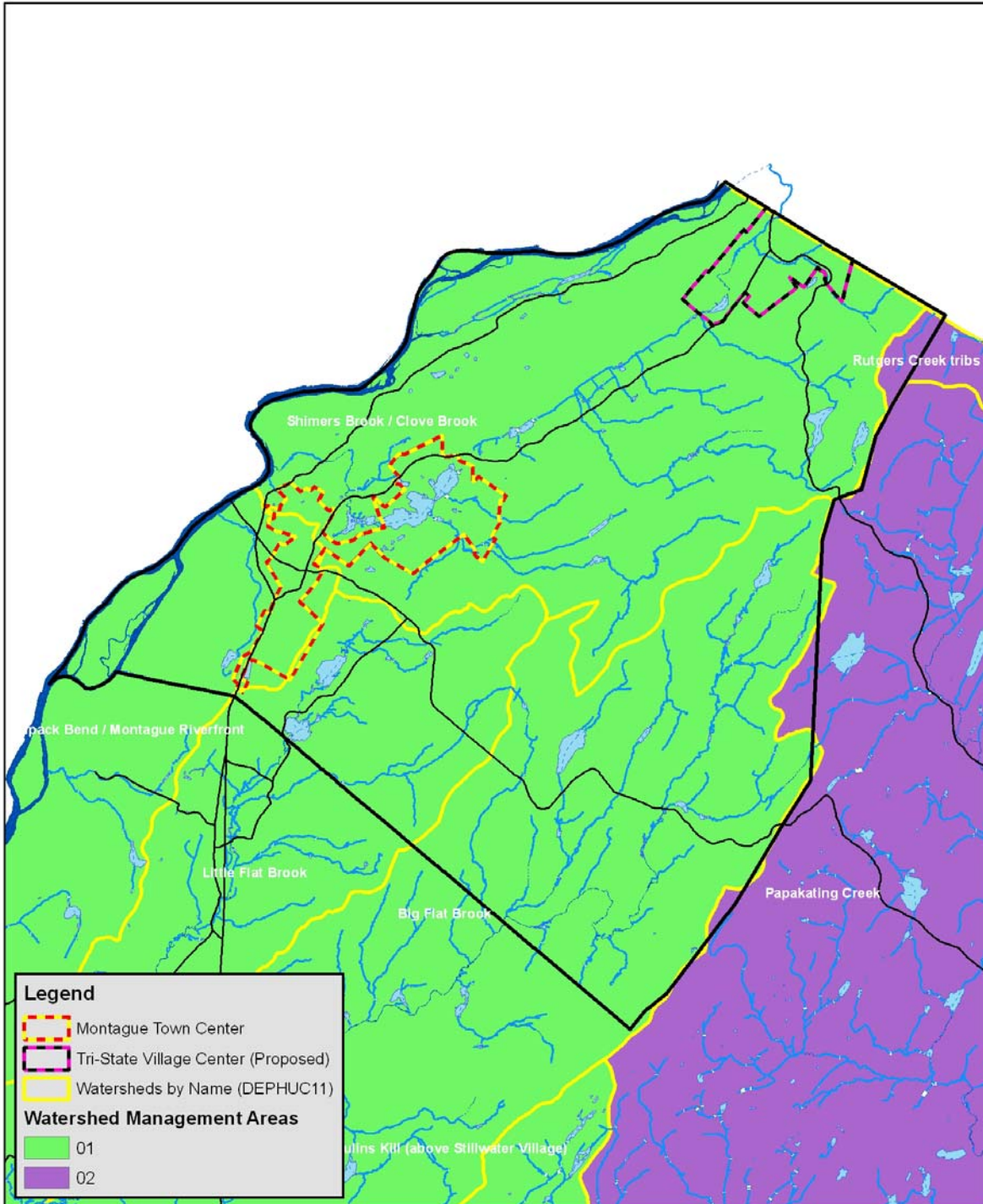
DEP's grant and loan programs are listed at: <http://www.nj.gov/dep/grantandloanprograms/>.

Maps

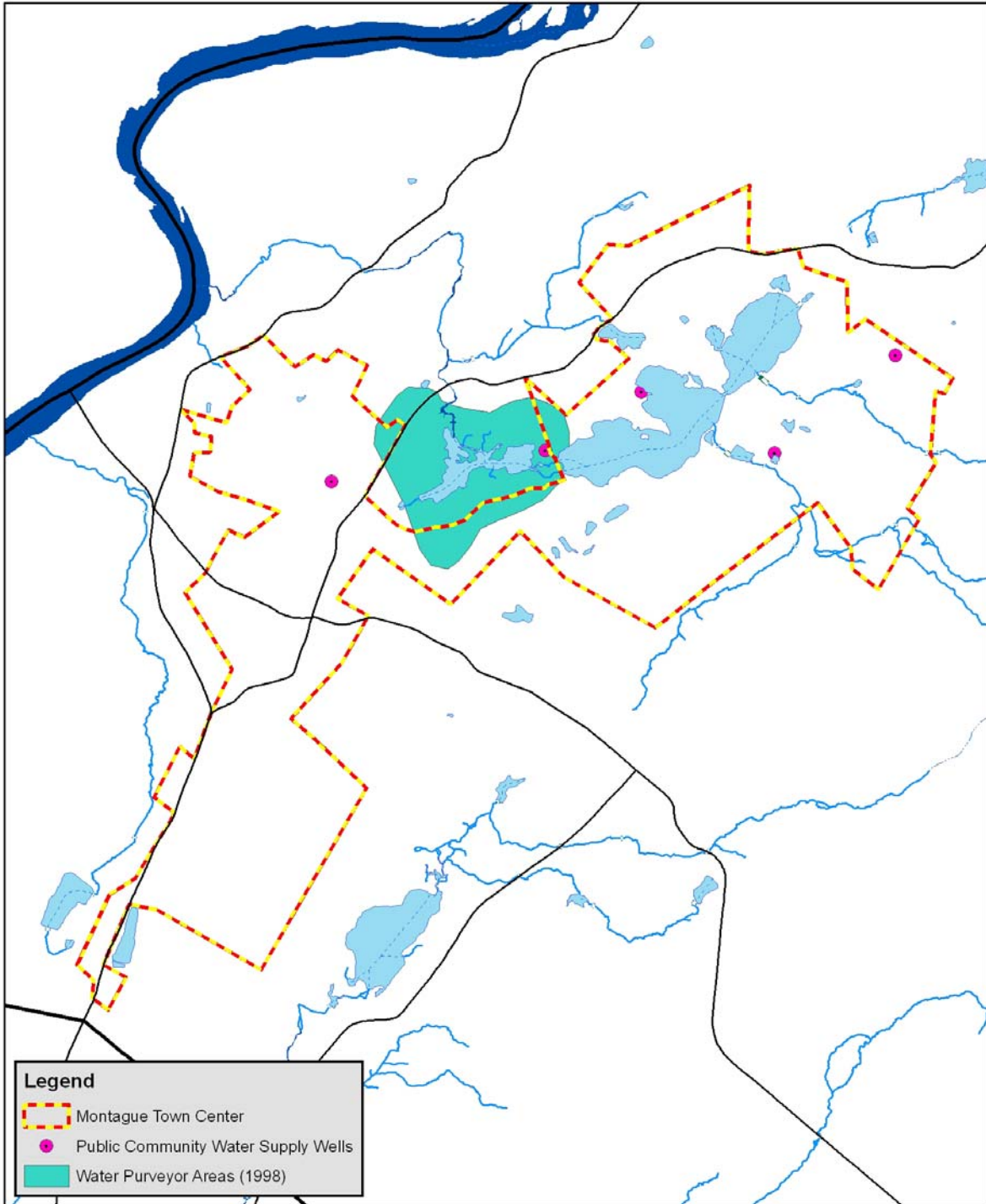
Montague Township, Sussex County
Opportunities & Constraints Analysis
Land Use Land Cover 2007 (Draft)



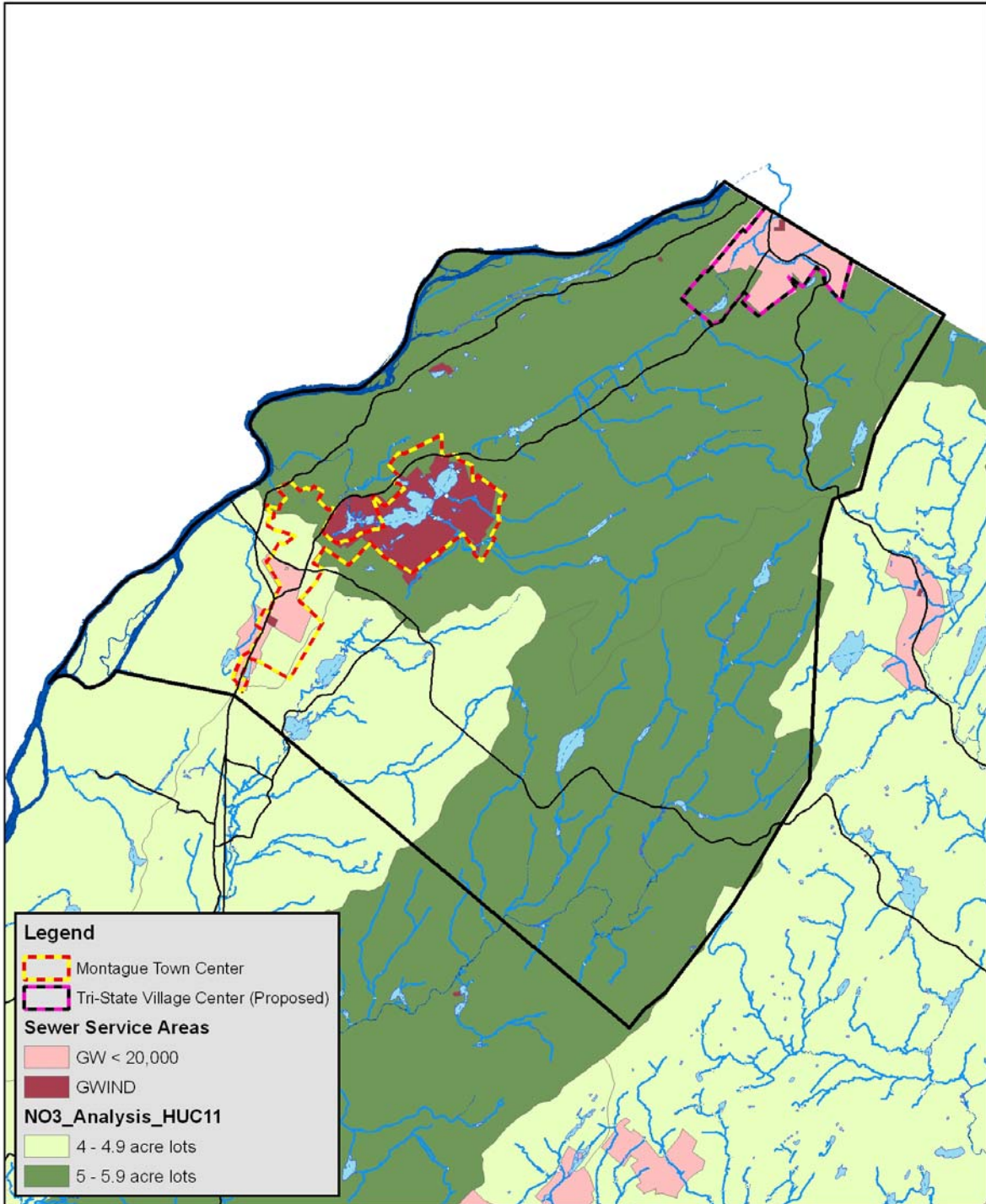
**Montague Township, Sussex County
 Opportunities & Constraints Analysis
 Watershed Management Areas & Watersheds (HUC11)**



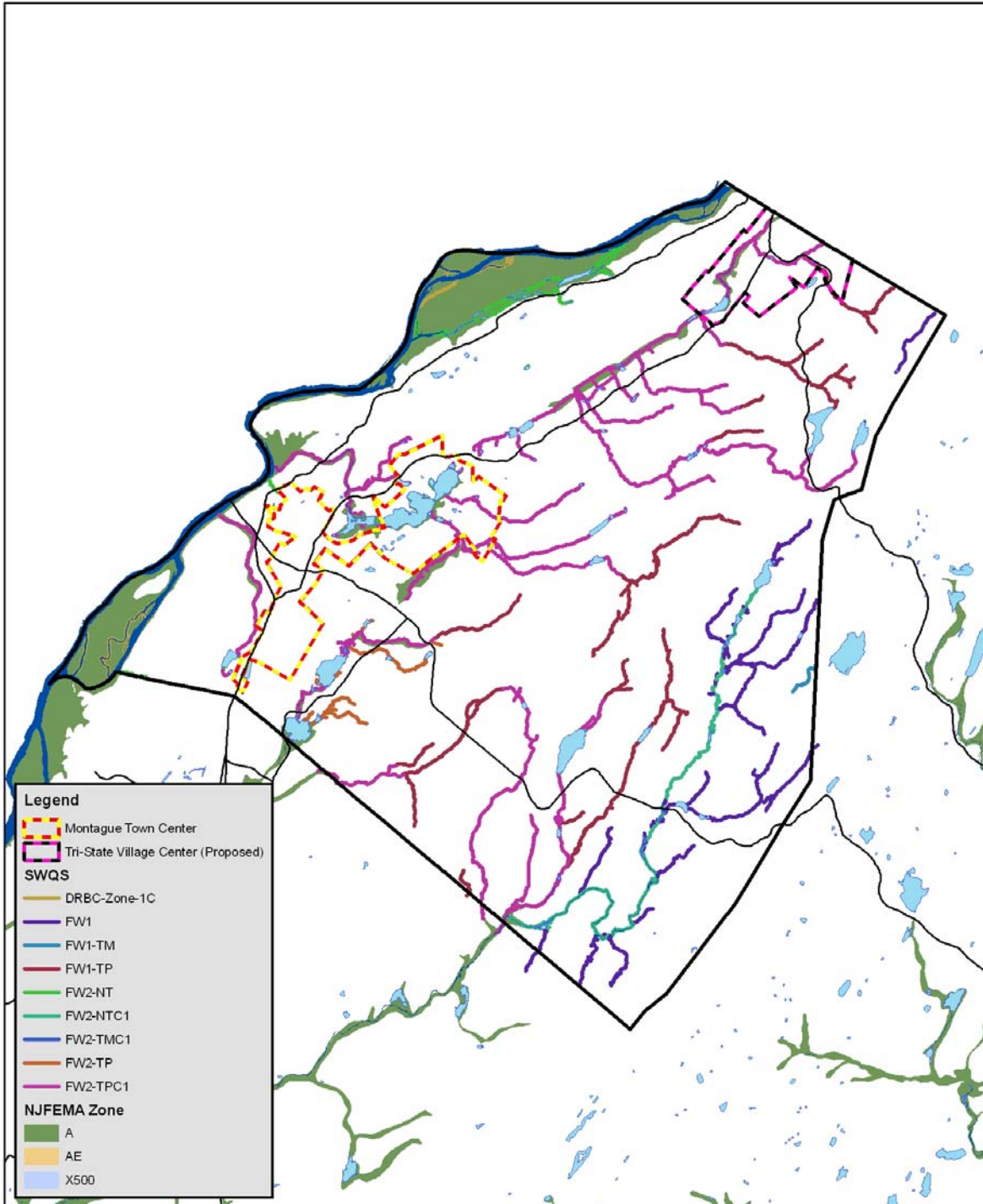
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Opportunities & Constraints Analysis
Water Supply



