



**State of New Jersey**  
DEPARTMENT OF COMMUNITY AFFAIRS  
STATE PLANNING COMMISSION  
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KIM GUADAGNO  
*Lt. Governor*

LORI GRIFA  
*Commissioner*

July 7, 2010

The Honorable James Dodd  
Mayor, Town of Dover  
Town Hall  
37 N. Sussex St.  
Dover, NJ 07801

**Re: Town of Dover Petition for Plan Endorsement  
Consistency Review Letter**

Dear Mayor Dodd:

The Office of Smart Growth (OSG) and our State agency partners have reviewed the Plan Endorsement petition submitted by the Town of Dover for consistency with the State Development and Redevelopment Plan (State Plan) and would like to commend Dover for its active participation and dedication to the Plan Endorsement process. The State Planning Commission (Commission) reviews petitions for Plan Endorsement and endorses them on the basis of their consistency with the goals, policies and strategies of the State Plan and in accordance with the State Planning Rules relating to Plan Endorsement. N.J.A.C. 5:85-7.

Through the Town of Dover's comprehensive form base code, economic development efforts and transit oriented development planning, you are close to being found consistent with the State Plan. Upon review of the petition, OSG and the State agencies have identified a few areas of concern that need to be addressed before OSG can make a recommendation to the Commission that it finds the petition consistent with the State Plan. OSG requests additional information as outlined below in order to recommend the Town of Dover's petition for endorsement by the Commission. OSG and our State agency partners are committed to working with the Town to establish a timeline to address these items.

**State Agency Consistency Review**

**Natural Resource Inventory**

Dover has identified the Rockaway River as a major natural resource within the community and has established goals to increase access to the River. However, Dover does not have a current Natural Resource Inventory (NRI) identifying the full extent of natural resources in the town. Having an NRI is a requirement of Plan Endorsement. While most of Dover is developed, multiple natural resources/areas that have the opportunity to be restored or further protected do exist within Dover. These include Category One streams, flood prone areas, steep slopes, threatened and endangered species habitat, groundwater recharge areas, the Rockaway River,



multiple historic resources, and the Morris Canal, among others. It is important for the Town to develop a standalone, comprehensive NRI that includes detailed information about these resources and the steps needed to further protect or enhance them. It can serve as a tool for the planning board and environmental commission and provide the foundation for the development of resource protection ordinances and resource-based land use planning.

Accordingly, Dover must develop and adopt a comprehensive NRI in order to achieve Plan Endorsement. The following are links to guidance documents helpful in preparing an NRI:

- <http://www.nj.gov/dep/opsc/envcbp.html#plan>.
- <http://www.nj.gov/dca/osg/plan/endorsement.shtml>
- <http://www.anjec.org/pdfs/EnvironmentalResource04.pdf>

To produce a Town of Dover-specific NRI, we suggest working with the County of Morris and expand on Morris County's existing NRI with information provided by the Highlands Council. The Highland Council's portion of the Opportunities and Constraints, which was provided previously, includes additional information to help with the creation of the NRI. A letter dated May 26, 2010 was sent by the Highlands Council which included a CD containing environmental resource information maps of the Town of Dover. In addition, NJDEP is willing to provide data and technical assistance in developing the NRI. Finally, the Town should evaluate and consider implementing several of the County's NRI planning and land use recommendations. The NRI should be adopted by the Town planning board for inclusion in the next reexamination of the master plan.

### **Proposed Interim Center & Critical Environmental Sites**

The Dover Regional Center expired on January 7, 2008. As noted in Dover's Plan Endorsement petition, the Town would like the Regional Center re-designated. The boundary of the regional center may need to be adjusted, because DEP has identified the existence of habitat for a federally listed endangered species – the Indiana Bat – in and around a portion of the Regional Center. There are two options on how to deal with the Regional Center boundary.

- First, the Regional Center boundary could be pulled back from the area of the federally listed habitat area. This will eliminate this sensitive area from the growth area.
- Second, if the Town wants the Regional Center boundary to remain coterminous with the municipal border (as it was prior to its expiration in 2008), then the Indiana Bat habitat will need to be protected. We will propose to the Commission that the Critical Environmental Sites (CES) be identified on the State Plan Map along with the Category One stream corridors and associated wetlands. The DEP also recommends that certain currently-undeveloped areas north of the high school and along the Rockaway River, west of Richboynton Road, be identified as Critical Environmental Sites due to the existence of Indiana Bat habitat. To ensure that the CES are protected, the Town will be required to adopt an Environmental Impact Assessment ordinance as part of the Action Plan.

