

Mount Olive Township
Morris County

Amendment to the Land Use Plan
Element of the 2003 Master Plan

Adopted at a public hearing of the Mount Olive Planning Board on

July 12, 2007

Prepared by: The Mount Olive Township Planning Board

In Consultation with Banisch Associates, Inc.

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New Jersey Professional Planning License No. 4145

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

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I. INTRODUCTION

This Amendment to the Land Use Element of the **Mount Olive Township 2003 Master Plan and Master Plan Reexamination** (2003 Master Plan) as adopted by the Mount Olive Planning Board on December 11, 2003 and amended on December 9, 2004 modifies Section 5 entitled *Master Plan Elements* of the 2003 Master Plan, more specifically subsection 5.1.1 entitled *Residential Land Uses* and Map No. 11 entitled *Land Use Plan* to establish a new category of residential land use to be known as *Active Adult / Inclusionary Housing*. This category shall replace the “*Rural Residential – 3 acre lots*” category as applied to lots 5 and 6 in Tax Block 6000 which comprise approximately 228 acres in the Flanders section of the Township.

The amended Land Use Plan establishes the foundation for a new zone district on the aforementioned tracts of land. The new zone district will be designated the R-7 Active Adult / Inclusionary Housing Zone District (hereinafter R-7). It is designed to provide for active adult market housing in combination with low and moderate income family housing to address the Township’s third round affordable housing obligation. A maximum gross density of 1.4 units per acre is recommended for this new district inclusive of the affordable housing component which shall comprise twenty percent of the total number of housing units.

II. LOCATION OF THE NEW R-7 ACTIVE ADULT / INCLUSIONARY HOUSING ZONE DISTRICT

The R-7 zone district is located in Flanders approximately one-third of a mile west of U.S. Route 206. It is bordered to the west by the R-4 district containing the residential area known as Clover Hill and the Public district encompassing Mountain View elementary school. To the north is another Public zone improved with Township ball fields and related recreational facilities known as Flanders Park and the R3-SC district which contains the existing senior citizen building known as Mt. Olive Manor (a.k.a. Abiding Peace) which will be expanded by a future building presently under construction. Further north on the opposite side of Flanders Bartley Road is Flanders Crossing, a residential community in the R-2 zone. East of the new zone, on the opposite side of Pleasant Hill Road is the public 36-hole Flanders Valley Golf Course. To the south is the municipal boundary with Chester Township. The various properties on the Chester side of the boundary consist of active farmland, single family dwellings and a health care facility.

III. EXISTING CHARACTERISTICS OF THE AREA IN QUESTION

This new land use category replaces the existing RR-A Zone District (Rural Residential) in place on lots 5 and 6 in Tax Block 6000 which consists of approximately 228 acres having approximately 3,900 linear feet of frontage along Pleasant Hill Road. (Exhibit 1) Adrian Humbert, a Professional Planner, prepared a report on behalf of the owners of

EXHIBIT I
LAND USE PLAN AMENDMENT
JULY 2007

Mount Olive Township
Morris County, NJ



Legend

 Active Adult/Inclusionary Housing

BANISCH
 ASSOCIATES INC.
Planning and Design



0 500 1,000
 Feet

Data Sources:
 NJDEP 2002 Aerial Photography
 Morris County Dept. of GIS

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.

Marveland Farms who initiated the effort to create the new zone. He described the area in question as follows:

The property is presently used as a boarding and training facility for race horses. There are approximately 120 horses boarded and trained at the facility. These race at local area tracks. Development consists of two (2) oval tracks, one ½ - mile and one 5/8 mile. There is also a one mile straight away track. Three stables and an indoor training facility to exercise the horses are located at the south end of the property. Rooms are provided in the buildings near Pleasant Hill Road for the workers and grooms at the facility who care for the horses. The central portion of the property contains numerous paddocks. At the northeast corner of the site there is a corn field facing Flanders Valley Golf Course which is cultivated annually.¹

Mr. Humbert's report also notes that the site contains a number of constraints, namely: "...a floodplain of 40 acres, wetlands of 39.5 acres, C-1 stream buffers of 31 acres and an existing utility easement of 7 acres."² The stream, a tributary to Drakes Brook, bisects the Marveland Farms tract in a southwest to northeast direction. Combined the 300 foot stream buffer, floodplain, freshwater wetlands and attendant buffers encompass approximately one-half of the tract primarily south of the stream. The utility easement consists of a natural gas pipeline traversing the tract in an east/west configuration.