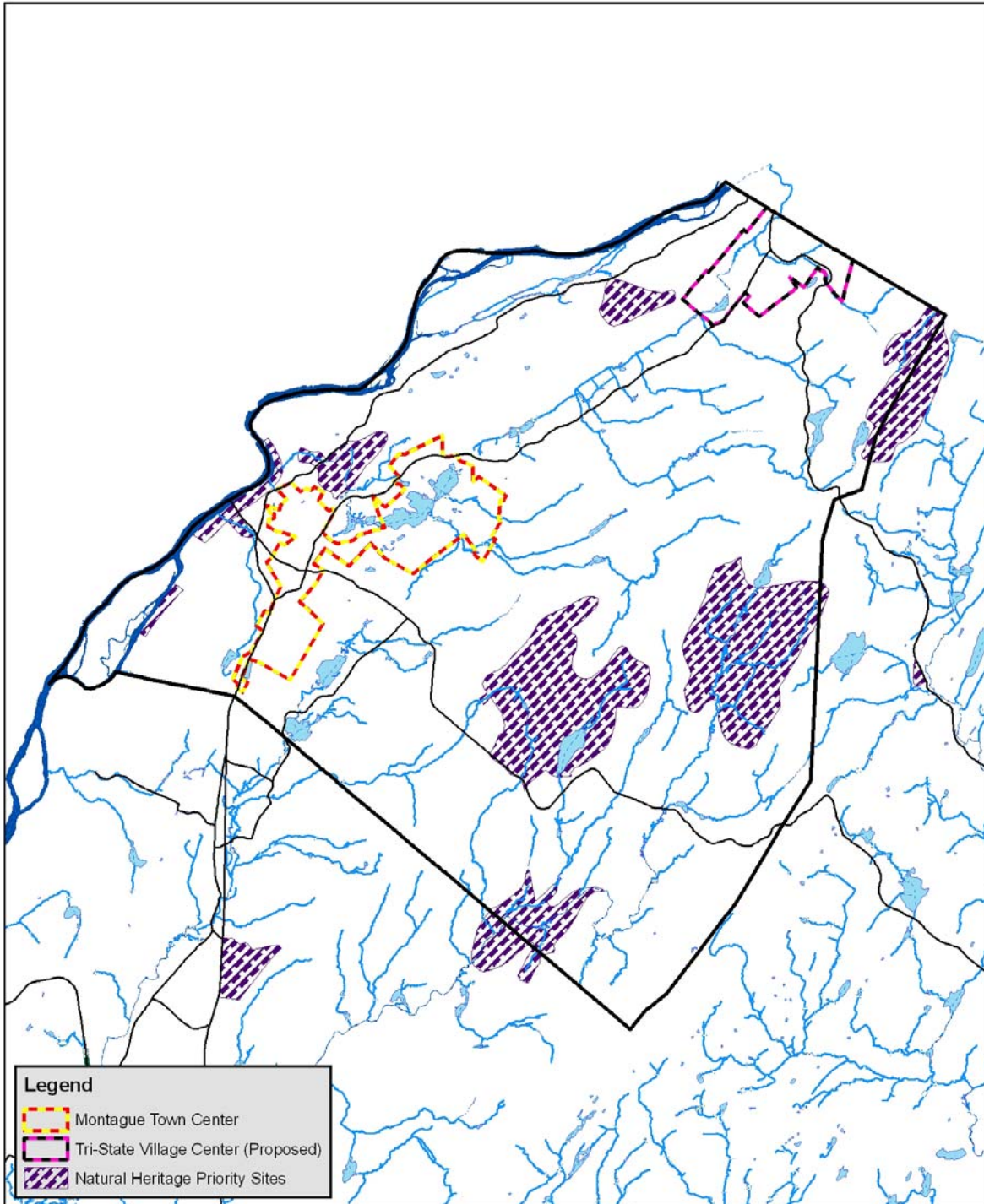
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Opportunities & Constraints Analysis
Wastewater



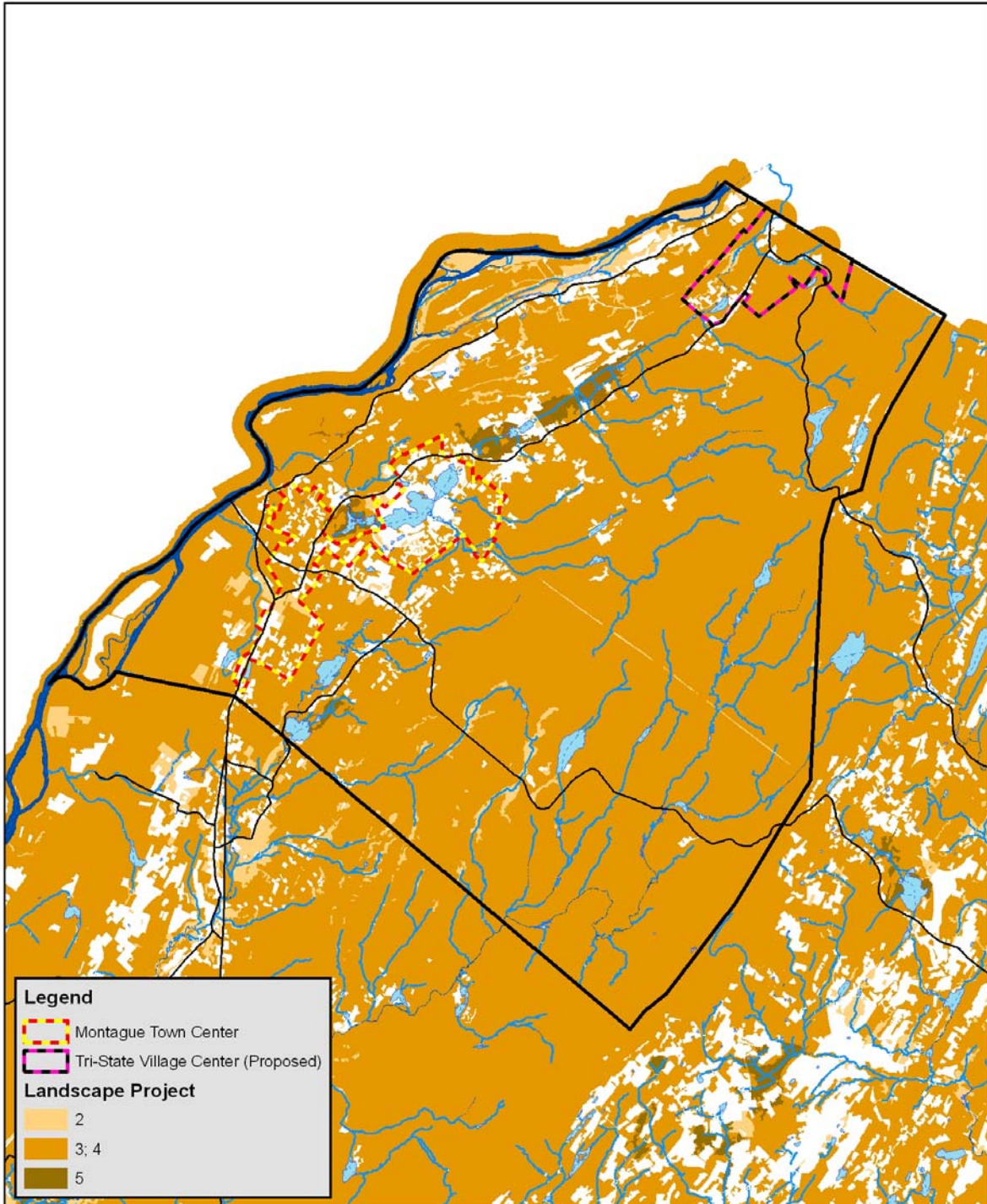
**Montague Township, Sussex County
 Opportunities & Constraints Analysis
 Surface Water Quality Standards & Flood Prone Areas**



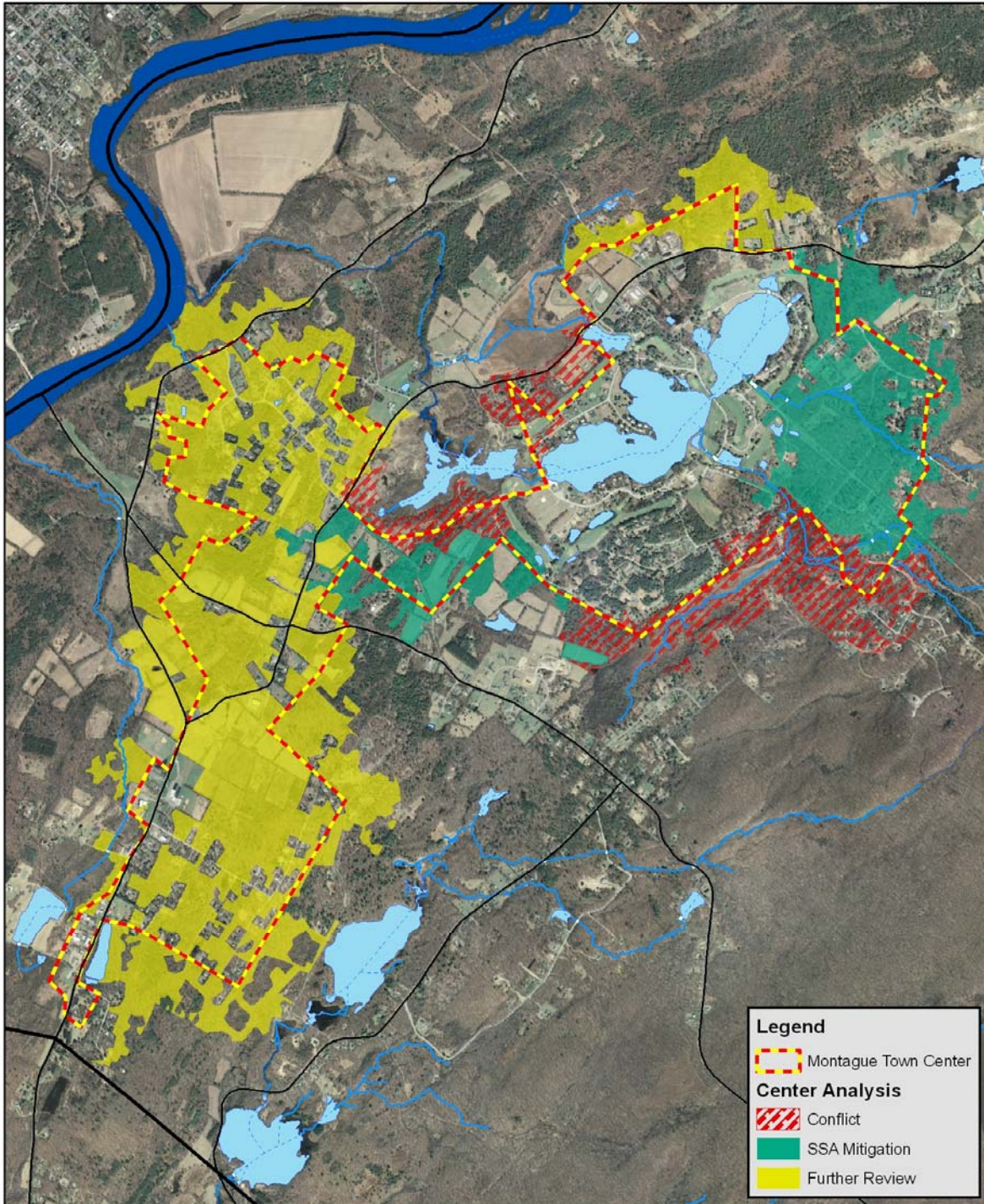
Montague Township, Sussex County
Opportunities & Constraints Analysis
Natural Heritage Priority Sites



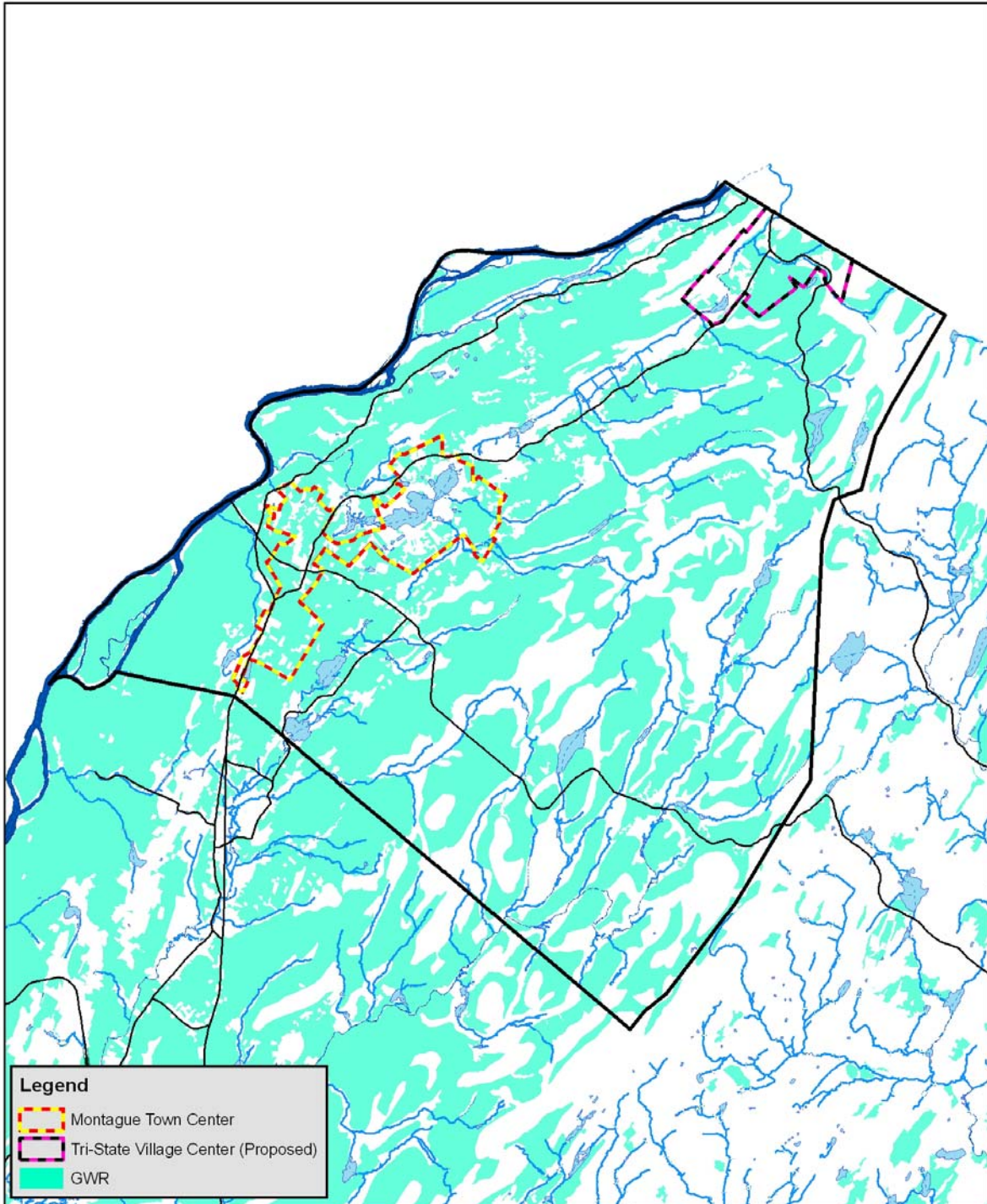
Montague Township, Sussex County
Opportunities & Constraints Analysis
Threatened & Endangered Species Habitat



