MEMORANDUM
To: State Planning Commission
From: Daniel M. Kennedy, AICP / PP, Deputy Director, OPA
Date: June 27, 2012
Re: Request for SPC to Consider Initiation of Map Amendment Process
   Edison Township – Middlesex County

The State Planning Rules at N.J.A.C. 5:85-8.3 allow the State Planning Commission to initiate amendments to the State Plan Policy Map based on new information related to the goals, strategies, and policies and delineation criteria of the State Plan provided that the new information alters the assumptions that were the basis for adopting the State Plan Policy Map for a particular area or areas.

The map amendment would result in 281 acres in Edison Township to be changed from a Planning Area (PA) 5 to a Planning Area (PA) 1. This change was discussed during the last round of cross acceptance, logged in the Statement of Agreements and Disagreements as issue #7203.

As you know, the Draft Final State Strategic Plan (SSP) calls for a transition away from the State Plan Policy Map (PM) and amendments contemplated through cross-acceptance would not be made. OPA staff is recommending that SPC initiate this change now, as we believe it meets the provisions in the State Planning Rules. Public notice of the required public hearing concerning the proposed map amendment would be provided pursuant to N.J.A.C. 5:85-1.7(b). The report and associated appendices provide additional detail and are attached.
Proposed Map Amendment
The State Planning Rules at N.J.A.C. 5:85-8.3 allow the State Planning Commission to initiate amendments to the State Plan Policy Map based on new information related to the goals, strategies, and policies and delineation criteria of the State Plan provided that the new information alters the assumptions that were the basis for adopting the State Plan Policy Map for a particular area or areas.

The proposed map amendment would result in 278 acres (29 lots) in Edison Township to be changed from a Planning Area (PA) 5 to a Planning Area (PA) 1. This change was agreed to during the last round of cross acceptance. It was logged in the Statement of Agreements and Disagreements as issue #7203. The Draft Final State Strategic Plan (SSP) calls for a transition away from the State Plan Policy Map (PM). PM amendments being contemplated through cross-acceptance would not be made. OPA staff would like to request that the SPC allow us to initiate this change now, as it has been the subject of discussion for some time.

Background Information & Existing Conditions
A majority of this area is already included in the most recent draft of Middlesex County’s Wastewater Management Plan. The Middlesex County Utilities Authority currently provides sewer service to much of this area. The Middlesex Water Company provides water supply to much of this area. The areas not currently served by water or sewer that include the former active landfill area to the north of the Raritan River may be appropriate for a utility scale renewable energy facility in the future.

The existing composition of uses was reviewed using the taxable property classifications. At the time of the last assessment, 20 lots were vacant, eight lots were assessed as industrial and one lot was assessed as public school property.
This area is comprised of 82 acres zoned Light Industrial district, (LI), 176 acres zoned Raritan River Revitalization District (RRRD) and 14 acres zoned for other industrial uses. The Light Industrial District and the Raritan River District both allow offices, research labs, warehouse distribution facilities, retail, HVAC and plumbing sales and service, bottling and packaging, indoor recreation facilities, printing establishments, craftsmen’s shops and wholesale food distribution. In addition the Raritan River Revitalization district also permits industrial parks, technical and educational training institutes, communications offices and studios, indoor theaters and motels.

Current DEP landscape data indicates that a limited area of the proposed map amendment (nine acres or 3% of the proposed amendment area) is suitable habitat for the Northern Harrier and the Yellow-Crowned Night Heron.

**Justification for Consideration**
The underlying assumption in the 2001 State Plan Policy Map was that this area was environmentally sensitive. The data we have today disproves that underlying assumption. The area is more appropriate for development than it is for protection / preservation. The Municipality and County have been made aware of this proposed amendment. The amendment would be consistent with the Municipal Master Plan and the Proposed County Wastewater Management Plan, pending DEP approval. In OPA’s opinion, the designation of this area as PA5 is inappropriate. A major project that has final local development approvals and DEP Treatment Works Approval is within the proposed amendment area and the viability of the project is being hindered by the designation of this area as PA5.

OPA is recommending that the SPC initiate a map amendment consistent with the process outlined in the State Planning Rules.