Contiguous properties to the new zone district include 16 wooded acres owned by Mount Olive Township and 45 acres of privately owned farm fields and woods in proximity to the municipal boundary with Chester Township to the south. The eastern edge consists of two residential dwellings, one a group home eligible for COAH credits, a New Jersey Natural Gas transfer station, and a restaurant/banquet facility, all having frontage along Pleasant Hill Road.

IV. PLANNING ANTECEDENTS

The area in question had been under the R-1, Residential zone district since the 1987 following a comprehensive Master Plan adopted a year earlier. The R-1 zone permits single family dwellings on one acre lots served by individual septic systems and wells. In 1998 it was changed to a new category known as the RR-A, Rural Residential / Agriculture Zone following the adoption of a 1997 Land Use Plan Element. The basis for the RR-A zone was described, in part, as follows:

This is a new zoning district with essentially the same low density residential objectives as those which are set forth for the RR-AA district, except the overall density control is changed. The gross density assigned

¹ Planning & Zoning Analysis Eagle Custom Builders Zone Change Request Marveland Farms, prepared by Adrian P. Humbert, AICP/PP, dated July 2005, page 4.

² Ibid. Page 4.

to this district is one unit per three acres (0.33 units per acre), and a variety of planned development techniques should be continued, including lot size averaging, development credit transfers from one site to another, and cluster development. Lot sizes in the actual areas of development could be reduced to the range of 1.0 to 1.5 acres, and with these reduced lot sizes as compared to the permitted gross density, sufficient flexibility should be provided to enable environmentally sensitive areas to be preserved or protected. Neither public sewers nor package plants should be permitted in these districts, even within the framework of the density controls set forth herein.

The mapping of this district occurs primarily in areas which now lie in an R-1 district. The objective of this district is to recognize that: the areas will not be served by sewer and water systems; that there are some site specific environmental constraints on many of the sites; that there are more far-reaching environmental concerns reflected in the State Development and Redevelopment Plan; and that the township intends to discourage extensive development throughout these areas.³

Although this area was (and remains) within the Clover Hill Sewer Service Area, it has been scheduled for removal in the **Draft Wastewater Management Plan For Mount Olive Township** prepared by Schoor DePalma Inc. dated July 2003, consistent with the low density zoning put into effect in 1998. The new zone will require an adjustment to retain the sewer service area as described in Section X of this Amendment. The Clover Hill Treatment Plant is described in the aforementioned document as follows:

Facility #3: Clover Hill STP

The Clover Hill STP is owned and operated by the Township of Mount Olive and serves Flanders portion of Mount Olive. The plant operates under NJPDES Permit #NJ0021954 and discharges to the Drakes Brook. The plant consists of activated sludge with sand filtration and has a design capacity of 0.50 mgd. The plant presently serves approximately .257 mgd residential, commercial and industrial flow from Mount Olive. Ultimate build out flow for this service area is .78 MGD.⁴

V. RATIONALE OF THE R-7 ACTIVE ADULT / INCLUSIONARY HOUSING ZONE DISTRICT

Mr. Humbert, in his aforementioned report, presented a cogent analysis in favor of the new zoning. Among the benefits would be housing opportunities for the active adult

³ **Draft Land Use Plan, Township of Mount Olive**, November 1996, revised January 16, 1997, prepared by John J. Lynch, PP, page 4.

⁴ **Draft Wastewater Management Plan For Mount Olive Township**, dated July 2003, prepared by Schoor DePalma Inc., page 11.

market while simultaneously providing low and moderate income family housing in a setting that “...will allow a compatible integration of the project with the mixed surrounding land uses of single and multi-family residential, County golf course, synagogue and public park.”⁵ Mr. Humbert cited a number of purposes set forth in the **Municipal Land Use Law** in support of the rezoning, which are as follows:

- a. *To encourage municipal action to guild the appropriate use and development of all lands in this state, in a manner which will promote the public health, safety, morals and general welfare.*
- c. *To provide adequate light, air and open space.*
- g. *To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open, space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.*
- i. *To promote a desirable visual environmental through creative development techniques and good civic design and arrangements.*
- l. *To encourage senior citizen community housing construction.*⁶

The Mount Olive Planning Board conducted extensive discussions with the professional staff and legal counsel representing Marveland Farms and a prospective development entity known as Eagle Custom Builders and with its own professional staff at public meetings in 2005 (September 8, 29; December 8) and in 2006 (February 9; March 9) culminating in a Resolution memorialized on June 15, 2006 which stated, in part:

“...the Planning Board will authorize its planner, engineer and attorney to pursue such action, by way of a Master Plan change and ordinance recommendations, to implement an opportunity to develop this site with age-restricted multi-family housing, which will include the restoration and reconstruction of the “Rosewood Ditch” to eliminate flooding problems that currently affect abutting property owners and to assure the preservation of significant portions of the sensitive lands including, but not limited to, wetlands, C-1 streams, and providing for 150 and 300-foot buffers as necessary and appropriate.”