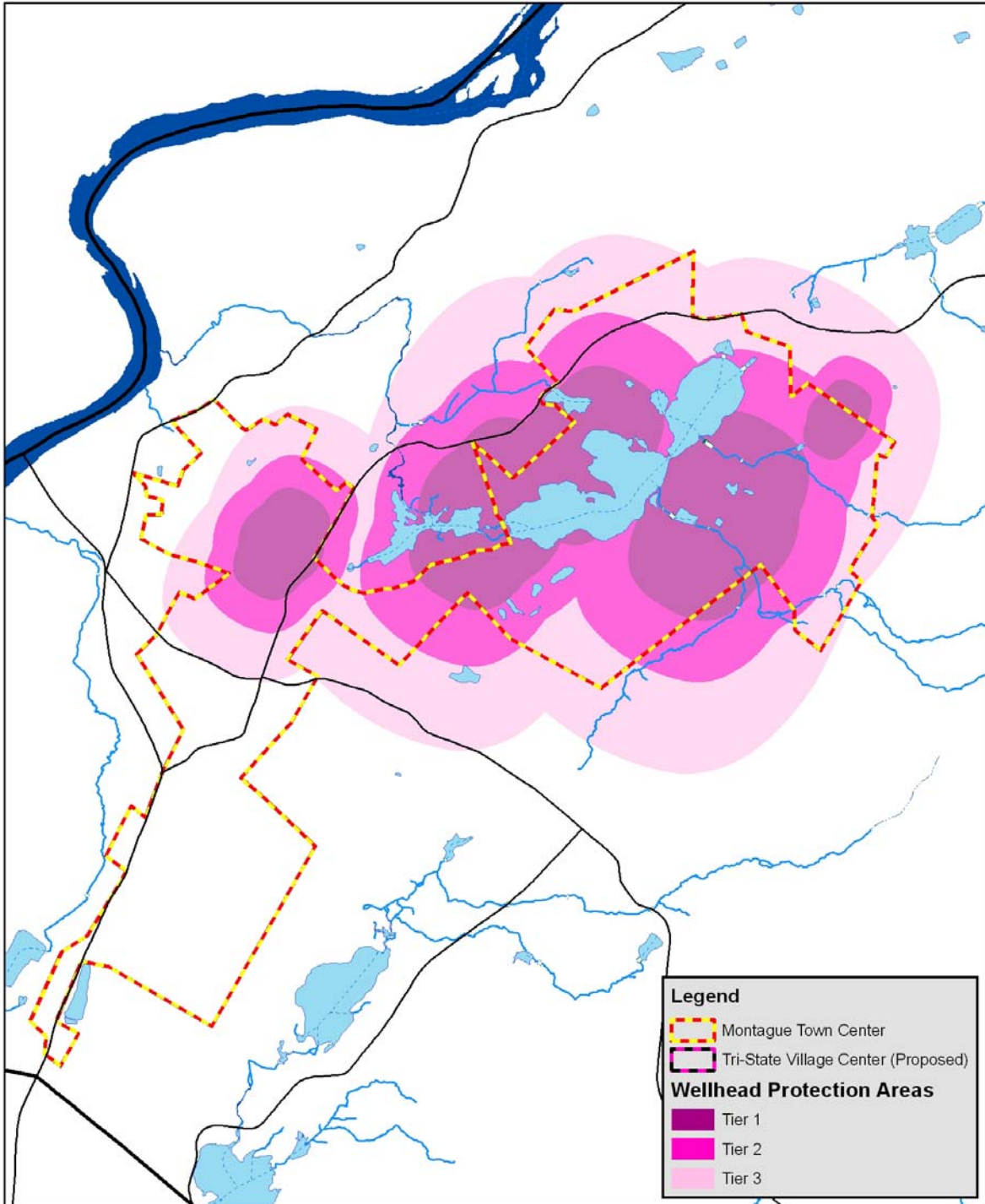
Montague Township, Sussex County
Opportunities & Constraints Analysis
Threatened & Endangered Species Habitat - Town Center Analysis



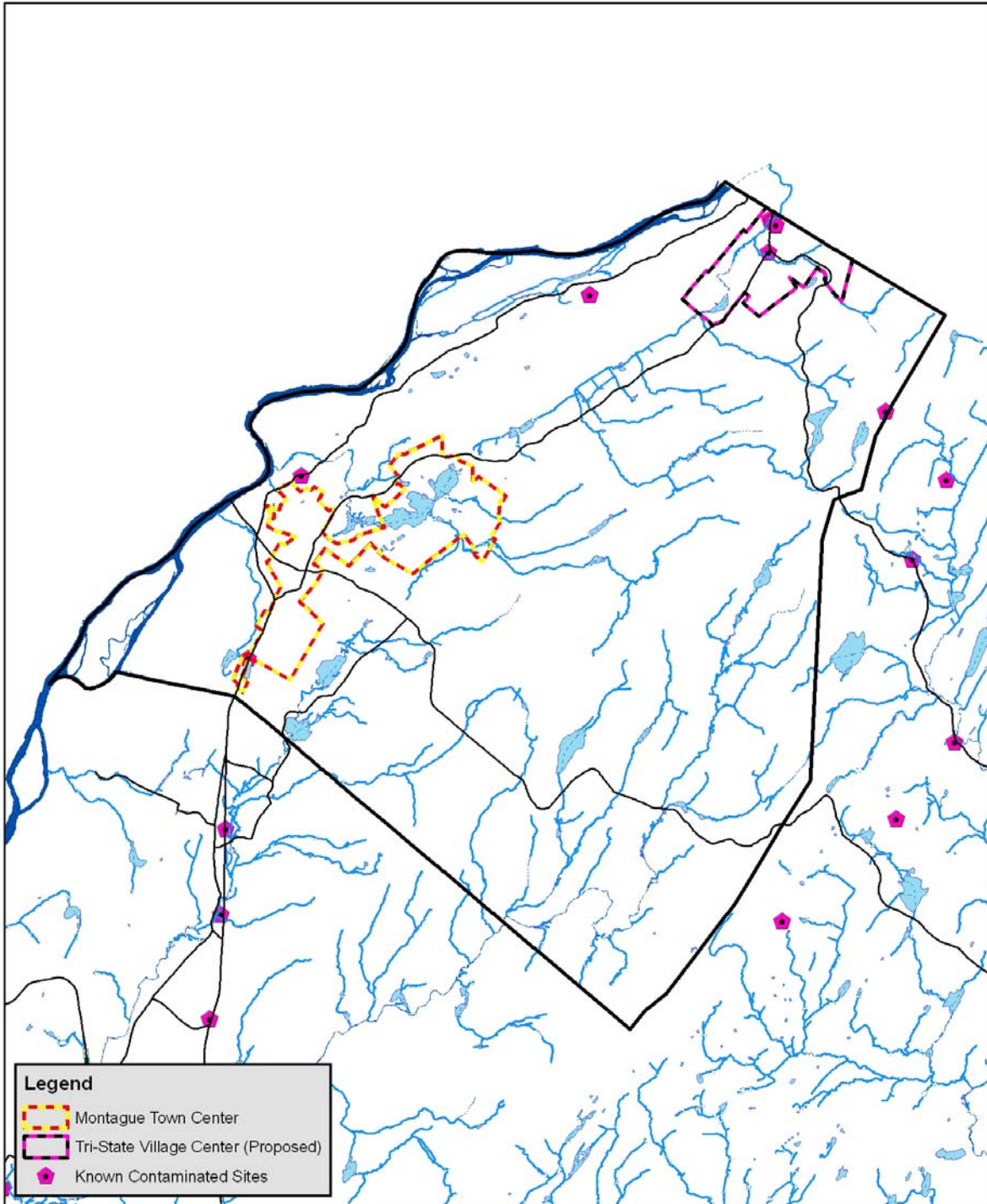
Montague Township, Sussex County
Opportunities & Constraints Analysis
Groundwater Recharge Areas



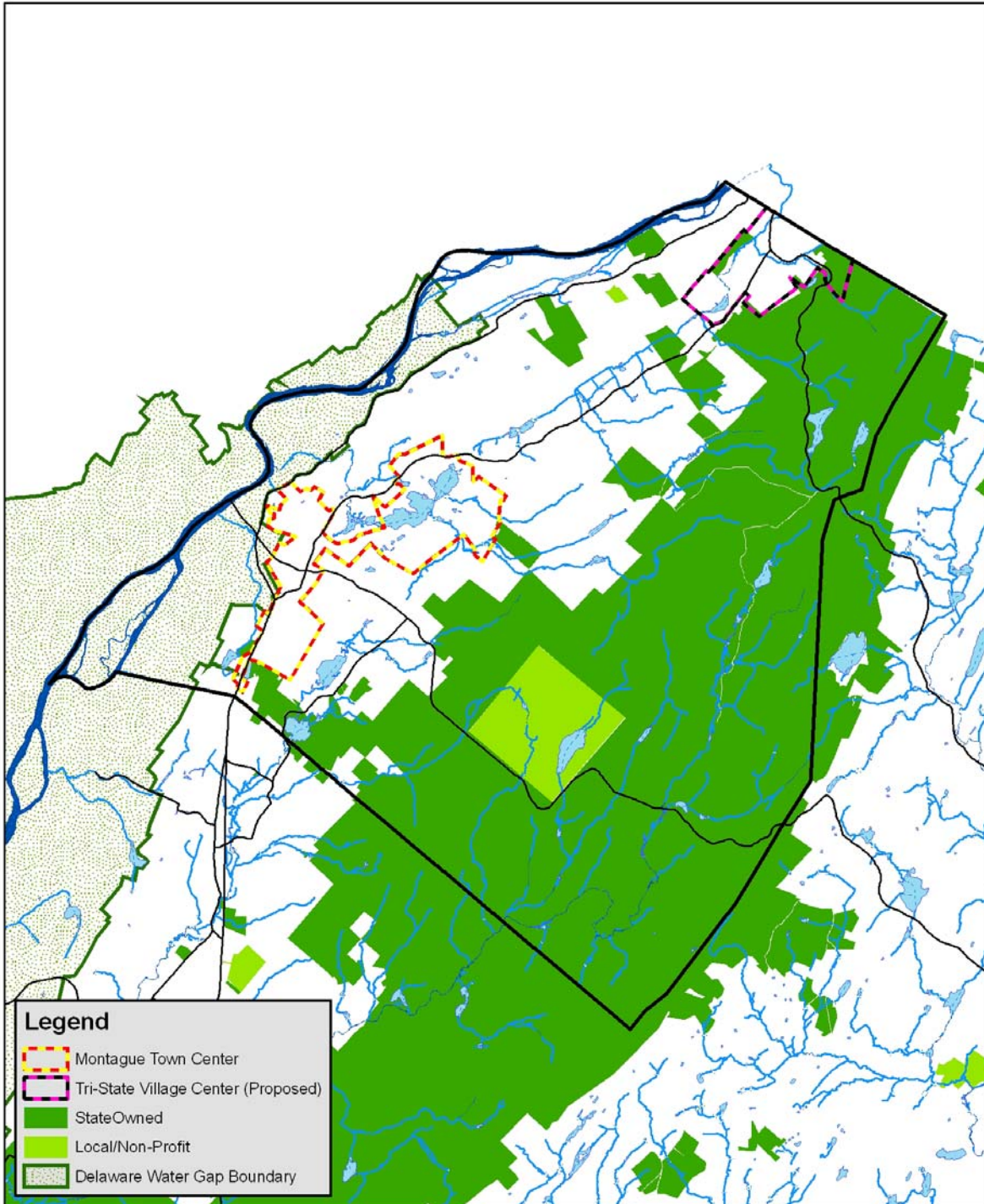
Montague Township, Sussex County
Opportunities & Constraints Analysis
Wellhead Recharge Areas



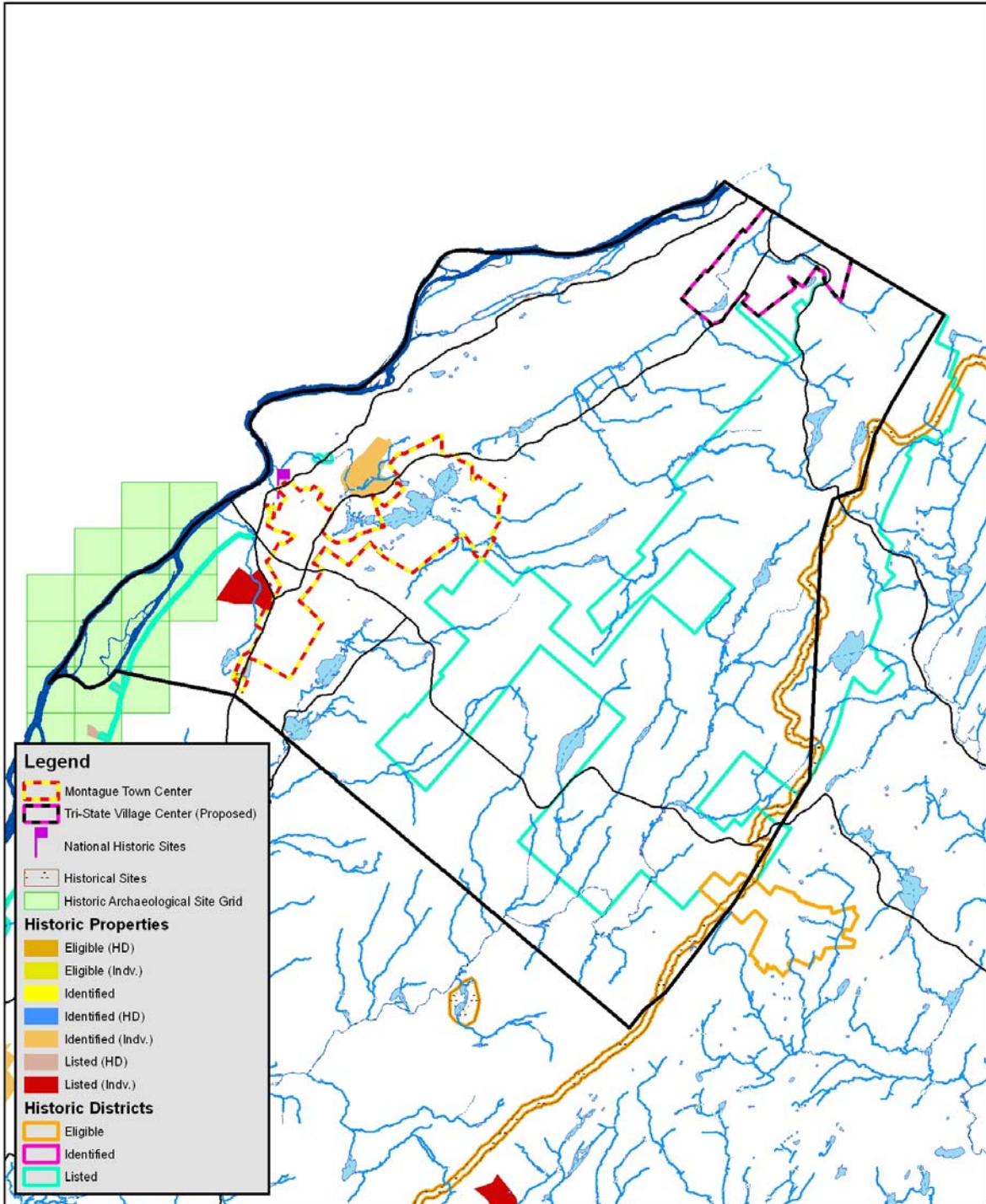
Montague Township, Sussex County
Opportunities & Constraints Analysis
Known Contaminated Sites



