



Sewer Service Areas Under Scrutiny

State Updates!

1. NJDEP withdrew the proposed revisions to the Surface Water Anti-degradation Policy NJAC 7:9B1.5. These amendments would have provided safeguards for rural streams, but could have weakened the protection of waterways in urban and suburban areas.
2. Rte 92 lost most of its funding to allow for widening of the Turnpike from Exit 8A to 6.

Thanks to all the citizens, groups, and government officials that helped on these decisions!

For details visit
The NLN webpage at
[www.thewatershed.org/
natural_land.php](http://www.thewatershed.org/natural_land.php)

Governor Codey suspended the recent proposals by the NJDEP that would affect sewer service areas and requirements to update Wastewater Management Plans (WMP) and Water Quality Management Plans (WQM-NJAC 7:15). He extended the existing rules until May 2006, to more fully evaluate wastewater concerns and the regulations.

Evaluations and Planning Needed

The intent of the proposals was to help reconcile sewer service areas with growth areas identified in the State Plan, and identify areas of conflict.

A municipal Master Plan is intended to help direct future growth, and a Wastewater Management Plan (WMP) is intended to address the long-term sewer needs (20 years) of a community. Unfortunately, these plans may not be routinely updated or fully integrated in some communities.

Many towns lack the funding and capabilities to fully understand their zoning, sewer needs, septic limitations, or other environmental constraints. Technologies such as GIS mapping and build-out analysis could greatly assist these efforts, but may not be available.

Towns need assistance to update these studies and plans, and the state should assist communities in these efforts.

Smart Growth Planning

In order to ensure that development does not occur in inappropriate areas, the NJDEP proposed to forbid the extension of sewer service to more rural areas until the Wastewater management Plans (WMPs) are updated and approved. This would impact the

State Plan areas designated as Suburban Fringe (PA3); Rural (PA4), and Environmentally Sensitive Areas (PA5).

Septic Rules

Rural areas in NJ rely on septic systems, and many areas have identified polluted ground water problems. The NJDEP proposed that new developments that discharge more than 2,000 gpd (or approximately six houses) would require an environmental analysis, amendments to the WQM Plan, and State approval. Currently, developments of 50 or more homes require these detailed assessments.

Sewer Service Area Maps

Sewer Service Areas (SSAs) are areas that either currently or are proposed to provide sewer service. However, based on a greater understanding of environmental conditions and potential impacts, the extension of sewers into rural areas may be inappropriate in some instances.

These Sewer Service Areas are mapped in a variety of formats. The NJDEP converted these maps into a consistent digital GIS format in order to provide easier access and use electronically.

Good development is based on sound evaluations and planning.

Every town in the watershed region, except Montgomery Township, was listed by the NJDEP as having an outdated Wastewater Management Plan.

**View the proposals and sewer mapping at [www.nj.gov/dep/watershedmgt/
wqmp_amendment_notices.htm](http://www.nj.gov/dep/watershedmgt/wqmp_amendment_notices.htm)**



Citizens Can be Heard Before Parklands Change

The majority of acquired open space parkland in New Jersey is undeveloped forests, meadows, and wetlands serving as conservation lands for wildlife habitats and hiking, but interest in using these lands for active recreational uses is increasing.

Development of Parklands Green Acres-Change in Use (NJAC 7:36-25.6)

The Green Acres rules do not define active or passive recreational uses; however, the rules define development as

“any improvement to the land or water of parkland that is designed to expand or enhance its utilization for outdoor recreation and conservation purposes... and can include, roadways, parking, landscaping, fencing, lighting, utilities, structures, and any other improvement...”

Change in Parkland Use Rules Do NOT apply to the following actions:

- *Replacing or converting existing facilities, if no expansion is proposed;*
- *Constructing support structures, such as bleachers, concession stands, picnic shelters or lighting towers, within an existing recreation area;*
- *Use for short-term events such as festivals, carnivals or parades;*
- *Deer management, fishing controls or invasive species controls; or*
- *Constructing facilities already approved for Green Acres funding.*

Citizens have raised concerns that preserved open space was being developed for active recreational uses without sufficient public notice and input. In July, the Green Acres program proposed rules to provide more opportunities for public input when these park changes are being considered.

Changes In Use In Parklands

Parkland changes can include building trails, playfields, golf courses, skating rinks, or indoor recreational facilities on undeveloped parklands. It can also include the conversion of existing buildings to indoor recreational uses; or legal restrictions that would prohibit recreational uses. (NJAC 7:36-25.6)

State and County Rule Changes

Open space taxes can be used to fund improvements or development of parklands to encourage more public use. The Green Acres program proposes to allocate more funding for recreational development projects in parklands.

Mercer County allows 15% of their tax for active recreational uses or for historic preservation, and Somerset County residents just approved allowing 25% of the taxes for these purposes, as well.

Public Hearing

The proposed rules require local government, county, or nonprofits to hold at least one public hearing, 90 days prior to a final decision on changes in parkland use or any construction.

Public Notice

Public notice is also required at least 30 days prior to the hearing, and should include:

1. A legal notice in the official newspaper
2. A display advertisement in the newspaper that describes the intended use changes, hearing schedule, and contact information for comments.
3. Written notice of the hearing to Green Acres, the governing body, planning board, environmental commission, and open space advisory committee of the municipality(ies) in which the parkland is located. If the local government is a County, notify the County governing body, County planning board, County environmental commission and County open space advisory committee.
4. A notice of the hearing on an official website.
5. Written notice of the hearing via certified mail to all persons who own land within 200 feet of the area of parkland.
6. Proof of these notifications to Green Acres, along with transcripts from the hearing.