A number of terms and conditions were also attached to the Board’s Resolution, including the following:

⁵ **Planning & Zoning Analysis Eagle Custom Builders Zone Change Request Marveland Farms**, prepared by Adrian P. Humbert, AICP/PP, dated July 2005, page 4.

⁶ Ibid. Pages 25-26.

The project shall be required to include low and moderate income housing to assist the Township in meeting its COAH obligations.

One of the more compelling reasons in support of the change is the elimination of zoning promoting single family dwellings served by individual septic systems. The Planning Board, in taking this action, is cognizant of the presence of Tier 1 and Tier 2 Wellhead Protection Areas and the “*Not Suitable for Septic*” rating on the “*Septic Suitability Map*” contained in the Township’s **Draft Wastewater Management Plan For Mount Olive Township**⁷. Instead the new zone with a residential density of 1.4 dwellings per gross acre will support the extension of sanitary sewerage treatment from the Clover Hill Treatment Plant to facilitate development in a clustered configuration towards the northerly portion of the district thus avoiding freshwater wetlands and the stream corridor. This is precisely what the **Draft Highlands Regional Master Plan** envisions wherein the northerly area is designated as a *Planned Community Zone / Specially Planned Area*, described to accomplish the following:

- *Identify lands appropriate for providing economic growth opportunities with an emphasis on promoting the efficient use of previously developed lands.*
- *Prioritize public investment in infrastructure in appropriate areas based on the Planned Community Zone.*⁸

The proposed R-7 zone, like virtually all of Mount Olive, is designated Planning Area 5 (PA5) “*Environmentally Sensitive*” on the State Plan Policy Map of the **State Development and Redevelopment Plan** (SDRP). As a general policy, new development in the PA5 area, including utilities to serve such development, should be directed to designated Centers, as set forth in the following excerpt from the SDRP:

New development in the Environmentally Sensitive Planning Area should be consistent with Statewide Policies and should be in Centers. Centers should absorb the growth otherwise projected for the Environs. Development and redevelopment should be guided to Centers with capacity to absorb growth in cost-effective ways that minimize impacts on environmentally sensitive features. Wastewater treatment facilities should be provided only in Centers, except to mitigate life threatening and emergent threats to public health and safety. Private sector investment should provide this infrastructure for new Centers, except where a public/private partnership would benefit the public interest. The Environs should be protected from the effects of Center development and should be maintained as open land. Centers should serve as receiving areas for density transfers.

⁷ **Draft Wastewater Management Plan For Mount Olive Township**, “Exhibit E”, dated July 2003, prepared by Schoor DePalma Inc.

⁸ **Highlands Draft Regional Master Plan**, November 2006, page 47

Flanders was one of three locations identified as future “centers” on the Land Use Plan adopted as part of the 2003 Master Plan. The proposed “*Town Center*” encompassed the residential areas of Clover Hill, Sutton Park South, Mt. Olive Manor (a.k.a. Abiding Peace), Flanders Crossing, Old Flanders, Oakwood Village and the single family neighborhoods adjacent to Roxbury. It also included the industrial and commercial districts on both sides of Route 206 extending from the municipal border with Chester Township to the south to the Flanders-Netcong Road intersection with Route 206 to the north. It did not however, include any of the land area east of Clover Hill or south of the recreation fields fronting upon Flanders-Bartley Road where the new R-7 zone district will be located. The 2003 Master Plan recommended a “*Town Center*” designation and described this area as follows:

Flanders Town Center

The Land Use Plan Map also includes the proposed Town Center of Flanders. This includes varied residential developments of Oakwood Village (multi-family), Flanders Crossing and Clover Hill. It also includes the historic area of Flanders with its older housing and mixed uses. Portions of the commercial corridor of Route 206, and the general industrial and light industrial zones in the southeast portion of the Township are included. These provide some regional employment opportunities.