**ASSOCIATED EXHIBITS:**
Exhibit A: Cross Acceptance Negotiation Sheet, Middlesex County, Issue #7203
Exhibit B: Map, Middlesex County Sewer Service Areas
Exhibit C: Map, Site View
Exhibit D: Map, Regional View
Exhibit E: Map, Land Use Classifications per Tax Assessment Data
Exhibit F: Map, Landscape Data, Version 3.1
Exhibit H: Map, 1995 Aerial Photograph
New Jersey State Planning Commission
Negotiations Worksheet
Map Amendments

County: MIDDLESEX COUNTY
Source: Other
NE #

Item No. 7203
Approved by OSG Director:
Preliminary Staff Recommendation: Agree Conditional / Mod

Quads Affected:
OSG Quad Number 72, SOUTH AMBOY NJ-NY
OSG Quad Number 71, NEW BRUNSWICK NJ

Proposed Change:
Planning Area From: PA5 To: PA1

Acres: 429

County/NE Reason For Proposed Change:
Portion of subject area is characterized by some heavy development.

What is it in Current State Plan:
PA1, PA-5

What is it in Preliminary State Plan:
PA1, PA-5

Municipalities Affected:
Edison Township

Data Source:
aerial mapping

Staff Response:
THE COUNTY CREATED A NEW POLYGON. THEY WANT US TO REVERT BACK TO 2001 Map. THIS RECORD SHOLD BE ELIMINATED.

Existing warehousing development occupies much of the subject lands. Using technical State Plan Mapping standards, those areas which are already developed will be shown as Metropolitan Planning Area (PA1). CES will be shown were needed.
Locations not within service areas of treatment facilities are designated as served by individual septic systems (<2,000 GPD).

All existing, new, or expanded industrial pretreatment facilities requiring Significant Indirect User (SIU) permits and/or Treatment Works Approvals, and which are located within the specified sewer service area, are deemed to be consistent.

Individual subsurface sewage disposal systems (ISSDS) for individual residences can only be constructed in depicted sewer service areas if legally enforceable guarantees are provided, before such construction, that use of such systems will be discontinued when the depicted sewer service becomes available. This applies to ISSDS that require certification from the Department under the Realty Improvement Sewerage and Facilities Act (N.J.S.A. 58:11-23) or individual Treatment Works Approval or New Jersey Pollutant Discharge Elimination System Permits (under N.J.A.C. 7:14A). It also applies to ISSDS which require only local approvals if the WMP acknowledges adequate arrangements for enforcement of the requirement (such as through a municipal or sewerage authority ordinance).

Development in areas mapped as wetlands, flood prone areas, designated river areas, or other environmentally sensitive areas may be subject to special regulation under Federal or State statutes or rules. Interested persons should check with the Department of Environmental Protection for the latest information.

Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities) which provide for restriction of sewer service to environmentally sensitive areas are unaffected by adoption of this WMP and compliance is required.

Proposed developments tying into existing and proposed sewer service areas which require coastal permits must demonstrate compliance with all applicable sections of the Coastal Zone Management rules including, but not limited to, Wetlands (N.J.A.C. 7:7E-3.27), Wetlands Buffers (N.J.A.C. 7:7E-3.28), Endangered or Threatened Wildlife or Vegetation Species Habitat (N.J.A.C. 7:7E-3.38), Secondary Impacts (N.J.A.C. 7:7E-6.3), Public Facility Use Policies (N.J.A.C.7:7E-7.6), Water Quality (N.J.A.C. 7:7E-8.4), Ground Water Use (N.J.A.C 7:7E-8.6) and the policies under General Land Areas rules, Subchapters 5, 5A and 5B.
Exhibit C: Site View

- Proposed Map Amendment
- Metropolitan Planning Area
- Env. Sensitive Planning Area
Exhibit D: Regional View

- EDISON TWP
- WOODBRIDGE TWP
- EAST BRUNSWICK TWP
- SAYREVILLE BORO
- NEW BRUNSWICK CITY
- SOUTH RIVER BORO

- Proposed Map Amendment
- Metropolitan Planning Area
- Env. Sensitive Planning Area

Scale: 0 - 15,000 Feet

Distance: 0 - 3,750 - 7,500 - 15,000 Feet
Exhibit E: Property Classification

- Proposed Map Amendment
- Vacant
- Industrial
- Other School Property