Provide Signage

A sign must be maintained on the subject parkland until the public comment period is concluded. The sign should advise the public of the proposed changes, the public hearing schedule, and the opportunity for public comment.

It is common sense to seek input when public money is being used to provide public services. These policies will keep the process open.

Please share this information with the committee members in you town.

View details of these Green Acres Program Rules in section N.J.A.C. 7:36-25.6
www.nj.gov/dep/greenacres/rule_proposal_2005.pdf

Redevelopment versus Revitalization

Useful Website Resources

The term *Redevelopment* is widely used and typically refers to improving blighted areas, but there are *subtle distinctions* associated with this term that the general public may not fully understand.

Greater Authorities

Areas can be revitalized through private investment and development of individual parcels. But Redevelopment implies that the local governing body will have greater control over the project design, contracting, timing and implementation strategies.

The Redevelopment process provides the governing body with additional broad authorities. But fortunately, the process includes several opportunities for public input to address the project and the process.

- Town Council can direct the creation of a Redevelopment Plan to establish the project details and zoning, with input from the Planning Board. After public notice and hearings, the plan is adopted.
- There is significant legal flexibility for the Town Council to waive the bidding process. Competitive bidding is *not required* to select a redeveloper, and public sales of the redevelopment land are not required.
- In New Jersey, Eminent Domain can be used for Redevelopment projects, and these areas are also eligible for PILOTS (payment in lieu of taxes).

Many communities are exercising these Redevelopment procedures and the citizens need to be informed of the process and stay involved.

Suggest that conditions be added to the Town Resolutions to:

- √ Require competitive bidding.
- √ Ensure full disclosure of potential tax ratables.
- √ Prohibit the abuse of using eminent domain.

In Need for Redevelopment

To officially declare an area "In Need for Redevelopment" a municipality must conduct a study to substantiate that *any of the eight criteria listed in the Local Redevelopment and Housing Law* (NJSA 40A:12A-5) are present within the delineated area.

These **criteria** include, but are not limited to, buildings or parcels that are:

- substandard, unsafe, unsanitary, dilapidated, obsolete,
- abandoned, underutilized, altered by demolition, storm, or fire,
- detrimental to the safety, health, morals, or welfare of the community,
- consistent with smart growth principles.

www.state.nj.us/dca/lgs/authreg/statutes/40a_12a_1.pdf

Redevelopment Procedures

Each of the steps outlined below allow for public input. Stay involved!

- The Town Council signs a resolution to initiate the process.
- The Planning Board undertakes the Investigation to determine if any of the 8 criteria are present. (see box above)
- Public notice and a hearing is provided to present the Planning Board recommendations.
- The Town Council signs a resolution to designate the Redevelopment area.
- A final public notice is provided for public input, before any condemnation can occur.

* * * *

I wish to thank Mr. Joseph Maraziti, a real estate attorney, who summarized this process at the ANJEC Conference.

Eminent Domain

"redevelopment of blighted areas shall be a public purpose and public use, for which private property may be taken or acquired..." NJ Constitution, Article 8, Section III, paragraph 1

Stony Brook-Millstone Watershed Association
www.thewatershed.org

American Planning Association
www.planning.org/policyguides/sustainability.htm

Association of NJ Environmental Commissions
www.ANJEC.org

NJ American Planning Association
www.NJAPA.org

NJ Depart of Community Affairs /Office of Smart Growth
www.nj.gov/dca/osg/

NJDEP—Green Acres Program
www.nj.gov/dep/greenacres/

NJ Legislature
www.njleg.state.nj.us/

NJ Local Redevelopment and Housing Law
www.state.nj.us/dca/lgs/authreg/statutes/40a_12a_1.pdf

NJ State Constitution
www.njleg.state.nj.us/lawsconstitution/consearch.asp

NJDEP - Bureau of Sustainable Communities and Innovative Technologies (BSCIT) www.state.nj.us/dep/dsr/bscit.htm

US EPA –Sustainability
www.epa.gov/sustainability/

USEPA Sustainability A-Z
www.epa.gov/sustainability/links.htm





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Watershed Watch

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**Natural Lands Network Members
Getting Involved !**

Dec 14 Road De-icing Workshop FREE - Learn how your town can convert existing equipment to use Brine: A low-cost, environmentally friendly alternative for winter road de-icing. Dec 14th from 8:30 am—noon at the Somerset County Emergency Services Training Academy. Register with Michelle Segal, NJWSA to reserve your spot. msegal@rارانbasin.org or call 908.685.0315 x30

Dec 15 NJDEP comment Deadline on the Sewer Service Areas Mapping and Water Quality Management Plans. Submit comments to Commissioner Campbell at NJDEP 401 E State St ,Trenton, NJ 08625-0401.

Dec 19 Princeton Flood Mitigation Ordinance - Public Hearing at Town Hall at 7.

Dec 26-31 Patriots Week in Trenton. Visit the website for a complete schedule of tours, battle reenactments, music, and more!
www.patriotsweek.com/front.html

Happy Holidays!

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