Flanders should be considered a Town Center rather than a Village Center because of the nature of the uses and the regional employment that is offered here. The retail shopping opportunities could be best characterized as sub-regional. They attract slightly more than local patrons and do not have the regional draw of the recently opened Trade Center South development.⁹

With the enactment of the **Highlands Water Protection and Planning Act** (Highlands Act) on August 10, 2004 and the release of the **Highlands Draft Regional Master Plan** in November 2006 much of the area described above is now within the *Preservation Area* consequently, the boundaries of the proposed center will be reconfigured to include only that portion of Flanders situate in the *Highlands Planning Area*. This will include the new R-7 zone district (Exhibit II). Given the reduced nature of the proposed center a “*Village*” classification may be more appropriate than the “*Town Center*” envisioned in the 2003 Master Plan however; the new zone district will fit in either category. The SDRP describes Village Centers, in part, as follows:

New Villages will comprise a small Core and collection of neighborhoods. In the Suburban Planning Area, new Villages are likely to be distinguished from surrounding development only by a more cohesive and structured

⁹ **Mount Olive Township 2003 Master Plan and Master Plan Reexamination**, prepared Robert Michaels, PP, AICP, pages 60-61.

EXHIBIT II

POTENTIAL VILLAGE CENTER LAND USE PLAN AMENDMENT

JULY 2007

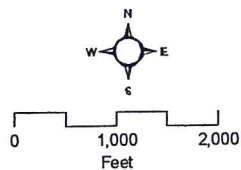
Mount Olive Township
Morris County, NJ



Legend

-  Proposed Village Center
-  Active Adult/Inclusionary Housing

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ASSOCIATES INC.
Planning and Design



Data Sources:
NJDEP 2002 Aerial Photography
Morris County Dept. of GIS

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.

development form and by greater proximity between residential and nonresidential uses. In Fringe, Rural and Environmentally Sensitive Planning Areas, new Villages should, wherever possible, be surrounded by natural areas, farmland or open lands in the form of a greenbelt. New Villages should contain a commercial component in the Core capable of offering neighborhood-scale goods and services, such as are provided by a typical supermarket/shopping center. In addition, new Villages should offer certain public facilities (schools, branch library, post office), and small-scale commercial facilities (branch bank, professional offices). New Villages may offer a limited range of housing types, with an emphasis on a variety of small and medium lot single-family configurations, a small multifamily component, and an appropriate rental component. Accessory apartments are also desirable and appropriate.¹⁰

At the time of this Master Plan Amendment there has been no decision by the Township on the question of whether it will conform to the **Highlands Draft Regional Master Plan** for the *Planning Area* portion of the municipality, a process commonly referred to as “opting in”, or pursue Plan Endorsement. Either way, the Township will pursue a center designation for Flanders *Planning Area*. As such the inclusion of affordable housing in this new district is consistent with COAH’s third round rules, specifically N.J.A.C. 5:94-4.5 which states:

(a) Except as exempted in N.J.A.C. 5:94-4.4(a)1, sites zoned to produce affordable housing shall conform to the following criteria to determine site suitability:

1. Sites that are located in Planning Areas 1 or 2 or located within a designated center, shall have a presumption of validity regarding consistency with the State Development and Redevelopment Plan. These sites are the preferred location for a municipality to address its growth share obligation.

2. Municipalities or developers proposing sites located in Planning Areas 3, 4, 4B, 5 or 5B that are not within a designated center shall have the burden of demonstrating to the Council that the site is consistent with sound planning principles and the goals, policies and objectives of the State Development and Redevelopment Plan. The Council shall obtain a recommendation from the Executive Director of the Office of Smart Growth on the consistency of the site with sound planning principles and the goals, policies and objectives of the State Development and Redevelopment Plan.

¹⁰ The New Jersey State Development and Redevelopment Plan, adopted March 1, 2001, pages 245-246

VI. CONSISTENCY WITH 2003 MASTER PLAN AND MASTER PLAN REEXAMINATION

At the time the 2003 Master Plan was adopted lots 5 and 6 in Block 6000 were not included within the potential Flanders Town Center. In light of the significant change resulting from the Highlands Act whereby 80 percent of the Township now falls within the restrictive *Preservation Area*, a reassessment of potential Centers within Mount Olive becomes necessary. This Master Plan Amendment therefore modifies the boundaries of the potential Flanders Center as depicted on the Land Use Plan map in the 2003 Master Plan to include the area east of Clover Hill as represented on Exhibit II. The proposed center boundary would be coterminous with the portion of Flanders now situate in the Highlands *Planning Area*.