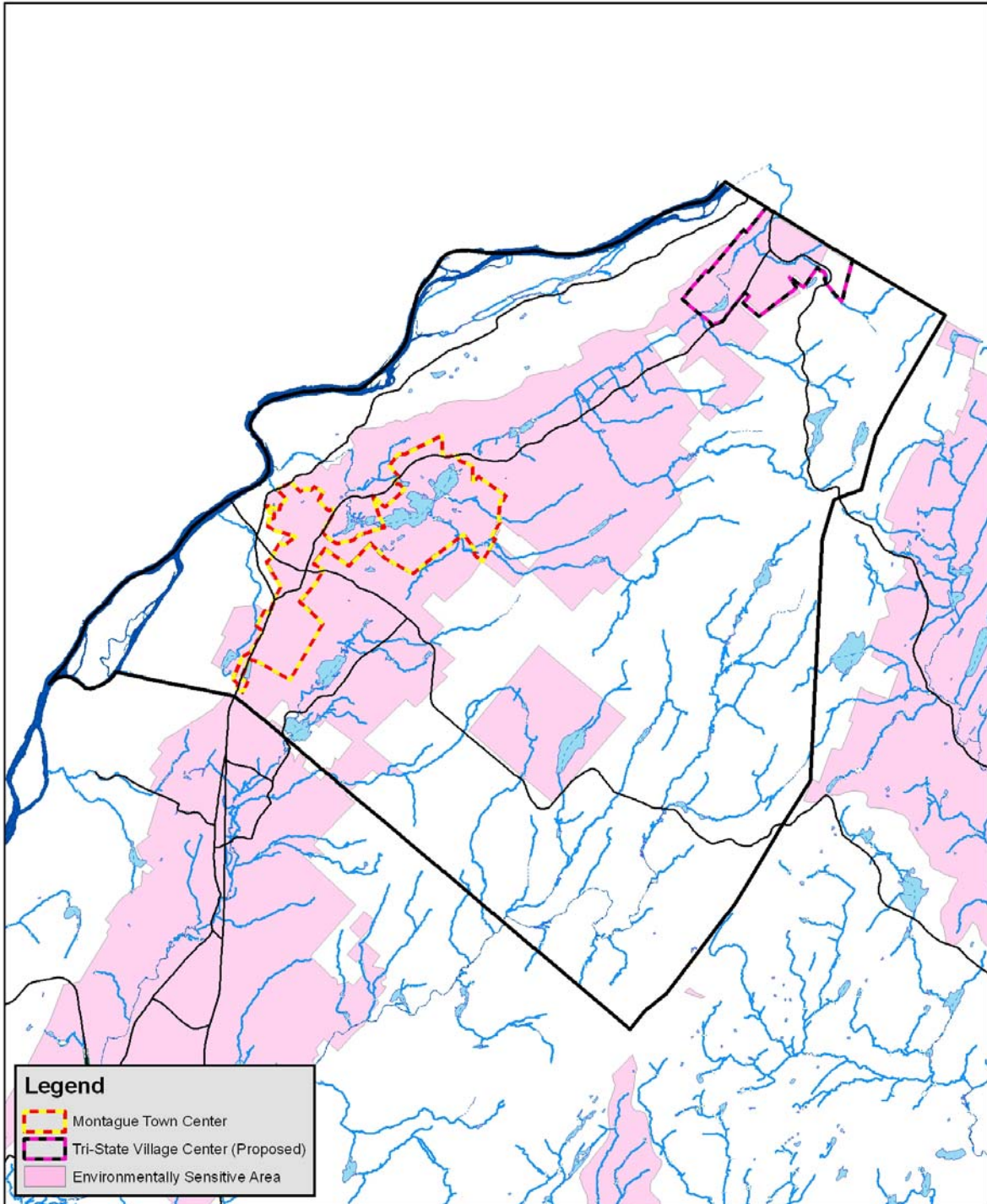
Montague Township, Sussex County
Opportunities & Constraints Analysis
Open Space



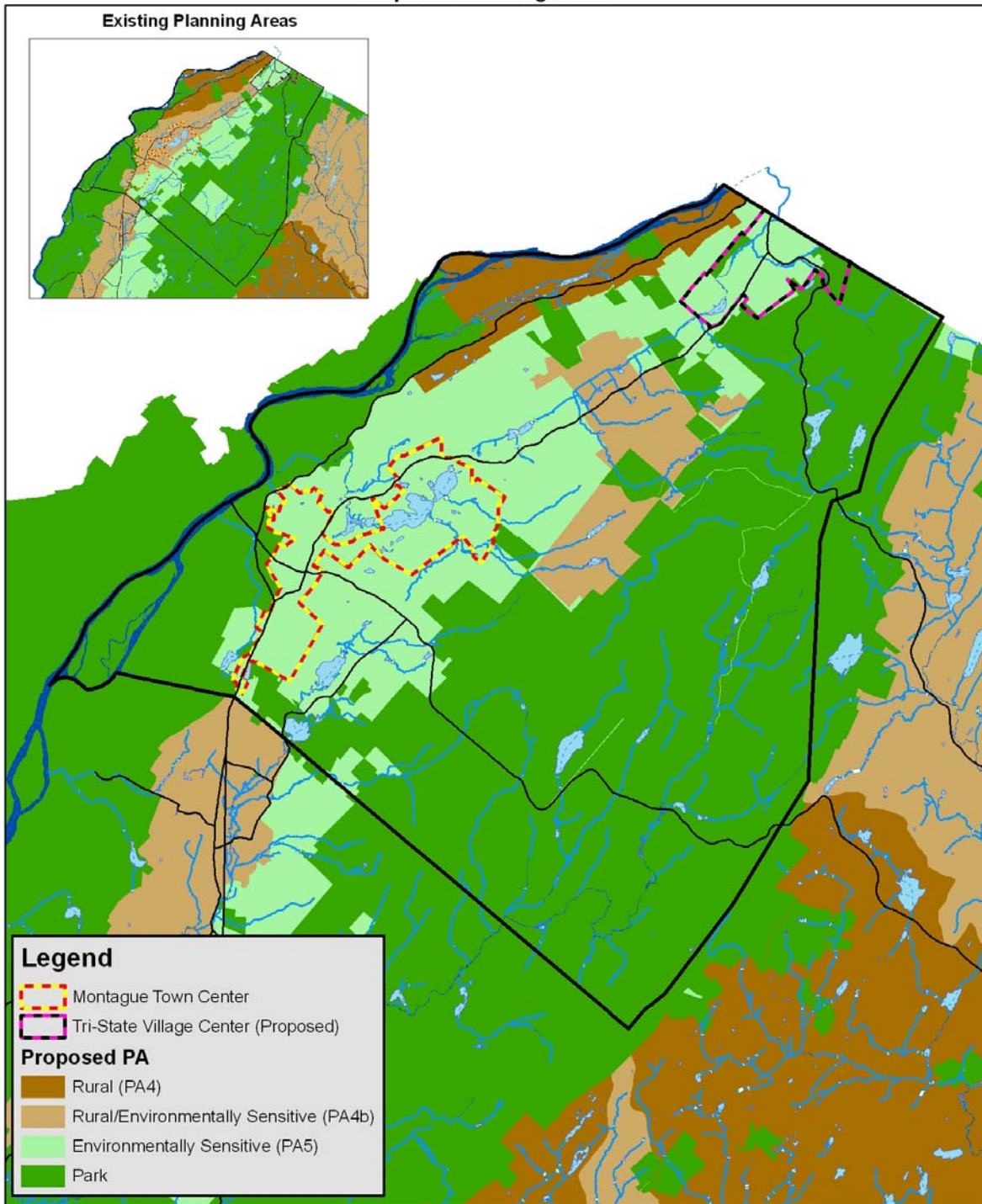
Montague Township, Sussex County
 Opportunities & Constraints Analysis
 Historic Resources



Montague Township, Sussex County
Opportunities & Constraints Analysis
Permit Extension Act



Montague Township, Sussex County
Opportunities & Constraints Analysis
Proposed Planning Areas



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

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New Jersey's Farmland Assessment Act

An Informational Guide on Basic Requirements

Prepared by the New Jersey Department of Agriculture
in consultation with the New Jersey Division of Taxation and
the New Jersey Forest Service

July 2006

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Eligibility

The New Jersey Farmland Assessment Act of 1964 permits farmland and woodland actively devoted to an agricultural or horticultural use to be assessed at its productivity value. The Act does not apply to buildings of any kind, or to the land associated with the farmhouse. Buildings and home sites on farms are assessed like all other non-farm

property. When and if the land qualified under the Act changes to a non-agricultural or non-horticultural use, it is subject to a rollback tax.

Basic Requirements:

1. Applicant must own the land.
2. Owner must annually apply for Farmland Assessment on Form FA-1 with the municipal tax assessor on or before August 1 of the year immediately preceding the tax year.
3. Land must be devoted to agricultural and/or horticultural uses for at least two years prior to the tax year (also see Qualifying Woodland, page 8).
4. Land must consist of at least 5 contiguous (adjoining) acres being farmed and/or under a woodlot management plan. Land under and adjoining the farmhouse is not counted in the 5-acre minimum area needed to qualify.
5. Gross sales of products from the land must average at least \$500 per year for the first 5 acres, plus an average of \$5 per acre for each acre over 5, except in the case of woodland or wetland where the income requirement is \$.50 per acre for any acreage over 5; or there is clear evidence of anticipated yearly gross sales, payments, or fees within a reasonable period of time dependent on the agricultural or horticultural products being produced.
6. Owner must represent that the land will continue in agricultural or horticultural use to the end of the tax year.

Note: There are additional requirements for the boarding, training, or rehabilitation of livestock and for forestlands under a woodlot management program.

The applicant, on request of the assessor, at any time, must furnish proof of all the prerequisites necessary to show the land is eligible for Farmland Assessment, such as: ownership, description, area, uses, gross sales, and income or fees from the agricultural or horticultural use of the land.

To be qualified for farmland assessment, land in a Farmland Preservation Program must meet the criteria and filing requirements of the Farmland Assessment Act.

Definitions

"Agricultural use" is land devoted to the production for sale of plants and animals useful to man, including but not limited to forages and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding, boarding, raising, rehabilitating, training or grazing of any or all such animals (except "livestock" shall not include dogs); bees and apiary products; fur animals; trees and forest products or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

"Appurtenant woodland" means a wooded piece of property which is contiguous to, part of, or beneficial to a tract of land, which tract of land has a minimum area of at least five acres devoted to agricultural or horticultural uses other than the production for sale of trees and forest products, exclusive of Christmas trees, to which tract of land the woodland is supportive and subordinate.

"Aquaculture" means the propagation, rearing and harvesting for sale of aquatic organisms, in controlled or selected environments in which the farmer must actively intervene in the rearing process in order to effect, improve or increase production for the purpose of sale.

"Beneficial to a tract of land" means land, which enhances the use of other land devoted to agricultural or horticultural production by providing benefits such as, but not limited to, windbreaks, watershed, buffers, soil erosion control, or other recognizable enhancements of the viability of the qualifying land.

"Change in Use" means when land valued under the Farmland Assessment Act is applied to a use other than agriculture or horticulture, including being abandoned from farming.

"Fees received for grazing" means only those fees, which are actually paid in consideration for grazing, and which reasonably reflect the value of grazing provided. The income which would otherwise be imputed to land used for grazing as established and determined by the State Farmland Evaluation Advisory Committee shall be prima facie evidence of those fees, which reasonably reflect the value of the grazing provided.

"Horticultural use" is land devoted to the production for sale of fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

"Income imputed to land used for grazing" means values for the pasturing of livestock as established by the State Farmland Evaluation Advisory Committee.

"Non-appurtenant woodland" is acreage composed of woodland only which qualified for Farmland Assessment by meeting all statutory requirements with respect to income, acreage, years actively devoted to agricultural use, and compliance with an approved woodlot management plan.

"Raising livestock" means the management, caring and feeding of livestock for the purpose of producing for sale as a farm product either the livestock themselves or products produced by or from them.

"Seasonal agricultural labor housing" means dwelling units designed solely for lodging farm employees and their family members where such employees are employed to perform seasonal agricultural or horticultural labor on the contiguous land, five acres or more, qualifying for farmland assessment. Any housing which is either occupied by the landowner, the landowners' spouse, or their children, parents or siblings, or is not vacant annually for a minimum period of 90 continuous days during any period of 12 continuous months shall not be considered to be "seasonal agricultural labor housing."

"Seasonal farm market" means a facility utilized for the primary purpose of selling predominately agricultural or horticultural products, and which is annually closed to business during the off season for a period of not less than 90 continuous days.

Land Area Requirement

To be eligible for Farmland Assessment, land actively devoted to an agricultural or horticultural use must have not less than 5 acres devoted to 1) the production of crops; 2) livestock or their products; and/or 3) forest products under a woodlot management plan.

Once the minimum of 5 acres is actively devoted to an agricultural or horticultural use, all the land under barns, sheds, seasonal farm markets selling predominantly agricultural products, seasonal agricultural labor housing, silos, grain bins, greenhouses and like structures, lakes, dams, ponds, streams, irrigation ditches and like facilities is included (provided their use is related to agriculture or horticulture). Also included is appurtenant woodland acreage that is equal to or less than the acreage in cropland and pastureland.

Ineligible land area is land under the farmhouse, and such additional land as may be used in connection with the farmhouse, including, but not limited to, land used for lawns, flower gardens, shrubs, recreation and for like purposes, and is excluded in determining the qualified area.

Where individual parcels of land in agriculture or horticultural use under a single ownership are located in the same taxing district, compliance with the five-acre minimum area eligibility requirement is considered to have been met if the individual parcels are contiguous (adjoining) and the total eligible area is at least five acres. Also, land under single ownership, separated by a public right of way, is considered to be contiguous. Where contiguous land in agricultural or horticultural use in one ownership is located in more than one taxing district, compliance with the five-acre minimum area requirement is determined on the basis of the total eligible area of such land and not the area which is located in a particular taxing district (an application must be filed in each respective taxing district). Where separate, noncontiguous (non-adjoining) parcels of land in agricultural or horticultural use, in a single ownership, are located in the same taxing district, a separate application for Farmland Assessment must be made with respect to each parcel. Each separate parcel must individually meet the qualifications for the program, i.e. 5 acre minimum land area, gross sales, etc.

Sales & Payment Requirements

(1). Gross sales of agricultural or horticultural products produced from the land, payments received from a soil conservation program under an agreement with an agency of the Federal government, fees received for breeding, raising or grazing any livestock, income imputed to land used for grazing in the amount determined by the State Farmland Evaluation Advisory Committee, and fees received for boarding, rehabilitating or training any livestock where the land under the boarding, rehabilitating or training facilities is contiguous to land which otherwise qualifies for farmland assessment, have averaged at least \$500 per year on the first five acres, \$5 per acre per year on any additional acres of farmland other than woodland and wetland, and \$.50 per acre per year on any additional acres constituting woodland and wetland during the two-year period immediately preceding the tax year in issue;

(2). There is clear evidence of anticipated yearly gross sales, payments and fees amounting to at least \$500 per year on the first five acres, \$5 per acre per year on any additional acres of farmland other than woodland and wetland and \$.50 per acre per year on any additional acres

constituting woodland and wetland within a reasonable period of time.

To be qualified for farmland assessment, land in a Farmland Preservation Program still must meet the criteria and filing requirements of the Farmland Assessment Act.

Examples of Qualifying Criteria

The following examples are offered to assist in understanding the criteria to qualify land for preferential reduction in taxes under the Farmland Assessment Act:

(1). An individual owns 10 acres that includes a 1 acre home site and 9 acres of cropland that is rented to a farmer who grows corn and soybeans. The farmer reports to the landowner that 882 bushels of grain were produced last year that sold for \$2,200. In the current year the farmer has planted soybeans on the 9 acres to be harvested for sale. With 9 acres being farmed last year and this year, sales exceeded the minimum requirement of \$520 for the 9 acres, the land will be eligible for farmland assessment in the next tax year provided a timely application is submitted to the municipal tax assessor.

(2). The owner of a 100-acre vegetable farm is completing Form FA-1 to be filed with the municipal tax assessor. 60 acres are planted to crops, the land under the barns, greenhouses and the seasonal labor housing is reported as *cropland harvested*. The 5 acres maintained as grassland adjacent to a stream is reported as *permanent pasture* (even though there are no livestock on the farm), and the 30 acres of woodland/wetland is reported as *appurtenant woodland*. For the land used in connection with the farmhouse the owner reports 1 acre. The remaining 4 acres used as a commercial site to produce mulch and soil products from materials brought onto the farm is reported as *land not devoted to an agricultural or horticultural use*. The total land area devoted to a horticultural use is 95 acres.

(3). 20 acres of cropland that produced corn, soybeans, wheat and straw in rotation and qualified for farmland assessment is sold. The new owner receives approval from the municipality to build a home on 2 acres of the property and intends to grow crops and raise livestock the following year. In that the 20 acres has become idle in the current year, a change in use has occurred. The 20 acres is subject to rollback taxes. To qualify for Farmland Assessment in the future, the land will need to be actively devoted to an agricultural or horticultural use for two full calendar years before the tax year for which application is made.

(4). 5 acres of land are unmanaged but naturally produce wildflowers, berries, herbs, and firewood. The owner sells between \$750 and \$900 of plant materials and firewood annually from the parcel. The parcel of land is *ineligible* for Farmland Assessment because the land was not

in a managed agricultural or horticultural use. The mere haphazard use of land that results in sufficient income to meet the requirements of the Farmland Assessment Act does not necessarily qualify the land for Farmland Assessment.

