

*Amendment to the Master Plan*  
**TOWNSHIP OF MOUNT OLIVE**

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**PLANNING BOARD  
TOWNSHIP OF MOUNT OLIVE  
MORRIS COUNTY, NEW JERSEY**

# *Amendment to the Master Plan*

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## **TOWNSHIP OF MOUNT OLIVE**

Prepared pursuant to Article 11 (N.J.S.A. 40:55D-28)  
of the New Jersey Municipal Land Use Law

Adopted by the Mount Olive Township Planning Board  
December 9, 2004

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*Prepared By:*

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A signed and sealed original is on file with the Township Clerk's office

**TOWNSHIP OF MOUNT OLIVE**  
**204 FLANDERS DRAKESTOWN ROAD**  
**MOUNT OLIVE, NEW JERSEY 07828**

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## **1.0 INTRODUCTION**

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This Master Plan Amendment recommends a modification to the *Land Use Plan* contained within the *2003 Master Plan And Master Plan Reexamination Report*, dated December 5, 2003 prepared by Robert A. Michaels, P.P., A.I.C.P. and adopted by the Mount Olive Planning Board on December 11, 2003. The specific issue concerns the proposal to create a new zone district to replace the C-2 Commercial zoning on sections of Route 46 and Route 206. It is the recommendation of this Amendment that the commercial zoning remain unchanged.

## **2.0 PROPOSAL TO LEAVE THE C-2 ZONE DISTRICT INTACT**

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Section 5.1.2, entitled *Commercial Districts*, as contained in the *2003 Master Plan* proposed a new zone district to be known as the Office-Service Zone as described in the sub-section entitled *Office and Industrial District* as follows:

*Office and industrial uses are permitted in a number of different districts with the Township, in addition to the Commercial/Light Industrial District discussed above. The uses and development parameters of each district are distinct and intended to reflect the individual and unique circumstances of each zone.*

*The Office Research District is located at the northwest corner of Route 46 and Smithtown Road. The intent of this district is to create development opportunities for uses that serve as employment centers consisting of office and research laboratories. The district's access to the State Highway make it appropriate for the designated uses. Warehousing, shipping and receiving are only permitted as accessory uses and not as principal uses.*

*This plan proposes the creation of a new zone for office use as a principal use to be situated in two locations within the Township. This office service zone is proposed in an area adjacent to Route 46 west of Wolfe Road and in a location abutting Route 206 north of the intersection with Flanders-Bartley Road. The intent of this new zone district is to permit office use with limited retail use. The retail uses allowed are intended to serve the local needs of the tenants and visitors of the office uses and the nearby residents.*

*The lands included in this new zone were previously in the highway commercial zone and allowed a variety of retail uses. It is the intent of the land use plan to permit a type of use that will not have a traffic pattern that generates a high traffic volume. Most retail land uses generally have higher traffic generation characteristics, spread out over longer periods of the day, and more days of the week (i.e. Saturdays and Sundays) than office use. It is also felt that there is ample zoning for retail uses in other locations in the community. The areas chosen for this rezoning are characterized by either vacant land or existing office use, so that the rezoning will be compatible with the existing development pattern. The following development standards or a reasonable variation thereof are recommended for the proposed zone district:*

- No more than ten (10%) percent of the gross floor area of any development may contain retail uses, not to exceed 7,000 square feet.*
- Uses permitted in the zone shall include business, professional and medical offices, retail and retail service uses subject to the area restrictions noted above, restaurants subject to the area restrictions and public uses. Fast food restaurants shall not be permitted.*
- The bulk and setback standards shall be the same as required in the C-2 Zone.<sup>1</sup>*

Since the adoption of the 2003 *Master Plan*, the New Jersey Legislature has enacted into law the *Highlands Water Protection and Planning Act*, (hereinafter "Act"). The Planning Board shares the concern of the Township Council that the more restrictive nature of the proposed Office-Service Zone, coupled with the development constraints attendant to the *Preservation Area* of the Highlands region, could have serious consequences for the future viability of the commercial highway corridors in Mount Olive.

The *Preservation Area* is the more restrictive of the two area designations contained in the *Act*, and as such, the concern regarding traffic impact from continued retail growth along the highway corridors, which led to the

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<sup>1</sup> **Township Of Mount Olive 2003 Master Plan And Master Plan Reexamination**, dated December 5, 2003, prepared by Robert A. Michaels, PP, AICP, pp. 54-5.

recommended zone change, no longer has the same urgency as it did last year when the new *Land Use Plan Element* was adopted. On the contrary, in light of the restraints on development imposed by the *Act*, described in some detail below, the Planning Board has determined that the viability of the commercial district is best served by maintaining the various options provided by the C-2 zone rather than constrict the range of permitted uses pursuant to the proposed Office-Service zone.

Any development within the *Preservation Area* that is classified as a “major Highlands development” will require a “Highlands Preservation Area” approval from NJDEP. The Act defines a major Highlands development as follows:

*Major Highlands development” means, except as otherwise provided pursuant to subsection a. of section 30 of this act, (1) any non-residential development in the preservation area; (2) any residential development in the preservation area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acres or more; (3) any activity undertaken or engaged in the preservation area that is not a development but results in the ultimate disturbance on one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or (4) any capital or other project of a State entity or local government unit in the preservation area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.*

The *Act* imposes a variety of restrictions on development within the *Preservation Area*. These include, but are not limited to, a prohibition on development within 300 feet of any Highlands open waters and a 300 foot buffer adjacent to all Highlands open waters, a prohibition on impervious surfaces greater than three (3) percent, a prohibition on development on slopes having a grade of twenty (20) percent or more, and a prohibition on development that disturbs upland forested areas (with certain exceptions provided for the disturbance to slopes and forested areas).

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### 3.0 DESCRIPTION OF AREAS IN QUESTION

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The new Office-Service zone would cover a combined 180 acres, of which approximately 120 acres (67%) are vacant. Located along the two state highways that traverse the Township, the areas are depicted on the aerials included in this report and described below. (Also see *Revised Land Use Plan Map*, attached hereto.)

#### Route 46

A total of 17 properties, with a cumulative land area of approximately 74 acres located along Route 46 that were to be included in the new zone district are to remain in the C-2 zone district. The area in question consists of the following parcels:

- Block 8100, lots 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, and 61\*.
  - Block 8200, lots 2, 3, 4, 5, and 6.
- (\* Portion of Lot 61)

#### Route 206

An additional 16 properties, with a cumulative land area of approximately 106 acres located along Route 206 that were to be included in the new zone district are to remain in the C-2 zone district. These are as follows:

- Block 5300, lots 8\*, 14, 15, 16, 16.01, 19, 20, 21, 22, 23, and 24.
  - Block 5401, lots 15, 16, 17, 18, and 19.
- (\* Portion of Lot 8)

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### 4.0 CONCLUSION

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It is the recommendation of this Master Plan Amendment that the new Office-Service zone not be implemented thus leaving the areas in question within the C-2 Commercial district for the reasons set forth herein.