The current proposal is consistent with several key recommendations advanced by the 2003 Master Plan. It will provide housing opportunities for the segment of the population 55 years and older. Noting that the Township's population of 55 years and older continued to increase the 2003 Master Plan concluded:

*Therefore the special housing needs of this age group, which were recognized in 1995 and 1997 are still apparent, and are growing as evidenced by the growth in that population cohort.*¹¹

It likewise satisfies a goal of the Housing Plan which calls upon the Township to:

*Continue proposals in Housing Plan that received substantive certification from the New Jersey Council on Affordable Housing (COAH) and monitor new requirements as they are published to maintain compliance in the next round.*¹²

The inclusion of the R-7 zone within a reconfigured center is consistent with the following goal expressed in the Utility Plan of the 2003 Master Plan:

*Coordinate the plans for future wastewater service areas to conform to the land use plan. Limit areas for future wastewater service to those proposed for higher density and intensity development. Coordinate wastewater plans with the proposals in the State Development and Redevelopment Plan (SDRP).*¹³

VII. CHARACTERISTICS OF THE R-7- ACTIVE ADULT / INCLUSIONARY HOUSING ZONE DISTRICT

The active adult component of the new district will allow for active adult residential dwellings for the exclusive use and occupancy of persons 55 years of age or older so as to

¹¹ Mount Olive Township 2003 Master Plan and Master Plan Reexamination, prepared Robert Michaels, PP, AICP, page 7.

¹² Ibid. Page 44.

¹³ Ibid. Page 45.

qualify for the "*housing for older persons*" within the meaning of the **Fair Housing Amendments Act of 1998** and any amendments thereto, including but not limited to the **Housing for Older Persons Act of 1995**. After careful analysis the Planning Board has determined that development within this new district should adhere to a number of development and design principals, which are as follows:

- A. The maximum residential density including low and moderate-income housing units shall not exceed 1.4 units per gross acre.
- B. The developer of an active adult residential site plan and/or subdivision shall be required to provide twenty percent (20%) of the total residential dwelling units to households of low and moderate-income with at least one-half the total number of such units available to low income households. The requirements established by the Council On Affordable Housing for low and moderate income housing as set forth in N.J.A.C. 5:94-1.1 et seq.; N.J.A.C. 5:95-1.1 et seq.; and N.J.A.C. 5:80-26.1 et seq. including amendments thereto, and those standards including but not limited to the design, location and phasing for the low and moderate-income units as set forth in this Chapter shall apply. The low and moderate-income units shall be available to the general public without restriction by age and in accordance with the above-referenced standards. The low and moderate-income units shall be located on the same tract as the active adult residential dwellings but may be in a separate building or buildings given that the affordable units, in contrast to the market units, will not be restricted by age.
- C. The minimum tract area shall not be less than fifty (50) contiguous acres with suitable access to a public street. Sanitary sewerage service provided by the Clover Hill Township Plant and potable water via a public facility shall be required.
- D. Reconstruction of the stormwater drainage channel commonly known as Rosewood Ditch positioned along the rear yards of Knollwood Road and Bolton Road in the Clover Hill development shall be required.
- E. Revegetation of the stream corridor and freshwater wetlands and attendant transition areas previously disturbed with impervious coverage, structures or removal of vegetation shall be required.
- F. Off-tract improvements to area intersections shall be required as determined by the Planning Board in accordance with recommendations of the Township Engineer.
- G. Permitted residential units for both the active adult and low and moderate income housing shall include single family detached, duplex, townhouse, and apartments. The architectural design of the low and moderate income units shall be compatible with that of the market units. Height limits should be established to reflect the established character of the area.

- H. Improvements shall be provided by the developer to the Clover Hill Treatment Plant to improve plant efficiency in conjunction with sanitary sewerage service to the R-7 zone district in accordance with the standards established by the Mount Olive Department of Public Works and the Township Engineer.
- I. The potential for an easement or land dedication for Patriots Path shall be considered.

VIII. CONSISTENCY WITH THE MUNICIPAL LAND USE LAW

The Mount Olive Planning Board has determined that the R-7 Zone District will satisfy the following purposes of the zoning as set forth in the **Municipal Land Use Law** (N.J.S. 40:55D-2):

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare

The public health, safety, morals and general welfare will be advanced by the provision of sanitary sewerage to this area rather than allow for the development of single family homes with individual septic systems. As noted in the **Highlands Draft Regional Master Plan** most of Mount Olive Township and the entire area comprising the location of the new zone district is rated as “*Very Limited*” with regard to the soil suitability for septic disposal fields. The category of “*Very Limited*” is defined in the aforementioned Plan as follows:

*Very Limited – indicates the soil has one or more features that are unfavorable for use and maintenance for septic systems due to limitations that generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures.*¹⁴

This limitation is also noted in the Township’s Draft Wastewater Management Plan, as discussed in Section V of this Master Plan Amendment.

A portion of the area encompassed by the new zone district is situated within the Tier 1 wellhead protection area of the Morris County MUA Flanders Valley Well No. 2 located within the Flanders Valley Golf Course to the northeast. Virtually all of the remaining area in the new zone district is covered by the Tier 2 coverage related to the same well. The opportunity to provide centralized sanitary sewerage service to this area in place of an estimated 40 individual septic systems serving single family dwellings greatly reduces the possible contamination to the this public water source.