(5). A 30-acre parcel of land consisting of cropland, a farmhouse, barns and outbuildings is located in the zone of the municipality where the minimum lot size is 3 acres. The landowner uses only a half-acre of land in connection with the farmhouse. The barns on the property are used for agricultural purposes and occupy one-half acre of land. The landowner reports on the Form FA-1 twenty-nine and one-half acres *cropland harvested* and one-half acre for *land used in connection with the farmhouse*. Only the half-acre actually used in connection with the farmhouse is reported on Form FA-1 regardless of the 3 acre zoning requirements.

(6). A landowner raises and sells strawberries on 4 acres of a 9-acre parcel. A house, lawn, and driveway occupy 2 acres. The remaining 3 acres are woods. The landowner claims 3 acres on the FA-1 form as appurtenant woodland, 4 acres as cropland, and enters 7 acres as activity devoted to a horticultural use. Upon review the tax assessor determines that none of the land meets the eligibility criteria for Farmland Assessment. A minimum of 5 acres must be actively devoted to an agricultural or horticultural use (growing crops, raising livestock or producing forest products). For the land to qualify in the future, a woodlot management plan would need to be implemented on the 3 acres of woodland. With the 4 acres of cropland and the 3 acres of non-appurtenant (managed) woodland, 7 acres should qualify for Farmland Assessment.

(7). A woodlot management plan and application forms WD-1 and FA-1 are filed with the municipal tax assessor and the New Jersey Department of Environmental Protection for an 85-acre parcel of woodland. Sales from firewood cut from the woodlot averaged between \$750 and \$900 for each of the prior 3 years. The woodlot owner occasionally permits the neighboring horse farm to use an established logging road for trail rides in the summer and fall and for cross country skiing in the winter. In this case, forestry is the predominate use of the property including the logging road that permits access to the trees for forestry management. The incidental use of the land for recreation does not make the property ineligible for farmland assessment.

(8). A 20-acre parcel of land is managed under the Conservation Reserve Program of the United States Department of Agriculture Farm Service Agency and receives an annual payment of \$750. The payment meets the minimum income requirement for farmland assessment of \$575 (\$500 + an average of \$5 for acreage above the first 5). The entire 20 acres are considered actively devoted as federal soil conservation payments alone make the land eligible for Farmland Assessment. The landowner reports the USDA program name and agreement number on Form FA-1.

(9). On a 6-acre parcel of land, 5.5-acres produce vegetables that are sold at the seasonal farm stand. The sales of vegetables produced on the parcel exceed the minimum sales requirement for this parcel of \$505. A farm stand and parking area occupies one-half acre of ground. In that no less than 5 acres are devoted to a horticultural use (producing crops for sale), the one-half acre utilized by the seasonal farm stand qualifies the entire 6 acres for farmland assessment.

(10). On a 16-acre parcel of woodland 80 beehives are maintained. A gross income in excess of \$4,000 is received annually from farmers in the area for use of the bees in pollinating their crops. Over \$1,000 is also received from the sale of honey. Because the 16 acres is not being managed for honey production, the landowner hires an approved forester to develop a woodlot management plan. The woodlot management plan will need to be implemented for two full calendar years to be eligible for Farmland Assessment in the third year. For purposes of gross sales criteria income from pollination of crops does not count, only honey sales.

Livestock - Including Criteria for Equine Operations

Breeding or raising of livestock (which includes horses) for productive gain is defined as an agricultural use. The boarding, rehabilitating, training or grazing of livestock is also an agricultural use, but only when the boarding, rehabilitating or training facility is contiguous to land which otherwise qualifies under the Farmland Assessment Act. One way to qualify such a facility is to use income imputed to land for grazing. Fees received for boarding, rehabilitating or training livestock are not counted when qualifying the initial five acres of land that is contiguous to a boarding, rehabilitating or training facility.

The Farmland Assessment Act does not specify the number of livestock or poultry animals needed as a minimum to qualify. It is recommended that on the first 5 acres, the land should be at the carrying capacity for the raising of livestock or poultry depending on the management practice being utilized.

The following examples are offered to assist in understanding the revisions made to the Farmland Assessment Act in 1995 that relate to boarding, rehabilitating or training livestock:

(1). On a 10 acre parcel of land, 6 acres are devoted to growing crops and generate annual gross sales of \$650. The remaining 4 acres are used for boarding horses and generate annual boarding fees of \$8,500. Since the land used for boarding horses is

contiguous to land 5 acres or more otherwise qualifying for Farmland Assessment, the fees from boarding may be included to meet the minimum gross income requirement and qualify the entire 10 acre parcel.

(2). On a 10 acre parcel of land, 3.5 acres are devoted to growing crops and generate annual gross sale of \$450. The remaining 6.5 acres are used for boarding horses and generate annual boarding fees of \$10,500. None of the 6.5 acres is used for grazing horses. The land contiguous to the land used for boarding horses does not otherwise qualify for farmland assessment, both because it is not at least 5 acres in area and because it does not meet the minimum \$500 income requirement for the first 5 acres. Therefore, the fees from boarding may not be included to meet the minimum gross income requirements, and the entire 10 acre parcel is ineligible for Farmland Assessment.

(3). On an 8.5 acre parcel of land, .5 acres is used with the house, and 3 acres are devoted to boarding and training horses, which produces fees of \$3,200. The remaining 5 acres are utilized for grazing the boarded horses. Income imputed to grazing is \$495. Since the 5 acres used for grazing does not have an imputed value for such use of at least \$500; it is not eligible for Farmland Assessment. The 3 acre portion used for boarding and training is also ineligible, because it is not contiguous to land which otherwise qualifies for Farmland Assessment.

(4). 3 horses and 1 pony are kept on their owners' land for pleasure riding. The animals pasture on 14 acres, which have an imputed grazing value of \$103 per acre or \$1,442. Although the imputed grazing value exceeds the income requirements for qualification, the land would be ineligible for farmland assessment since the livestock are not raised for sale, the livestock do not produce products for sale, and the grazing is not connected with breeding, raising, boarding, rehabilitating or training activities.

(5). On a 10-acre parcel of land, 1 acre is used for residential dwelling, 3 acres are devoted to hay production, 4 acres are fenced pasture for boarded horses, .5 acres is for the boarding facility, and 1.5 acres is appurtenant woodland. 125 bales of hay with a value of \$3 per bale generating \$375 are produced annually and fed to the boarded horses. Income imputed to land for grazing of \$100 per acre times 4 acres equals \$400. As 7 acres of land producing \$775 in income is adjacent to the boarding facility, 9 acres qualified for Farmland Assessment.

Qualifying Woodland

The Farmland Assessment Act of 1964 provides that land "shall be deemed to be in agricultural use when devoted to

the production for sale of plants and animals useful to man, including trees and forest products." Land devoted to the growing of trees (woodland) can qualify for Farmland Assessment when it meets certain requirements.

(1). **Self-qualifying woodland or acreage** composed of non-appurtenant woodland qualifies for Farmland Assessment, if the tract of land meets all statutory requirements with respect to income, acreage, years actively devoted to agricultural use, and compliance with an approved woodlot management plan. Self-qualifying woodland is considered to be non-appurtenant woodland and is entered as such on the Farmland Assessment application Form FA-1.

To qualify this type of woodland, the following additional requirements must be met and submitted annually:

(a). A properly prepared woodlot management plan (filed first year only, until plan is renewed or changed); *Note: A woodlot management plan must be in place 2 full calendar years before qualification is permitted.*

(b). A woodland data Form WD-1 signed by an approved forester;

(c). A scaled map indicating location of woodland activity and soil classes; and

(d). An exact copy of the information submitted to the assessor is to be submitted, at the same time, to the New Jersey Forest Service, Department of Environmental Protection, Trenton, NJ.

(2). **Appurtenant woodland** (supportive) is woodland acreage which is part of a crop or livestock farm, and which may or may not contribute income to the farm. Typically, this land does contribute benefits to the farm, such as lumber or fencing for on-farm use, protection from wind, erosion, water conservation, or buffer areas for the farm from neighbors. This woodland is considered to be appurtenant woodland and is entered under this category on the Form FA-1.

A wooded piece of property is presumed to be supportive and subordinate woodland when the area is less than the area of cropland and pastureland qualifying for Farmland Assessment. An owner claiming Farmland Assessment for a wooded piece of property exceeding the acreage in cropland or pastureland must submit an explanation and additional proofs the assessor may require to support the claim that such woodland is supportive and subordinate.

Woodland that does not qualify under (1) or (2) is not eligible for Farmland Assessment. For additional information on woodland management and Farmland Assessment, the New Jersey Forest Service, Department of Environmental Protection may be contacted at 609-292-2531 or www.nj.gov/dep/parksandforests/forest and click on the link for Private Lands Management.

Rented Farmland

Under the Farmland Assessment Act, land may be rented to another person who actively devotes the land to an agricultural or horticultural use. It is the owners' responsibility to annually complete an application, Form FA-1, for Farmland Assessment. For rented land, the name of the farmer, address, telephone number, and the current year farming activity must be provided. The municipal assessor may require clear evidence of sales, especially where farming activities are not readily apparent. Rent received from a farmer is not considered the sale of an agricultural or horticultural commodity, and cannot be used to meet the gross sales requirement for Farmland Assessment. Instead, the value of farm products sold from the land is used.

When the Use of Land Changes - Rollback Taxes

The Farmland Assessment Act provides special treatment for land which is continued in active, agricultural or horticultural use by permitting reduced assessments and reduced tax on such qualifying lands. To recapture some of the taxes which would have been paid had the land been taxed on the same basis as all other non-farm property, the Farmland Assessment Act provides for levy of rollback tax if the use of the land changes. Change includes the abandonment of agricultural activity.

The liability for rollback taxes attaches to the land when a change in use of the land occurs, but not when a change in ownership takes place, if the new owner continues to devote the land to qualified agricultural or horticultural uses. Any land which changes from an eligible agricultural or horticultural use under the Farmland Assessment Act to a non-farm use is subject to rollback taxes for the year in which the change takes place, and for the two tax years immediately prior, in which the land was valued, assessed and taxed under the Act.

Assessment Values

The Farmland Assessment Act established the Farmland Evaluation Advisory Committee (FEAC) made up of the Director of the Division of Taxation, the Dean of Cook College, and the New Jersey Secretary of Agriculture. The FEAC publishes ranges of fair value for use by assessors in assessing qualified farmland in accordance with its agricultural or horticultural use. The land use classes established by the FEAC are cropland harvested, cropland pastured, permanent pasture, non-appurtenant woodland, and appurtenant woodland. The soil ratings are A through E, from very productive farmland to very poor farmland. Example: For cropland harvested, soil group B, the assessment value ranged from \$620 to \$860 per acre by county for the 2006 tax year. The Report of the State Farmland Evaluation Advisory Committee is published annually each October 1 by the New Jersey Division of Taxation. A copy can be obtained by calling (609) 292-7974.

Filing for Farmland Assessment

The owner or owners of land used for agricultural or horticultural purposes may apply for valuation of the land under the Farmland Assessment Act by filing application Form FA-1, available from the respective municipal tax assessor. Where an application is filed for lands not previously qualified for Farmland Assessment, the owner must also submit a map of land use, use classes and soil groups. Soils maps for Farmland Assessment may be obtained from the respective soil conservation district in which the land is located. A listing of soil conservation districts is found at <http://www.nj.gov/agriculture/rural/natrsrc.htm> or by calling the New Jersey Department of Agriculture, Natural Resource Conservation Program at (609) 292-5540. The United States Department of Agriculture, Natural Resources Conservation Service provides a soil survey website, that permits a landowner to develop a soils map of their property, and can be found at <http://websoilsurvey.nrcs.usda.gov/app/>

Woodland owners must file, in addition to the Form FA-1, a completed Woodland Data Form WD-1 and a copy of their Woodland Management Plan (first year only, until Plan is renewed or changed) with both the municipal tax assessor and with the New Jersey Department of Environmental Protection.

Form FA-1, and Form WD-1 if required, must be filed annually **on or before August 1** of the year before the year for which Farmland Assessment is being sought. An extension of time for filing is granted to December 1 of the pre-tax year if the taxing district completes a revaluation of all real property in time to be reflected in the assessments for the next succeeding tax year. The assessor may also grant an extension of time for filing the application for Farmland Assessment to no later than September 1 of the pre-tax year, where it appears to the satisfaction of the assessor that failure to file by August 1 was due to:

- a). The illness of the owner certified by a physician stating a physical incapacity; or
- b). The death of the owner or immediate member of the owners' family. A certified copy of the death certificate must be filed with the application by the individual legally responsible for the estate of the owner or the owner.

An assessor can not approve an extension of time to file an application in cases where the death of the owner or a member of the owners' immediate family occurred prior to first day of January of the pre-tax year.

By law, an on-site inspection of the land will be made by the tax assessor at least once every three years. The municipality may impose a fee for an on-site inspection of not more than \$25 in a 3-year period. On-site inspections may be made as many times as reasonably necessary to establish the eligibility status of the land for the purpose of approving or disapproving the application.

Additional Information

The above information is intended to help landowners understand the basic requirements of the Farmland Assessment Act. The New Jersey Department of Agriculture will answer questions on agricultural and horticultural production related to farmland assessment requirements. The New Jersey Division of Taxation will answer questions on tax procedures, tax laws, regulations, and court cases. The New Jersey Forest Service will answer questions concerning woodland. Rutgers Cooperative Research and Extension can provide information on crop and livestock production, farm management and marketing, and other related topics. Municipal tax assessors can provide forms needed for filing.

NJ Dept. of Agriculture (609) 984-2503 or
Robert.Bruch@ag.state.nj.us
<http://www.state.nj.us/agriculture>
Click on "Publications" then "For Farmers" and scroll to Farmland Assessment Act

NJ Division of Taxation (609) 292-7974
<http://www.state.nj.us/treasury/taxation/lpt/localtax.htm>
Scroll down to "General Assessment Issues" then scroll to "Farmland"

NJ Forest Service (609) 292-2531
<http://www.nj.gov/dep/parksandforests/forest>
Click on "Private Lands Management" then on "Farmland Assessment"

Rutgers Cooperative Research and Extension - For your county office refer to the listing in the blue pages of your telephone directory under "County Government" - Extension Service - Agricultural Agent

June 2006

Prepared by the New Jersey Department of Agriculture, in consultation with the New Jersey Division of Taxation and the New Jersey Forest Service.

SAMPLE ONLY – Obtain application from municipal tax assessor

FORM FA-1
DIV. OF TAXATION
(REVISED APRIL, 2003)

APPLICATION FOR FARMLAND ASSESSMENT

REFER TO EXCERPTS OF THE LAW AND INSTRUCTIONS BEFORE COMPLETING

COUNTY _____ MUNICIPALITY _____ TAX
YEAR _____

SECTION 1 - IDENTIFICATION INFORMATION (Please print or type all information)

- (1) Owner's Name _____ (8) Farm operator(s) other than owner: _____
- (2) Mailing Address _____ (a1) Name _____
_____ (b1) Address _____
- (3) Telephone () _____
- (4) Land Location _____ (c1) Telephone () _____
- (5) Block(s) Lot(s) _____ (a2) Name _____
(a) Qualification No (if assigned by assessor) _____ (b2) Address _____
- (6) The land is [] farmed solely by owner
[] rented to farmer
[] farmed by owner and tenant (c2) Telephone () _____
- (7) Is farm deed restricted to agriculture? Yes No # of Acres

SECTION 2 - BREAKDOWN OF LAND USE CLASSES (All entries and totals must be accurate)

Insert the current year's acreage in the appropriate land use class. Indicate acres to the nearest hundredth (0.00) - DO NOT USE DIMENSIONS

REFER TO DEFINITIONS OF LAND USE CLASSES UNDER "INSTRUCTIONS"

ACTIVELY DEVOTED LAND

Acreage

LAND NOT ACTIVELY DEVOTED

Acreage

(1) Cropland harvested	(1) _____	(8) Land under and land used in connection with farmhouse.	(8) _____
(2) Cropland pastured	(2) _____	(9) All other land not devoted to agricultural or horticultural use.	(9) _____
(3) Permanent pasture	(3) _____	(10) TOTAL NOT DEVOTED TO AGRICULTURAL OR HORTICULTURAL USE (Sum of lines 8 & 9)	(10) _____
(4) Non-appurtenant woodland (See instructions before making entry)	(4) _____	(11) TOTAL ACREAGE OF ALL LAND (Sum of lines 7 & 10)	(11) _____
(5) Appurtenant woodland or wetland (See instructions before making entry)	(5) _____	*If less than 5 acres, cite the municipality, block(s) and lot(s) of contiguous acreage in adjacent municipality	
(6) Acres used for: (don't include pastured acres)	(6) _____	(12) Is there a claim for land under:	
(a) <u> </u> boarding	(b) <u> </u> rehabilitating	(c) <u> </u> training	
	Total a, b & c		
(7) *TOTAL DEVOTED TO AGRICULTURAL OR HORTICULTURAL USE (Sum of lines 1 to 6)	(7) _____	• Seasonal farm markets? Yes _____ No _____	
		• Seasonal agricultural labor housing? Yes _____ No _____	

SECTION 3 - CURRENT YEAR FARMING ACTIVITY - Indicate acres to nearest tenth (0.0). Include Double Cropping, for example, two plantings on fifty acres should be reported as 100.0 acres.

