



*State of New Jersey*

DEPARTMENT OF STATE  
OFFICE FOR PLANNING ADVOCACY  
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*Governor*

GERRY SCHARFENBERGER, Ph.D.  
*Director*

KIM GUADACNO  
*Lieutenant Governor*

August 3, 2011

The Honorable Mayor Brian G. Gallagher  
The Borough of Somerville  
Borough Hall  
25 West End Avenue  
Somerville, NJ 08876

**Re: Somerville Borough Petition for Plan Endorsement – Consistency Report**

Dear Mayor Gallagher:

The Office for Planning Advocacy (OPA) and our state agency partners have substantively reviewed the petition submitted by the Borough of Somerville for Plan Endorsement along with the petition of the Somerset Regional Center and would like to commend the Borough for its active participation and dedication to the Plan Endorsement process. However, there are consistency issues that need to be addressed prior to receiving endorsement from the State Planning Commission (SPC). OPA and our state agency partners are committed to working with the Borough and Somerset County to establish a timeline to address the consistency issues outlined in this report in order for Somerville Borough to receive plan endorsement from the State Planning Commission.

We understand that the outstanding items will take time to complete and may be delayed due to budgetary constraints. As the first Regional Center designated by the SPC, the center is a cornerstone of growth in Central Jersey. As you move forward with your redevelopment plans, specifically the transit oriented development around the Somerville Train Station; you will positively affect Somerville and the entire region. This project targets growth is where the SPC has determined growth should occur. It is with that in mind that we want to help you reach your planning goals.

**STATE AGENCY CONSISTENCY REVIEW**

Accompanying the Consistency Report is a Draft Action Plan. Please add timelines to the Action Plan which will comfortably allow you to complete this outstanding work. This Action Plan is subject to agreement between the petitioning municipality and OPA. Once agreement is reached regarding the items and timelines

within the Action Plan, and the MOU is authorized by the petitioning municipality's governing body, it is expected that the municipality and State will address these items and timelines accordingly. In the event that the Borough fails to address the Action Plan or does not effectively communicate their efforts, the petitioning municipality will be deemed to have defaulted in its obligations and the petition may be withdrawn. Once the tasks on the Action Plan are complete, the SPC will consider endorsement.

## **MISSING INFORMATION**

### NRI

One critical item missing from the petition is the Natural Resource Inventory or NRI. This is a critical requirement for Plan Endorsement even for a borough that is mostly built like Somerville. With an NRI, multiple natural resources/areas/constraints that exist will be recognized and allow the borough to plan for restoration and provide specific protection. These resources include flood prone areas, habitat for State threatened and endangered species (Bald Eagle foraging), wetlands, groundwater recharge areas, the Raritan River, and multiple historic resources, among others. Somerset County has developed a complete Natural and Cultural Resource Inventory, which the Borough should use as a foundation for its own, more detailed, NRI. We suggest working with the County and DEP to complete this task. Following this letter are further details about what should be included.

### Other Required Missing Documents

- Recycling statement of consistency (See DEP Guidance Document)
- Open Space and Recreation Plan (See DEP Guidance Document)
- Board of Education Five-Year Facilities Plan
- Emergency Operating Plan

You need to submit these documents, provide a relevant alternative or seek a waiver.

### Board of Education Five-Year Facilities Plan

The Borough of Somerville shall submit the Board of Education's Five-Year Facilities Plan. Like the importance of other community facilities, schools should be appropriately sited within a municipality. Where possible they should be within walking distance for students. Walking paths or sidewalks should be located away from fast moving traffic to accommodate younger students. Schools in particular play a significant role in a municipality's built environment due to their potential impacts, both positive and negative, on community development, land use and transportation. It is critical that land use decisions and school siting be coordinated. Schools should not be isolated campuses, but part of the neighborhood fabric, doubling as focal points for the community as a whole. Whether by local streets and or walking/biking paths, schools should be accessible by modes other than the car or school bus, thereby helping to reduce transportation costs. Where possible, walking/biking should be the primary mode of access for schools.

### Emergency Operating Plan

The petition shall include formal evidence that the Borough has an Emergency Operating Plan approved by the New Jersey State Police. An approval letter from the State Police may be submitted in lieu of the full Plan.

### Wastewater Quality Management Plan

The Borough of Somerville should continue to work with Somerset County to ensure that it is properly represented in the proposed Somerset County Wastewater Management Plan. Somerville shall continue to provide sufficient and appropriate data (zoning, treatment plant data, projections etc.) to Somerset County to assist in development of the Somerset County Wastewater Management Plan. The result will be a Chapter in the Somerset County Wastewater Quality Management Plan.

To ensure that the plan will be implemented appropriately a suite of ordinances will need to be adopted (See DEP Guidance for further details),

- Stream Corridor/Riparian Protection
- Steep Slopes
- Water Conservation
- Wellhead Protection

#### Floodway and Floodplain

As Somerville continues with its redevelopment efforts, plans must make sure that they mention potential flooding and that where necessary the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq. and its implementing rules at N.J.A.C. 7:13. et seq may affect the development. The Flood Area Control Act and its implementing rules are specifically mentioned because certain land disturbances in the Floodway and Floodplain are prohibited.

#### **CONCLUSION**

Pursuant to N.J.A.C. 5:85-7.5 (f), the Borough must submit the additional information requested above in order for your plan to be evaluated for consistency with the goals, policies and strategies of the State Plan. OPA and our state agency partners will work with the Borough to revise the petition to include the items identified within this letter and to help the Borough achieve plan endorsement. Again, we look forward to meeting with you to discuss the next steps.

Thank you again for your commitment to the Plan Endorsement process. If you have any questions or concerns, please feel free to contact Barry Ableman, Principal Planner for Somerset County, at (609) 292-3228 or via email at [bableman@dca.state.nj.us](mailto:bableman@dca.state.nj.us).

Sincerely,



Gerry Scharfenberger  
Director

#### Attachments

GS:ba

c: Bob Bzik, PP/AICP, Somerset County Planning Director (via email)  
Rose Evans, Chair, Regional Center Partnership (via email)  
Kevin Sluka, Somerville Borough Clerk (via email)  
Michael Cole, PP/AICP, Somerville Planner (via email)  
Regional Center Partnership members (via email)  
Somerville Borough Plan Endorsement File