The general welfare is also served by the provision of low and moderate-income housing in accordance with COAH standards and consistent with the Township’s Housing

¹⁴ **Highlands Draft Regional Master Plan**, November 2006, pages 80-81.

Element and Fair Share Plan. The location of the affordable housing will be in direct proximity to the municipal ballfields thus providing safe and convenient access for the residents, and particularly the children, who will occupy the units.

b. To secure safety from fire, flood, panic and other natural and man-made disasters

One of the conditions to develop the active adult community will be to reconstruct the stormwater drainage channel commonly referred to as the Rosewood Ditch located along the rear yards of Knollwood Road and Bolton Road in the Clover Hill neighborhood. This action will eliminate periodic flooding conditions that have afflicted the homeowners abutting the drainage channel for many years.

c. To provide adequate light, air and open space

Development standards will be created to ensure proper spatial layout to maximize distance between buildings and view corridors to adjacent recreation and open space lands. The immediate proximity of municipal recreation facilities to the north and the public 36-hole golf course to the east combined with the freshwater wetlands comprising much of the southern portion of this new district provides the appropriate degree of both active and passive open space.

d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole

Located immediate east of the existing Clover Hill development and south of Flanders Crossing, the R-7 Zone District presents no conflict to either development or the general welfare in neighboring municipalities nor to the County of Morris. With regard to the State of New Jersey, the R-7 Zone District not only presents no conflict; it serves as a positive catalyst in advancing many of the **State Development and Redevelopment Plan** goals and objectives which are examined in the Section IX of this Master Plan Amendment.

e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment

The density of 1.4 units per gross acre could be expected to yield upwards of 319 residential units in the new district. This calculation is of course subject to a more refined analysis with regard to freshwater wetlands, floodplains and the 300 foot stream corridor buffer. A density of 1.4 units per acre is consistent with the existing land characteristics to the west and north of the area in question which are residential in nature having established densities of four units per acre in Clover Hill, two units per acre in Flanders Crossing and 22 units per acre for the senior housing known as Abiding Peace / Mt. Olive

Manor wherein the five-acre parcel will contain two buildings for a total of 110 apartments. The development of the R-7 district at the 1.4 units per acre density is also consistent with the long-term objectives of the municipality to create a center in this area of the Township.

g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens

The area proposed for the new zone district is the appropriate location for a new residential community, serving as a logical extension of the neighboring residential areas of Clover Hill, Flanders Crossing and Mt. Olive Manor/Abiding Peace senior housing. The safe and convenient access to the 18 acre municipal recreation facilities at Flanders Park and the 36-hole public golf course enhance the area's prospects for new residential development. A variety of retail goods and services, including a supermarket are located within a relatively short distance to the west along Route 206.

Located in the *Planning Area* of the Highlands Region, the northerly section of the proposed zone district where new development would be focused falls within the *Planned Community Zone / Specially Planned Area* category which is defined as follows:

The Planned Community Zone consists of areas with concentrated development signifying existing communities. These areas tend to have less environmental constraints, and have existing infrastructure that may support development provided that it is compatible with the protection and character of the Highlands environment, at levels that are appropriate to maintain the character of established communities. Areas exhibiting development patterns characteristic of the Planned Community Zone, but ranging in size from 100 acres through 640 acres, or located in the Preservation Area were assigned as Specially Planned Area designation.

The Specially Planned Area shares similar characteristics of the Planned Community Zone, but occurs in a smaller and a more discrete manner. The Specially Planned Area functions as a subset of the Planned Community Zone. The purpose of the Planned Community Zone, including Specially Planned Areas, is to:

- Identify lands appropriate for providing economic growth opportunities with an emphasis on promoting the efficient use of previously developed lands;*
- Prioritize public investment in infrastructure in appropriate areas based on the Planned Community Zone; and*

- *Provide opportunity for TDR Receiving Areas, which serve as voluntary development and redevelopment areas that allow for increased densities in specific sites that are not environmentally constrained and where infrastructure is available or feasible. (Note: Areas outside of Highlands Region but within the Highlands seven counties may also serve as TDR Receiving zones.)*¹⁵

It should also be noted that as part of the public comment period concerning the **Highlands Draft Regional Master Plan**, the Township requested that the *Planned Community Zone / Specially Planned Area Zone* be extended in a southerly direction to be coterminous with the 300 foot buffer for the Drakes Brook tributary.¹⁶

- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement*

Open space and view corridors will be incorporated into the required design standards for the development of active adult/affordable housing in this district. Both market and affordable housing within the district will be required to have harmonious architectural design features.

- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land*

A clustered development will allow for the reclamation of previously disturbed wetlands and stream corridor on this tract.

- l. To encourage senior citizen community housing construction*

The provision of active adult housing is a subset of senior citizen housing with an age threshold of 55 years and will satisfy a growing segment of the population desirous of remaining in Morris County in general and Mount Olive Township in particular.

- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land*

The anticipated enhancements to the Clover Hill Treatment Plant, the reconstruction of Rosewood Ditch and the restoration of previously disturbed wetlands and stream corridor

¹⁵ Ibid. Page 47.

¹⁶ Correspondence from Mayor David Scapicchio to Eileen Swan, Executive Director – NJ Highlands Council, dated May 9, 2007.

represent the type of public / private coordination encouraged by the **Municipal Land Use Law**.

IX. CONSISTENCY WITH THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The State Development and Redevelopment Plan (SDRP) was first adopted in 1992, and subsequently reexamined, refined and readopted in March 2001. The R-7 District implements a number of the goals and objectives as set forth in the SDRP.¹⁷ These are addressed in detail, below.

Goal 1: Revitalize the State's Cities and Towns

The R-7 District will help achieve the desired objectives of this goal in a number of ways, particularly with regard to the following:

- **Housing:** New housing opportunities for both older households who prefer the lifestyle provided by age-restricted communities and for low and moderate-households, particularly families will be created by this new district.
- **Public Facilities and Services:** Development in the R-7 district will result in the provision of certain enhancements to the Clover Hill Sanitary Sewerage Plant and the reconstruction of Rosewood Ditch.
- **Natural Resource Conservation and Environmental Protection:** Provision of centralized sanitary sewerage treatment will prevent the installation of individual septic systems within the wellhead protection Tiers 1 and 2. Restoration of the disturbed stream corridor and freshwater wetlands will enhance the area's natural resources.
- **Urban Design:** Design criteria will "...create memorable vistas and focal points..." to the open lands to the south and the golf course to the east.
- **Revitalization for Sustainability:** The transformation of this area into a vibrant residential community served by an existing sewerage treatment facility with the simultaneous restoration of previously disturbed freshwater wetlands and stream buffers supports this objective.

Goal 2: Conserve the State's Natural Resources and Systems

- The concentration of development in the northerly portion of the district and the restoration of the stream corridor and freshwater wetlands elsewhere in the district will restore "...the integrity of natural systems in areas where they have been degraded or damaged." The reconstruction of Rosewood Ditch will "Maximize

¹⁷ **The New Jersey State Development and Redevelopment Plan**, March 1, 2001, pages 25 - 96.

the ability of natural systems to control runoff and flooding, and to improve air and water quality and supply.”

Goal 4: Protect the Environment, Prevent and Clean Up Pollution

- Development of this area coupled with the restoration of the stream corridor and previously disturbed freshwater wetlands promotes “...*ecologically designed development...*”

Goal 5: Provide Adequate Public Facilities and Services At A Reasonable Cost

- This goal is achieved by the anticipated upgrades to the Clover Hill Sanitary Sewer Plant to serve this area

Goal 6: Provide Adequate Housing At A Reasonable Cost

- Both market and affordable housing will be provided. A new residential community in this section of the Township will provide a location “...*easily accessible, preferably on foot, to employment, retail, services, cultural, civic and recreational opportunities.*”¹⁸

Goal 7: Preserve and Enhance Areas With Historic, Cultural, Scenic, Open Space and Recreational Value

- Open space will be preserved south of the stream and an easement or outright dedication for Patriots Path will be explored as part of the Township and the County “greenway” plan.

Goal 8: Ensure Sound and Integrated Planning and Implementation Statewide

- The provision of affordable housing, the restoration of the stream corridor and remediation of disturbed freshwater wetlands will “*Ensure that all development, redevelopment, revitalization or conservation efforts support State Planning Goals and are consistent with the Statewide Policies and State Plan Policy Map of the State Plan.*”¹⁹

X. ADDITIONAL ACTIONS REQUIRED

1. Mount Olive Wastewater Management Plan

Consistent with this Amendment to the Land Use Element of the 2003 Master Plan the **Draft Wastewater Management Plan For Mount Olive** should likewise be altered with regard to the sections concerning the Clover Hill service area. Figure 2, entitled “*Future*

¹⁸ Ibid. Page 79.

¹⁹ Ibid. Page 96.