INSERT CURRENT YEAR HARVESTED OR TO BE HARVESTED ACRES FOR LAND ONLY IN SECTION II

A. FIELD CROPS (Harvested Acres)		Acres	Trees & shrubs (nursery).....(30) _____	Eggplant.....(53) _____
Irrigated Acres.....(80)	_____		Sod (cultivated).....(31) _____	Lettuce.....(54) _____
Barley (grain).....(11)	_____		Christmas trees.....(32) _____	Onions.....(55) _____
Corn for grain.....(12)	_____		Other:	Peas.....(56) _____
Corn for silage.....(13)	_____		(specify) _____	Peppers (sweet).....(57) _____
Hay (alfalfa).....(15)	_____	D. LIVESTOCK	Avg. No. of Livestock	Potatoes (white).....(58) _____
Hay (other excluding salt hay).....(16)	_____			Potatoes (sweet).....(59) _____
Oats (grain).....(17)	_____	All beef cattle.....(33) _____		Pumpkins.....(60) _____
Rye (grain).....(18)	_____	Dairy.....(34) _____		Spinach.....(61) _____
Sorghum.....(19)	_____	Dairy (young).....(35) _____		Squash.....(62) _____
Soybeans.....(20)	_____	Horses & ponies.....(36) _____		Tomatoes.....(63) _____
Wheat.....(21)	_____	Sheep.....(37) _____		Melons.....(64) _____
Cover Crops Planted:		Swine.....(38) _____		Mixed and other vegetable
(specify) _____		Bees (Hives).....(39) _____		crops.....(65) _____
Other Field Crops:		Ducks.....(40) _____		Other crops:
(specify) _____		Fur animals.....(41) _____		(specify) _____
		Goats.....(42) _____		F. AQUACULTURE
B. FRUIT CROPS (Bearing Acres)	Acres	Chickens (meat).....(43) _____		Clams, oysters (other specify).....(66) _____
Irrigated Acres.....(81)	_____	Chickens (layers).....(44) _____		Fresh water, pond fish.....(67) _____
Apples.....(22)	_____	Turkeys.....(45) _____		Other:
Blueberries.....(23)	_____	Other:		(specify) _____
Cranberries.....(24)	_____	(specify) _____		G. ANNUAL HARVEST OF WOODLAND PRODUCTS
Grapes.....(25)	_____	E. VEGETABLE CROPS (Harvested Acres)	Acres	Fuelwood (cords).....(68) _____
Nectarines.....(86)	_____			Pulpwood (cords).....(69) _____
Peaches.....(26)	_____	Irrigated Acres.....(83) _____		Timber (Bd. Ft.).....(70) _____
Strawberries.....(27)	_____	Asparagus.....(46) _____		Other:
Other fruit crops:		Beans, lima.....(47) _____		(specify) _____
(specify) _____		Beans snap.....(48) _____		H. LAND IN FEDERAL GOVERNMENT PROGRAM
Non-bearing fruit:		Cabbage.....(49) _____		Name of Program _____
(specify) _____		Carrots.....(50) _____		Program Number _____
C. ORNAMENTAL CROPS	Acres	Corn, sweet.....(51) _____		Acres in Program.....(73) _____
Irrigated Acres.....(82)	_____	Cucumbers.....(52) _____		
Bedding plants.....(28)	_____			
Flowers (cut).....(29)	_____			

SECTION 4 - SIGNATURE AND VERIFICATION OF OWNER(S) **ANNUALLY FILE BY AUGUST 1 (SEE INSTRUCTION 2d)**
The undersigned declares under the penalties provided by law, that this application, including any accompanying schedules and statements, has been examined by him (her) and to the best of his (her) knowledge and belief is true and correct. Filing of this application is also a representation that the land will continue to be devoted to an agricultural or horticultural use during the year for which farmland assessment is requested.

OR

Signature of Individual Owner or Co-owner Corporate Name	Date	Signature of Corporate Officer	Date
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This application is
() APPROVED
() DISAPPROVED

RESERVED FOR OFFICIAL USE

ASSESSOR

**APPLICATION IN DUPLICATE TO BE FILED WITH LOCAL TAX ASSESSOR
TAXPAYER SHOULD RETAIN A COPY FOR HIS FILES
(IF ENTRY MADE IN SECTION II, LINE 4, COPY MUST ALSO BE FILED WITH DEPT. OF ENVIRONMENTAL PROTECTION)**

INSTRUCTIONS

1. GENERAL—For the purpose of these instructions, the term "farmland assessment" shall refer to valuation, assessment and taxation under the Farmland Assessment Act, C. 48, L. 1964, N.J.S.A. 54:4-23.1, et seq. Only one application form in duplicate shall be filed for each farm made up of contiguous land. Application form is to be filed with local tax assessor. If an entry is made in Section 2, line 4, Form WD-1 (woodland data form) must also be filed with this application.
2. GENERAL QUALIFICATIONS—Land may be eligible for "farmland assessment" when it meets the following qualifications:
 - a. It has been actively devoted to agricultural or horticultural use for at least the 2 successive years immediately preceding the tax year for which "farmland assessment" is requested.
 - b. The area of the land actively devoted to agricultural or horticultural use, exclusive of the land upon which the farmhouse is located and such additional land as may be actually used in connection with the farmhouse, is not less than 5 acres.
 - c. Gross sales, fees, or payments average at least \$500 annually on the first 5 acres and on all acreage above 5 acres average sales of \$5.00 per acre on farmland and \$0.50 per acre on woodland and wetland. (See N.J.S.A. 54:4-23.5)
 - d. Application by the owner for "farmland assessment" has been made on or before August 1 of the year immediately preceding the tax year (See N.J.S.A. 54:4-23.13a and 54:4-23.6)

SECTION 1-IDENTIFICATION INFORMATION—Complete the information noted under this Section for items 1 through 8.

For item #1, "Owner's Name." List every individual, partnership or corporation having an interest in the land as owner.

For item #5, "Blocks and Lots." State block(s) and lot(s) as shown on the official tax map or page(s) and line(s) on the current year's tax list that make up a farm unit of contiguous land. This information may be obtained from your tax bill.

SECTION 2-BREAKDOWN OF LAND USE CLASSES—Complete the information noted under this Section for items 1 through 12.

For item #1, "Cropland Harvested." This is land that is the heart of a farming enterprise and represents the highest use of land in agriculture. All land from which a crop was harvested in the current year falls into this category.

For item #2, "Cropland Pastured." This is land that can be and often is used to produce crops but its maximum income may not be realized in a particular year.

For item #3, "Permanent Pasture." This is land that is not cultivated because its maximum economic potential is realized from grazing or as part of erosion control programs. Animals may or may not be part of the farm operation for land to be qualified in this category.

For item #4, "Non-appurtenant Woodland." This is woodland devoted exclusively to the production for sale of trees and forest products, except for Christmas trees which should be entered in the cropland harvested classification (item #1). Also woodland which is not "supported and subordinate" to land entered in land use classification #1, 2, or 3 should be entered under this classification (item #4). The owner of this classification of woodland must submit information noted under excerpt N.J.A.C. 18:15-2.7.

For item #5, "Appurtenant Woodland." This is woodland which is not devoted to the production for sale of trees and forest products, but nevertheless can be eligible for farmland assessment on the basis of being "beneficial to a tract of land" which is 5 acres or more and is otherwise actively devoted and qualified farmland (land uses #1, 2, or 3). Generally, only woodland acreage less than the otherwise actively devoted qualified farmland acreage (land uses #1, 2, or 3) will be considered as "appurtenant woodland". Woodland acreage exceeding the otherwise actively devoted farmland should only be entered as "appurtenant woodland" when proof of its benefit to the otherwise actively devoted farmland can be explained and substantiated to the assessor.

For item #6, "Acres Used for Boarding, Rehabilitating or Training Livestock." For this acreage to be deemed actively devoted to an agricultural use it must be contiguous to land which otherwise qualifies for farmland assessment.

For item #8, "Land Under And Land Used in Connection With Farmhouse." This is land on which a farmhouse is located, together with such land area as may be devoted to lawns, flower gardens, shrubs, swimming pools, tennis courts and like purposes related to the use and enjoyment of the farmhouse. This is land not deemed to be in agricultural or horticultural use and, therefore, is assessed and taxed in accordance with the true value standard.

For item #9, "All Other Land Not Devoted To Agricultural Or Horticultural Use." This is land other than used in connection with the farmhouse that is not devoted to an agricultural or horticultural use nor is it necessary to support or enhance land actively devoted to an agricultural or horticultural use. This land will be assessed and taxed in accordance with the true value standard.

For item #12 enter "YES" or "NO".

For purposes of this application certain land uses shall be considered to be in the categories as noted below:

Land Use	Category	Land Use	Category
Land under farm buildings	Cropland Harvested	Nurseries, Christmas trees	Cropland Harvested
Swampland, wetland	Appurtenant Woodland	Crops grown under glass	Cropland Harvested
Lakes, ponds, streams, irrigation ditches	Appurtenant Woodland	Wood and forest products	Non-appurtenant Woodland
Land in government programs	Cropland Harvested	Seasonal Farm Markets	Cropland Harvested
		Agricultural Labor Housing	

SECTION 3-CURRENT YEAR FARMING ACTIVITY—Complete this Section by inserting the current year acreage or other information that is specified.

SECTION 4-SIGNATURE AND VERIFICATION—In the case of multiple ownership, one of the owners may sign on behalf of the other co-owners, except corporate co-owners. Any such signer will be presumed to have authority to sign in behalf of the other non-corporate owners. In the case of a corporate owner, the full name of the corporation must be separately filled in, accompanied by the signature and the title of the corporate officer authorized to sign the application in its behalf.

CHANGE IN USE-ALL APPLICANTS PLEASE NOTE

- a. When land, which is in agricultural or horticultural use and is being valued under the Farmland Assessment Act, is applied to a use other than agricultural or horticultural, it is subject to additional taxes, referred to as roll-back taxes, in an amount equal to the difference, if any, between the taxes paid or payable on the basis of "Farmland Assessment" and the taxes that would

- have been paid or payable had the land been valued, assessed and taxed as other land in the taxing district.
- b. In the case of a change in use, the roll-back taxes shall be applicable in the year in which the change took place and in such of the 2 tax years, immediately preceding, in which the land was valued, assessed and taxed under the Farmland Assessment Act.

**FARMLAND ASSESSMENT EXCERPTS
EXCERPTS FROM N.J.S.A. 54:4-23.1 et seq.**

N.J.S.A. 54:4-23.3 - Land shall be deemed to be in agricultural use when devoted to the production for sale of plants and animals useful to man, including but not limited to: forages and sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding, boarding, raising, rehabilitating, training or grazing of any or all of such animals, except that "livestock" shall not include dogs; bees and apiary products; fur animals, trees and forest products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government... (See N.J.A.C. 18:15-2.7 for additional conditions imposed on woodland not deemed to be appurtenant).

N.J.S.A. 54:4-23.4 - Land shall be deemed to be in horticultural use when devoted to the production for sale of fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral ornamental and greenhouse products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.

N.J.S.A. 54:4-23.5 - Land, five acres in area, shall be deemed to be actively devoted to agricultural or horticultural use when the amount of the gross sales of agricultural or horticultural products produced thereon, any payments received under a soil conservation program, fees received for breeding, raising or grazing any livestock, income imputed to land used for grazing in the amount determined by the State Farmland Evaluation Advisory Committee created pursuant to section 20 of P.L. 1964, c.48 (C.54:4-23.20), and fees received for boarding, rehabilitating or training any livestock where the land under the boarding, rehabilitating or training facilities is contiguous to land which otherwise qualifies for farmland assessment, as long as income from one or more have averaged at least \$500.00 per year during the 2-year period immediately preceding the tax year in issue, or there is clear evidence of anticipated yearly gross sales and such payments amounting to at least \$500.00 within a reasonable period of time. In addition, where the land is more than five acres...(See instructions 2c)

N.J.S.A. 54:4-23.6 - Land which is actively devoted to agricultural or horticultural use shall be eligible for valuation, assessment and taxation as herein provided when it meets the following qualifications:

- (a) It has been so devoted for at least the two successive years immediately preceding the tax year for which valuation under this act is requested;
- (b) The area of such land is not less than five acres when measured in accordance with the provisions of section 11 hereof; and
- (c) Application by the owner of such land for valuation hereunder is submitted on or before August 1 of the year immediately preceding the tax year to the assessor of the taxing district in which such land is situated on the form prescribed by the Director of the Division of Taxation in the Department of the Treasury;
- (d) The assessor may grant an extension of time for filing an application required by this section, which extension shall terminate no later than September 1 of the year immediately preceding the tax year, in any event where it shall appear to the satisfaction of the assessor that failure to file by August 1 was due to (1) the illness of the owner and a certificate of a physician stating that the owner was physically incapacitated and unable to file on or before August 1 and the application is filed with the assessor; or (2) the death of the owner or an immediate member of the owner's family and a certified copy of the death certificate and the application is filed with the assessor by the individual legally responsible for the estate of the owner, or the owner, as the case may be.

As used in this act, "immediate family member" means a person's spouse, child, parent or sibling residing in the same household.

EXCERPTS FROM N.J.A.C.18:15-1 et seq.

(Adopted pursuant to P.L. 1986, c201)

N.J.A.C. 18:15-1.1 - "Appurtenant woodland" means a wooded piece of property which is contiguous to, part of, or beneficial to a tract of land, which tract of land has a minimum area of at least 5 acres devoted to agricultural or horticultural uses other than the production for sale of trees and forest products, exclusive of Christmas trees, to which tract of land the woodland is supportive and subordinate.

"Beneficial to a tract of land" means land which enhances the use of other land devoted to agricultural or horticultural production by providing benefits such as, but not limited to, windbreaks, watershed, buffers, soil erosion control, or other recognizable enhancements of the viability of the qualifying land.

"Supportive and subordinate woodland" means a wooded piece of property which is beneficial to or reasonably required for the purpose of maintaining the agricultural or horticultural uses of a tract of land, which tract of land has a minimum area of at least five acres devoted to agricultural or horticultural uses other than to the production for sale of trees and forest products, exclusive of Christmas trees.

N.J.A.C. 18:15-2.7- Additional conditions to be fulfilled...

- (a) The owner of land which is devoted exclusively to the production for sale of trees and forest products other than Christmas trees or the owner of woodland which is not supportive and subordinate woodland shall annually submit to the assessor, in addition to a completed and timely filed application for farmland assessment (Form FA-1), the following accompanying information:
1. A copy of a woodland management plan prepared in accordance with provisions noted under N.J.A.C. 18:15-2.10;
 2. A scaled map of the land showing the location of woodland activity and the soil group classes of the land; and
 3. A completed woodland data form (Form WLD-1), as prescribed by the Director of the Division of Taxation.