OSG will facilitate the discussion with DEP and the Town of Dover to find common ground on how to proceed. If the Environmental Impact Assessment ordinance option is selected, we will all work together to craft it to everyone's satisfaction. A model ordinance can be found at: [http://www.state.nj.us/dep/opsc/docs/env\\_assessment\\_ord\\_language.pdf](http://www.state.nj.us/dep/opsc/docs/env_assessment_ord_language.pdf).

### **Water Conservation Ordinance**

Water conservation guidelines should be established in order to protect the community's residential, industrial, agricultural, and recreational use of the water supply as well as the natural systems that rely on adequate water levels to survive. DEP can provide technical assistance to help make appropriate modifications to the sample ordinance. A sample Water Conservation ordinance can be found on DEP's website, [http://www.nj.gov/dep/opsc/docs/Water\\_Conervation\\_ordinance.pdf](http://www.nj.gov/dep/opsc/docs/Water_Conervation_ordinance.pdf).

### **Recreation and Open Space Inventory – ROSI**

The open space information provided in Dover's Municipal Self-Assessment report differs from DEP's open space data. Dover is to provide a current Recreation and Open Space Inventory (ROSI) with GIS shapefiles of the properties.

### **Conclusion**

Some issues regarding State Plan consistency remain, but if addressed, would entitle Dover to achieve Plan Endorsement. The next step in the process is entering into a formal agreement to address these outstanding issues. Specifically, the Executive Director is empowered to negotiate, in consultation with the relevant State agencies and petitioner. A draft Memorandum of Understanding (MOU) and draft Action Plan that define the outstanding issues and timelines for completion that will be required are enclosed. N.J.A.C. 5:85-7.14(b). While this process is underway, the Town of Dover should feel free to continue to address these action items.

When we meet, we will finalize these documents. The documents will be considered by the Commission at an upcoming public hearing. If the Commission agrees that the terms and conditions of the documents are appropriate to achieve consistency, it will adopt the documents. Alternatively, if the Commission believes the documents should be revised, it will revise same. Once the MOU and Action Plan are agreed to by the Commission, it authorizes execution of the MOU and directs the Executive Director to issue a Certificate of Eligibility. This entitles the petitioner to certain benefits, including designation of interim centers that are recognized for up to two years or until plan endorsement is achieved, provided that the petitioner acts in good faith to complete the tasks outlined in the Action Plan. N.J.A.C. 5:85-7.15(d).

Also included with this letter is a DRAFT Plan Implementation Agreement (PIA). The PIA is used as an implementation guide for endorsed communities to fully reach their long term planning goals. One of the first tasks to be addressed in the PIA is that the Town of Dover may seek designation of the Dover Regional Center as a Highlands Growth Area.

We would like to schedule a meeting with you and representatives of the relevant State agencies to further discuss next steps and to finalize the Action Plan. OSG and its State agency partners remain committed to working with the Town of Dover in its pursuit of Plan Endorsement.

Should you have any questions, please feel free to contact Alan Miller at 609-777-3474 or via e-mail at [Alan.Miller@dca.state.nj.us](mailto:Alan.Miller@dca.state.nj.us) or Barry Ableman, Area Planner for Morris County, at (609) 292-3228 or via e-mail at [bableman@dca.state.nj.us](mailto:bableman@dca.state.nj.us). We look forward to continuing to work with the Town of Dover as it pursues Plan Endorsement.

Sincerely,

  
Donna Rendeiro  
Acting Executive Director  
Office of Smart Growth

DR:ba

c: Marge Verga, Town Clerk, Town of Dover (*Via E-Mail*)  
Eileen Swan, Executive Director, Highlands Council (*Via E-Mail*)  
Christine Marion, PP/AICP, Assistant Planning Director, Morris County (*Via E-Mail*)  
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Town of Dover, Plan Endorsement File