Facilities and Service Areas” should be modified to retain the R-7 district within the service area. In addition the following sections should be changed to reflect the new R-7 zone district:

2.0 SUMMARY OF SIGNIFICANT ACTIONS

The sewer service areas currently identified in the Wastewater Management Planning Area will change as a result of the rezoning of the Township. There are no proposed changes to the existing treatment facilities themselves, however, sewer service areas served by these facilities will be modified in response to the new Zoning for the Township. Specifically, the following significant actions will be identified for this planning area:

Revise the Clover Hill sewer service area to unsewer a RR-A zone that is environmentally constrained and to reflect the Community Development Boundary of the existing [sic] Village Center.²⁰

2. Mount Olive Township 2003 Master Plan and Master Plan Reexamination – Utility Service and Recycling Plan

It is anticipated that a Master Plan Reexamination Report and additional amendments to the Township’s Master Plan will be prepared once the **Highlands Regional Master Plan** is adopted. As part of that effort, if not prior to, the following components of the 2003 Master Plan should be amended to be consistent with the changes recommended in this Master Plan Amendment:

2.1 Sanitary Sewer Service

This Utility Service Plan recommends that the sanitary sewer maps as part of the Township’s Wastewater Management Plan be amended to reflect the proposed centers of this Master Plan. Additionally, the Plan should be amended to reflect the areas that are not proposed for higher intensity or density development. The future sewer service areas in those areas should be retracted to reflect the intent of the Land Use Plan and to be coordinated with that Plan. Map 10, reflects those plans and proposals.

The Clover Hill Sewer Service Area as depicted in the Wastewater Management Plan is also larger than is proposed here. This Master Plan recommends that the sewer service area be reduced to reflect the Land

²⁰ **Draft Wastewater Management Plan For Mount Olive Township**, dated July 2003, prepared by Schoor DePalma Inc., page 1.

Use Plan, and not include lands that are proposed for low intensity development that does not require public sanitary sewers.²¹

Goals and Objectives: Utility Plan

1. Coordinate the plans for future wastewater service areas to conform to the land use plan. Limit areas for future wastewater service to those proposed for higher density and intensity development. Coordinate wastewater plans with the proposals in the State Development and Redevelopment Plan (SDRP).

4. Revise the future population projection to be served by the Municipal Sewer Plant located in Clover Hill to reflect the Community Development Boundary of the Existing Village Center, including limited expansion north along the Route 206 commercial corridor.

An alternative option would be to limit the expansion of central water systems into areas that are presently served by on-site wells. A variation on this option would encourage the upgrading of existing systems and their interconnection to serve existing residential, commercial, and industrial areas. To the extent that such an expansion transcends the boundaries of any proposed Center, policy guidelines will be necessary to determine the extent to which potable water service will be available to contiguous undeveloped tracts of land.²²

2.2 Centers

In consideration of these stated policies, three (3) Centers are recommended to be identified and ultimately designated within the Township of Mount Olive. The tentative boundaries of these centers are identified on the Land Use Plan Map and they are discussed here. They are the Budd Lake Regional Center, the Mount Olive portion of the Hackettstown Regional Center, and the Flanders Town Center. Identifying these locations as Centers acknowledges their existing functions and directs future growth to those areas and away from other locations within the Township that are not appropriate for intensive new development. Through the center designation process the limits of the Centers will be definitively delineated and the “fit” of the State Plan’s criteria for each Center will be determined.²³

The Land Use Plan Map also includes the proposed Town Center of Flanders. This includes varied residential developments of Oakwood

²¹ **Mount Olive Township 2003 Master Plan and Master Plan Reexamination**, prepared Robert Michaels, PP, AICP, page 80.

²² Ibid. Pages 45-46.

²³ Ibid. Page 58.

Village (multi-family), Flanders Crossing and Clover Hill. It also includes the historic area of Flanders with its older housing and mixed uses. Portions of the commercial corridor of Route 206, and the general industrial and light industrial zones in the southeast portion of the Township are included. These provide some regional employment opportunities.

Flanders should be considered a Town Center rather than a Village Center because of the nature of the uses and the regional employment that is offered here. The retail shopping opportunities could be best characterized as sub-regional. They attract slightly more than local patrons and do not have the regional draw of the recently opened Trade Center South development.²⁴

3. Housing Element and Fair Share Plan (HE/FSP)

Mount Olive Township petitioned the Council On Affordable Housing for substantive certification in December 2005 and re-petitioned with a revised HE/FSP in November 2006. The revised HE/FSP was scheduled for approval at COAH's February 2007 public meeting however; the Appellate Division decision on January 25, 2007 preempted approval. Once the revised third round rules are adopted the Township will restructure its HE/FSP to include the R-7 inclusionary housing and other changes as deemed necessary.

²⁴ Ibid. Pages 60-61.