N.J.A.C 18:15-2.8 - Supportive and subordinate woodland presumption

- (a) A wooded piece of property as described in the definition of supportive and subordinate woodland in N.J.A.C 18:15-1.1 shall be presumed to be supportive and subordinate woodland when its area is less than the area of the farmland property qualifying for agricultural or horticultural uses other than the production for sale of trees and forest products, exclusive of Christmas trees.
- (b) An owner claiming farmland assessment for a wooded piece of property exceeding the amount set forth in (a) above as presumed to be supportive and subordinate woodland shall submit an explanation and additional proofs the assessor may require to support the claim that such woodland is supportive and subordinate.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

FARMLAND PRESERVATION PROGRAM

**GUIDELINES FOR DEVELOPING MUNICIPAL
COMPREHENSIVE FARMLAND PRESERVATION PLANS**

ADOPTED: May 24, 2007

The following guidelines provide uniform standards for the development of Municipal Comprehensive Farmland Preservation Plans. These guidelines supplement proposed new rules at N.J.A.C. 2:76-17A, update previous planning standards and incorporate recommendations from the 2006 edition of the Agricultural Smart Growth Plan for New Jersey, the Planning Incentive Grant Statute (N.J.S.A. 4:1C-43.1) and the NJ Department of Agriculture Guidelines for Plan Endorsement under the State Development and Redevelopment Plan.

Development of a Municipal Comprehensive Farmland Preservation Plan should be performed in consultation with the municipal Agricultural Advisory Committee, Municipal Planning Board, County Agriculture Development Board, County Planning Board and County Board of Agriculture. Where appropriate, the plan should also have a regional focus and be coordinated with surrounding municipalities and the County Comprehensive Farmland Preservation Plan. At least two (2) public meetings are recommended including the required public hearing; one early in the process designed to gather input and another later in the process to review the draft Plan. SADC and Department of Agriculture staff will work in partnership with municipal officials to provide and identify sources for the latest data with respect to agricultural statistics, water resources, agricultural economic development, land use and resource conservation.

The attached timeline will help guide municipalities, the SADC and CADBs in developing plans to lead the Farmland Preservation Program into the future.

I. Municipality's Agricultural Land Base

The first section of the Municipal Comprehensive Farmland Preservation Plan should provide a clear description of the agricultural characteristics and trends within the municipality over the last 20 years. SADC staff will provide each municipality with the County's Agricultural Profile, a Municipal Agricultural Profile, combining Farmland Assessment, Census of Agriculture, Farmland Preservation, NJDEP Land Use / Land Cover, Building Permit and Census Bureau data. This data should be used by the municipality in preparation of its Municipal Comprehensive Farmland Preservation Plan.

- A. Location and Size of Agricultural Land Base including an inventory of farm properties in the entire municipality and a map illustrating significant areas of agricultural land and the proposed farmland preservation project areas
- B. Distribution of Soil Types and their characteristics
- C. Number of Irrigated Acres and available water sources
- D. Farmland Assessment and Census of Agriculture Statistics and Trends
 1. Number of Farms and Farms by Size
 2. Average and Median Farm Size
 3. Cropland Harvested, Pasture, Woodland, Equine, Total for Agricultural Use

II. Municipality's Agricultural Industry – Overview

The second section of the Plan must provide a thorough overview of the municipality's existing agricultural industry in relation to the region, including historical crop trends and the market value of agricultural products over the last 20 years. This chapter should also discuss the status of agricultural related industries from equipment and supply providers and services to food processors and distributors and direct marketing. Counties should share their observations about where the agricultural industry within the municipality seems to be heading.

- A. Trends in Market Value of Agricultural Products Sold
- B. Crop / Production Trends over the last 20 years
- C. Support Services within Market Region (equipment and seed dealers, fertilizer/pesticide suppliers, processing facilities, farmers markets, etc.)
- D. Other Agricultural Related Industries

III. Land Use Planning Context

The third chapter of the Plan must explore the land use planning context for farmland preservation and agricultural retention in the municipality. Starting with the State Development and Redevelopment Plan Planning Areas, Designated Centers and Endorsed Plans, the Plan should discuss the relationship of land use, land value, infrastructure and development trends to the municipal Master Plan and municipal development regulations. An overview of the municipal master plan, zoning and subdivision regulations, including the use of innovative planning techniques such as the Transfer of Development Rights (TDR), mandatory clustering, non-contiguous clustering and lot size averaging, should also be provided.

- A. State Development and Redevelopment Plan Planning Areas, Designated Centers and Endorsed Plans
- B. Special Resource Areas (Highlands, Pinelands, CAFRA, etc.)
- C. Municipal Master Plan and Development Regulations
- D. Current Land Use and Trends
- E. Sewer Service Areas / Public Water Supply Service Areas
- F. Municipal Master Plan and Zoning – Overview
 - 1. General Lot Size Categories and Distribution throughout the municipality
 - a. Small lots (less than 1 acre minimum lots on sewer/water)
 - b. Medium lots ($\geq 1 \leq 5$ acre minimum; septic/well)
 - c. Large lots ($> 5 \leq 10$ acre minimum; septic/well)
 - d. Very large lots (> 10 acre minimum; septic/well)
 - 2. Description of Innovative Planning Techniques
 - a. Cluster zoning
 - b. Non-contiguous cluster zoning
 - c. Lot size averaging
 - d. Transfer of Development Rights
 - e. Use of mandatory vs. voluntary options
 - 3. Description of the Buffer Requirements that separate agricultural uses from other land uses
 - 4. Discussion of Development Pressures and Land Value Trends
- G. Discussion of Municipal and Regional TDR Opportunities including implementation strategy recommendations

IV. Municipality's Farmland Preservation Program – Overview

The municipality's Farmland Preservation Program is presented in chapter four of the Plan. In addition to a thorough description of farmland preservation program participation and expenditures by program type, the municipality must provide its latest agricultural land use map identifying the county's adopted ADA within the municipality and preserved farmland. This section should also compare the municipality's progress to date in relation to the SADC's Strategic Targeting Project and any municipal and / or county Planning Incentive Grant Project Areas or TDR programs in the area. Coordination with municipal and county open space and recreational preservation initiatives as well as easement monitoring and enforcement should also be discussed.

- A. County Agricultural Development Areas
 - 1. Geographic Information System Mapping / current location map
- B. Farmland preserved to date by program
 - 1. County Easement Purchase
 - 2. County Planning Incentive Grants
 - 3. Municipal Planning Incentive Grants
 - 4. SADC Direct Easement Purchase
 - 5. SADC Fee Simple
 - 6. Non-profit
 - 7. Transfer of Development Rights
 - 8. Other programs and partnerships
- C. Consistency with SADC Strategic Targeting Project, including:
 - 1. Municipal Planning Incentive Grant Program(s) – Targeted farms and Project Areas / Agricultural Advisory Committee Coordination
- D. Eight Year Programs
- E. Coordination with Municipal and County Open Space Preservation Initiatives
- F. Farmland Preservation Program Funding Expended to Date by Source
- G. Monitoring of Preserved Farmland
- H. Coordination with TDR Programs

V. Future Farmland Preservation Program

Chapter five must provide clear goals and objectives for the municipality's farmland preservation efforts over the next 10 years. Municipal and county ranking and minimum eligibility criteria as well as municipal and county policies with respect to housing opportunities, division of the premises and exceptions should be presented in detail. This section should also include a staffing and funding plan to ensure efficient and effective program implementation in the years to come. Efforts to develop and utilize a municipal Geographic Information System and Farmland Preservation Program database must be described. Factors that would limit implementation of the Plan should be identified with potential strategies provided to minimize their impact.

- A. Preservation Goals (1, 5 and 10 year acreage targets)
- B. Project Area Summaries
- C. Municipal and County Minimum Eligibility Criteria Coordination
- D. Municipal and County Ranking Criteria used to prioritize farms
- E. Municipal and County Policies Related to Farmland Preservation Applications, including:

1. Approval of Housing Opportunities
 - a. Overall housing opportunities permitted
 - b. House replacement
 - c. Residual Dwelling Site Opportunity allocation
2. Division of the Premises
3. Approval of Exceptions
 - a. Severable
 - b. Non-severable
- F. Funding Plan
 1. Description of Municipal and County Funding Sources (dedicated tax, bond proceeds, annual revenues (total), annual revenues dedicated to Farmland Preservation Program)
 2. Financial Policies related to cost-share requirements between county and municipal / other funding partners / installment purchases
 3. Cost Projections and funding plan associated with 1, 5 and 10 year preservation goals
 4. Any Other Financial Information as appropriate
- G. Farmland Preservation Program / Agriculture Advisory Committee Administrative Resources
 1. Municipal Staff and/or Consultant Resources
 2. Legal Support
 3. Database Development
 4. Geographic Information System Capacity and staff resources
- H. Factors Limiting Farmland Preservation Implementation
 1. Funding (county or municipal)
 2. Projected Costs
 3. Land Supply
 4. Landowner Interest
 5. Administrative Resources
 6. Other

VI. Economic Development

Agricultural economic development strategies of the municipality in support of and in relation to county and state efforts must be described in chapter six. The municipality's perspectives on agricultural industry retention, expansion and recruitment strategies should be compared to the NJ Department of Agriculture's Economic Development Strategies and regional programs for consistency. Coordination with business and institutional support providers including marketing, public relations and education, estate planning, and community supported agriculture opportunities should be discussed. To the greatest extent possible, the municipality's Plan should also anticipate the needs of consumers, farmers and agriculture related industries in the years to come and discuss opportunities for new community markets, suppliers, processors and distributors.

- A. Consistency with NJ Department of Agriculture Economic Development Strategies and other regional economic development plans and initiatives
- B. Agricultural Industry Retention, Expansion and Recruitment Strategies
 1. Institutional
 - a. Farmer Support (e.g., Farm Link Program, Estate Planning)
 - b. Marketing / Public Relation Support (e.g., local use of the Jersey Fresh promotional program, agritourism)
 - c. Community Farmers Markets
 - d. Community Supported Agriculture

- e. Agricultural Education and Market Research Coordination
 - i. Rutgers Cooperative Extension
 - ii. New Jersey Agricultural Experiment Station
 - iii. Rutgers School of Environmental and Biological Sciences
 - iv. Other
- 2. Businesses
 - i. Input Suppliers and Services
 - ii. Product Distributors and Processors
- 3. Anticipated Agricultural Trends
 - a. Market Location
 - b. Product Demand
- 4. Agricultural Support Needs
 - a. Agricultural Facilities and Infrastructure (e.g., farm markets, food processors)
 - i. Type
 - ii. Placement / Location
 - b. Flexible Land Use Regulations
 - c. Agriculture Representation in Economic Development Organizations
- 5. Agricultural Support Implementation
 - a. Cost
 - b. Funding Opportunities
 - c. Timeline

VII. Natural Resource Conservation

The municipality's efforts to coordinate with regional efforts to promote natural resource conservation should be presented in chapter seven. The degree of coordination with established federal and state soil and water conservation programs, including landowner participation in conservation planning and matching grant programs must be discussed in this section of the Plan. Special attention should be paid to water conservation and allocation strategies in areas where water supplies are threatened by increasing competition from both agricultural and non-agricultural users. Non-traditional energy conservation and waste management efforts, as well as future conservation enhancements, should also be presented.

- A. Natural Resource Protection Coordination
 - 1. Natural Resources Conservation Service
 - 2. Soil Conservation Districts
- B. Natural Resource Protection Programs
 - 1. SADC Soil and Water Conservation Grant Program
 - 2. Federal Conservation Programs (EQIP, WHIP, CREP, etc.)
 - 3. NJDEP Landowner Incentive Program
- C. Water Resources
 - 1. Supply Characteristics
 - 2. Agricultural Demand & Supply Limitations
 - 3. Conservation & Allocation Strategies
- D. Waste Management Planning (e.g., animal waste, plastic mulch, tires, etc.)
- E. Energy Conservation Planning (e.g., solar, wind, etc.)
- F. Outreach and Incentives

VIII. Agricultural Industry Sustainability, Retention and Promotion

Chapter eight should expand on the municipality's vision for farming and the agricultural industry beyond preservation of its agricultural land base alone. Coordination with CADB Right to Farm programming and agricultural mediation services should be described and include a copy of the municipal Right-to-Farm ordinance, as required (N.J.A.C. 2:76-17A.3). This section of the Plan should also document municipal and county efforts on issues from permit streamlining to agricultural vehicle movement, labor housing and general agricultural education and promotion.

- A. Existing Agricultural Industry Support
 - 1. Right to Farm / Agricultural Mediation Programs
 - 2. Farmland Assessment
- B. Other Strategies, including:
 - 1. Permit Streamlining
 - 2. Agricultural Vehicle Movement / Routes
 - 3. Agricultural Labor Housing / Training
 - 4. Wildlife Management Strategies
 - 5. Agricultural Education and Promotion

NJ DEPARTMENT OF TRANSPORTATION

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

For:

Township of Montague, Sussex County

December 11, 2009

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 23 – MP 48.37 – 52.63

Route 206 – MP 127.41 – 129.77

Straight Line Diagram sheets are attached.

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

According to the attached table, Route 23 from milepost 46.65 – 52.63 is classified as Access Level 4 (driveway with provision for left turn access via left turn lane), with a desirable typical section (DTS) of 4C (four lanes, undivided, with shoulders or parking). The designation of a Center would not change the Access Levels for any portion of this segment.

Route 206 from milepost 116.97 – 128.20 is classified as Access Level 2 (access along street or interchange only) with a desirable typical section (DTS) of 4A (four lanes, divided, with shoulders or parking). The technical update of Appendix B revealed the need to change the Access Level between mileposts 127.46 and 128.20 from AL 2 to AL 3 (right-turn access with provision for left-turn access via jughandle), based on current information. The designation of a Center would change the Access Level from AL 2 to AL 3 between mileposts 127.41 and 127.46.

Milepost 128.20 – 129.22 is classified as Access Level 3 with a DTS of 4A. The designation of a Center would not change the Access Levels for any portion of these segments. The current milepost numbering for this route ends at milepost 129.22. The technical update of Appendix B will include a renumbering of the mileposts up to 129.28 for this route.

Congestion Management System

According to the attached chart, this section of Route 23 is classified as “Not Congested.”

This section of Route 206 is “Not Congested.”

Major Capital Projects/Initiatives and Mitigation Projects

The FY 2010-11 Study and Development Program contains a project sponsored by Sussex County for operational and safety improvements to County Route 653 along its entire length.

The State of New York recently made improvements at the state line to enhance operations at the Route 23 border with New York State.

Designated Transit Villages

Not Applicable

Designated Scenic Byways

Not Applicable

Open Local Aid Grant Projects

Montague was awarded \$106,000 in FY 2008 for roadway resurfacing of Weider Road.

Corridor Studies

Not Applicable

Local Planning Assistance Projects

Not Applicable. However, the Local Transportation Planning Assistance Unit has a Route 23 Traffic Flow Improvement and Local Circulation Plan project in Franklin Borough to develop a local circulation roadway network and other traffic improvement strategies to support the Borough’s vision of future growth and development along Main Street and the Route 23 corridor. The project is funded in the amount of \$208,000.

Bicycle and Pedestrian Local Planning Assistance Projects

Not Applicable. However, Montague has expressed interest in bicycle and pedestrian connections throughout the Town Center. They could apply to the Bicycle and Pedestrian Local Planning Assistance Program.

Public Use/General Aviation Airports

Not Applicable.

Rail Freight Lines

Not Applicable

Traffic Engineering and Safety Initiatives

No active projects at this time.

Existing and Planned Park-and-Rides

Not Applicable

Other Significant Issues

None at this time.

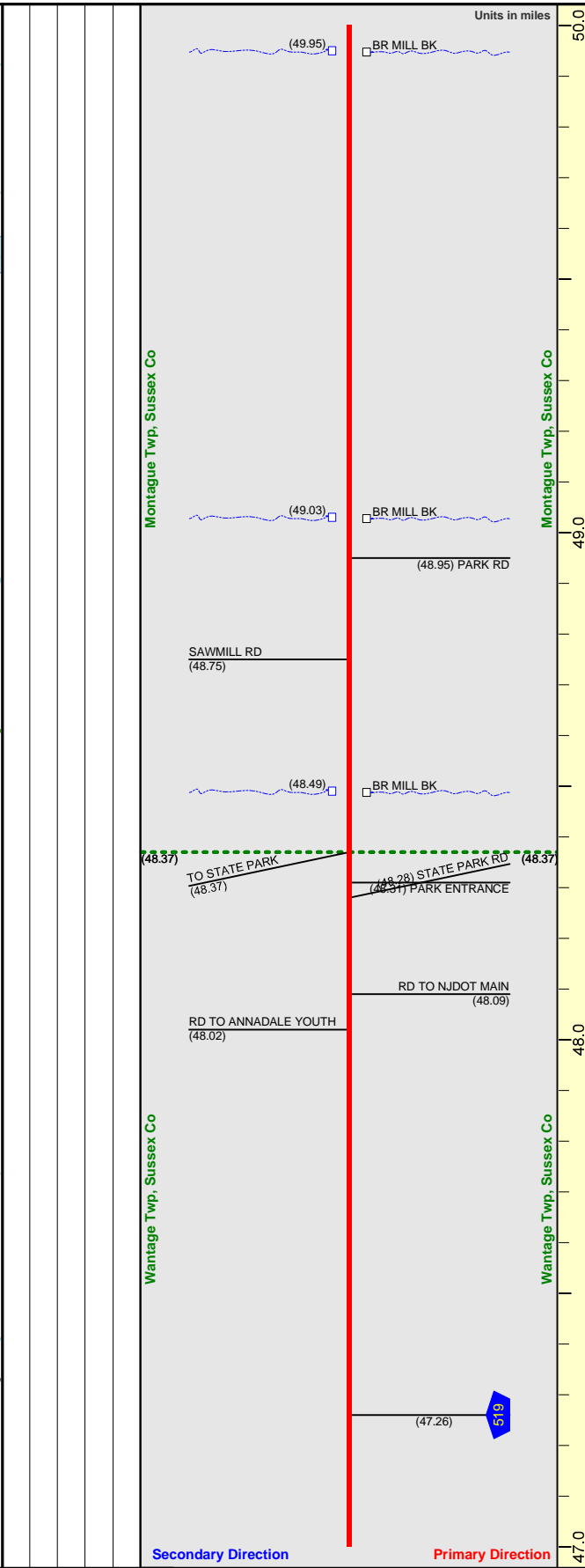
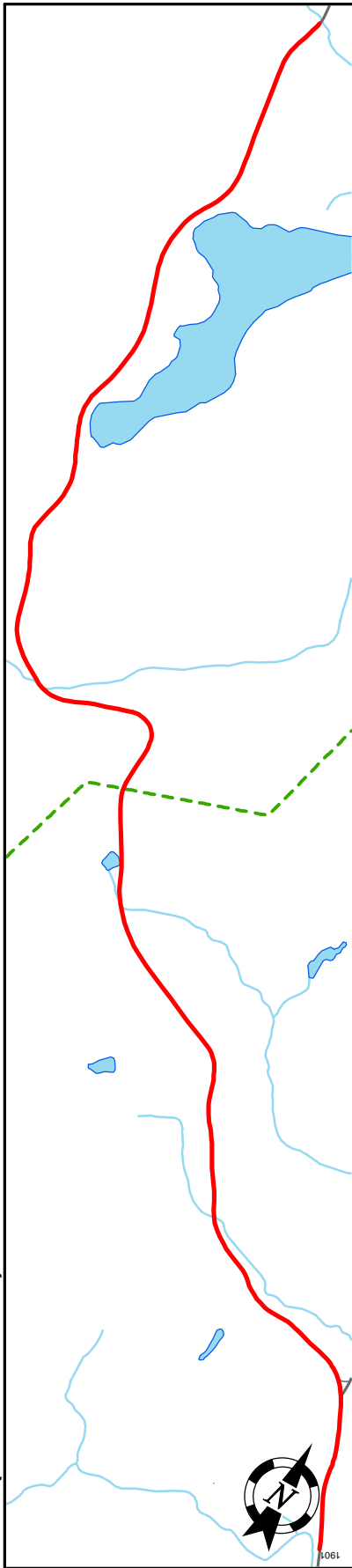
ATTACHMENTS

Straight Line Diagram Sheets
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: 47.000 - 50.000

NJ 23 (South to North)



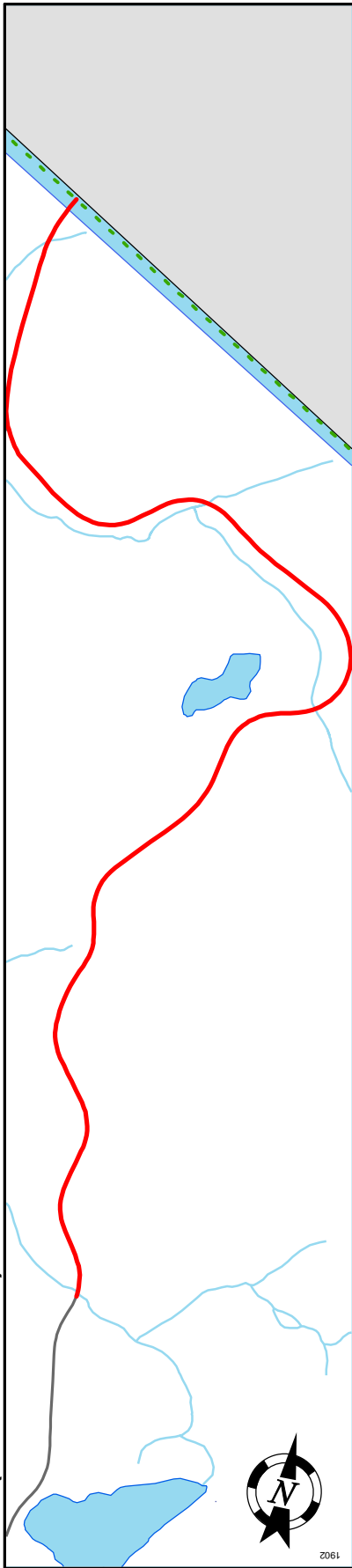
Secondary Direction	Primary Direction
Pavement Shoulder Number of Lanes Speed Limit Street Name Interstate Route US Route NJ Route County Road Interchange Number Grade Separated Interchange Traffic Signal Traffic Monitoring Sites Road Underpass Road Overpass	
Wantage Twp., Sussex Co. Montague Twp., Sussex Co. Wantage Twp., Sussex Co. Wantage Twp., Sussex Co.	
NJ 23 N.J.D.O.T. Rural Principal Arterial NHS 1905	
Speed Limit	45
Number of Lanes	2
Med. Type	None
Med. Width	0
Pavement	24
Shoulder	3
Traffic Volume	8
Traffic Sta. ID	
Structure No.	1905157
Enlarged Views	1905159

Date last inventoried: April 2006

SRI = 00000023

Mile Posts: 50.000 - 52.630

NJ 23 (South to North)



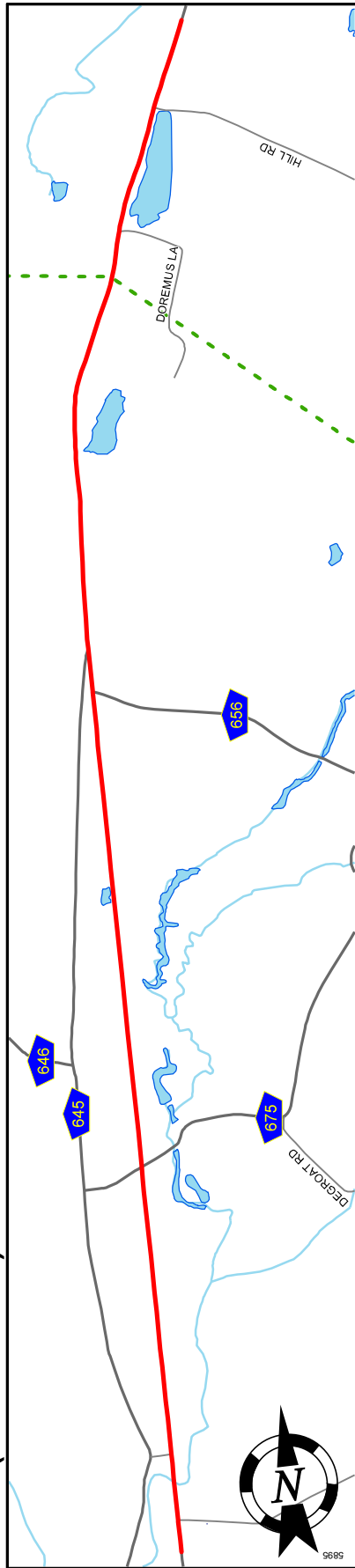
Secondary Direction	Primary Direction
Pavement Shoulder Number of Lanes Speed Limit Street Name Interstate Route US Route NJ Route County Road Interchange Number Grade Separated Interchange Traffic Signal Traffic Monitoring Sites Road Underpass Road Overpass	
Montague Twp, Sussex Co Montague Twp, Sussex Co New York State Line CLOVE RD (52.18) HAMILTON RD (51.78) BR. OF CLOVE BK. (51.25) (52.52) MILL BK.	
Street Name: NJ 23 Jurisdiction: N.J.D.O.T. Functional Class: Rural Principal Arterial Federal Aid - NHS Sy: NHS Control Section: 1905 Speed Limit: 40 Number of Lanes: 3 Med. Type: None Med. Width: 0 Pavement: 34 Shoulder: 8 Traffic Volume: 4,612 (2008) Traffic Sta. ID: 5,575 (2005) Structure No.: 1-7-559 1-7-559 Enlarged Views: 1905160 1905161	
Units in miles 50.0 51.0 52.0 53.0 End NJ 23 MP=52.63	

Date last inventoried: April 2006

SRI = 00000023

Mile Posts: 125.000 - 128.000

US 206 (South to North)



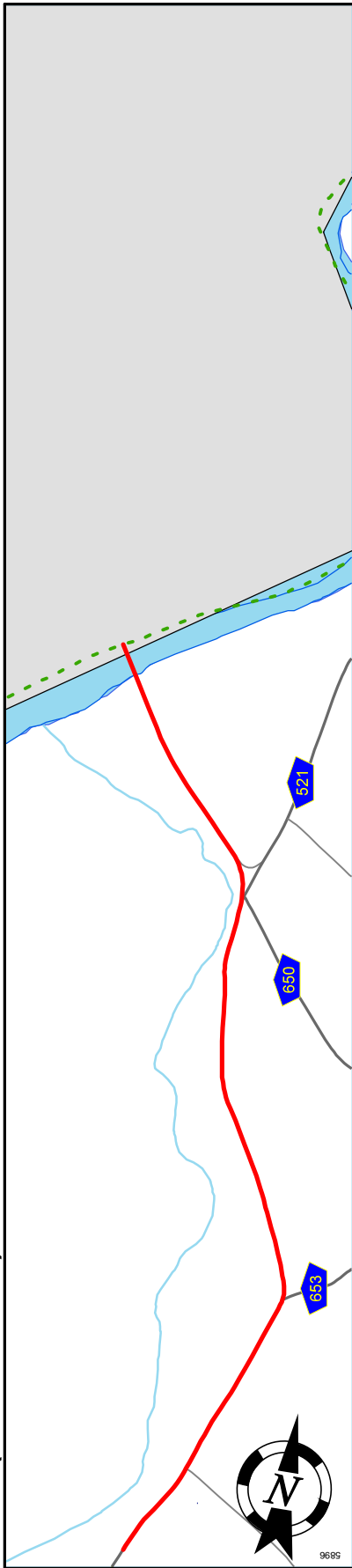
Pavement	Shoulder	Number of Lanes	Speed Limit	Street Name
				US 206
Interstate Route	US Route	NJ Route	County Road	Interchange Number
287	22	21	689	2
Grade	Separated Interchange	Traffic Signal	Traffic Monitoring Sites	Road Underpass
Grade	Separated Interchange	Traffic Signal	Traffic Monitoring Sites	Road Underpass
125.0	125.06	125.15	125.85	126.0
126.0	126.06	126.11	126.68	127.0
127.0	127.41	127.41	127.83	128.0

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 206	N.J.D.O.T.	Rural Principal Arterial	NHS	1912	50	2	None	0	24	8				

SRI = 00000206 Date last inventoried: March 2008

Mile Posts: 128.000 - 129.770

US 206 (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	
Street Name	US 206
Jurisdiction	N.J.D.O.T. + D.R.J.T.B.C.
Functional Class	Rural Principal Arterial
Federal Aid - NHS Sy	NHS
Control Section	1912
Speed Limit	50
Number of Lanes	40
Med. Type	None
Med. Width	0
Pavement	24
Shoulder	8 + 4 + 8
Traffic Volume	5,183 (2008)
Traffic Sta. ID	1-7-675
Structure No.	NA
Enlarged Views	

Street Name	US 206	128.0	129.0	130.0	131.0
Jurisdiction	N.J.D.O.T.				
Functional Class	Rural Principal Arterial				
Federal Aid - NHS Sy	NHS				
Control Section	1912				
Speed Limit	50				
Number of Lanes	40				
Med. Type	None				
Med. Width	0				
Pavement	24				
Shoulder	8 + 4 + 8				
Traffic Volume	5,183 (2008)				
Traffic Sta. ID	1-7-675				
Structure No.	NA				
Enlarged Views					

Date last inventoried: March 2008

SRI = 00000206

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
00000023	46.65	52.53	4C	4	29	4C	4	29
00000023	52.53	52.63				4C	4	29

ROUTE (SRI)	MILEPOST		Existing Appendix B			Proposed Appendix B		
	BEGIN	END	DTS	AL	CELL	DTS	AL	CELL
00000206	116.97	127.46	4A	2	31	4A	2	25
00000206	127.46	128.20	4A	2	31	4A	3	1
00000206	128.20	128.24	4A	3	34	4A	3	1
00000206	128.24	128.52	4A	3	34	4A	3	4
00000206	128.52	129.22	4A	3	34	4A	3	28
00000206	129.22	129.28				4A	3	28



New Jersey Department of Transportation

Bureau of Systems Planning

CMS Priority Ranking

NJ 23 (MP 48.37- 52.63) Montague Twp., Sussex County

CMS Link Number	Route	Begin Milepost	End Milepost	One-Way ADT (2006) (Veh./Day)	No. of Lanes (NB/EB)	No. of Lanes (SB/WB)	V/C Max	Overall Score	Priority Rating	System Top Percentile	County	County Top Percentile	MPO	MPO Top Percentile
1237	23	48.00	49.75	1241	1	1	0.08	0.77	Low	100	Sussex	99	NJTPA	100
1238	23	49.75	51.53	2329	2	1	0.14	1.44	Low	98	Sussex	95	NJTPA	99
1239	23	51.53	52.63	2843	2	1	0.18	1.77	Low	96	Sussex	91	NJTPA	97

This section of roadway is "Not 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



New Jersey Department of Transportation

Bureau of Systems Planning

CMS Priority Ranking

US 206 (MP 127.41 - 129.77) Montague Twp., Sussex County

CMS Link Number	Route	Begin Milepost	End Milepost	One-Way ADT (2006) (Veh./Day)	No. of Lanes (NB/EB)	No. of Lanes (SB/WB)	V/C Max	Overall Score	Priority Rating	System Top Percentile	County	County Top Percentile	MPO	MPO Top Percentile
1043	206	127.10	128.20	5475	1	1	0.34	3.41	Low	79	Sussex	70	NJTPA	82
1044	206	128.20	128.90	5475	1	1	0.34	3.41	Low	79	Sussex	71	NJTPA	82
1045	206	128.90	129.40	2991	1	1	0.19	1.86	Low	96	Sussex	91	NJTPA	97
1046	206	129.40	129.80	3645	1	1	0.23	2.27	Low	93	Sussex	86	NJTPA	94

This section of roadway is "Not 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