



TOWNSHIP OF CHATHAM

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April 21, 2015

Honorable Kevin Sullivan and Chatham Township Committee
Township of Chatham
58 Meyersville Road
Chatham, NJ 07928

Re: Proposed Ordinance #2015-10 Amending Prohibited Uses (“Ordinance”)

Dear Mayor Sullivan and Township Committee Members:

In accordance with N.J.S.A. 40:55D-24 and D-26, the Planning Board at its meeting of April 20, 2015 has reviewed proposed Ordinance #2015-10, amending Section 30-96.9, (Prohibited Uses) of Article 7 (Zoning Regulations) of Chapter XXX (Land Development) of the Revised General Ordinances of the Township of Chatham (“Township”), and finds that same is not inconsistent with the Township’s Master Plan.

The Ordinance would prohibit pipelines in all zone districts within the Township:

- that are not public utilities that distribute services to end users and
- that are unregulated by the State of New Jersey Board of Public Utilities.

The Planning Board understands that such pipelines are designed to transport a variety of materials including hazardous substances which, if a discharge occurred, could result in environmental degradation to the environment, including the land, water, and air.

The Master Plan of the Township (“Master Plan”) embraces the purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-2) (“MLUL”). Among these purposes is the intent to promote the general welfare and secure safety from fire, flood, panic, and other natural and manmade disasters. The Township’s Master Plan is built around these purposes as goals and objectives within its Land Use Plan Element. The hazard avoidance objective of the 2011 Land Use Plan Element comes from the MLUL as follows:

- b. To secure safety from fire, flood, panic and other natural and manmade disasters;

The public welfare objective of the 2011 Land Use Plan Element reads in pertinent part:

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

Additional goals and objectives of the 2011 Land Use Plan Element, in pertinent part, are to:

1. Protect and restore our environment, specifically sensitive areas such as steep slopes, wetlands, streams, buffers, and flood plains as well as mature native vegetation, groundwater and air quality.
2. Protect the quality and quantity of groundwater and surface waters, including the Passaic River and the tributaries that feed the Great Swamp through the proper management of aquifer recharge areas, wetlands and their transition areas and groundwater aquifers...
4. Preserve open space for passive and active recreation and to protect scenic vistas.
5. Preserve the desirability of the community and its neighborhoods by managing the scale of new and expanded buildings and alterations to their landscapes...
9. Protect and maintain the remaining rural ambiance and significant natural, cultural and scenic landscapes and identify and protect scenic vistas...
11. Promote sustainability in all public and private development by encouraging the use of conservation-based land and building design techniques that result in energy and water conservation and minimize the impact of development on the environment.

These objectives compliment those of the 2005 Conservation Plan Element of the Master Plan, designed to meet the statutory mandate to protect the environment by:

1. Establishing lawful mechanisms for the protection of the environmentally critical areas, as identified in the Township's NRI (Natural Resource Inventory);
2. Promoting enjoyment of and education about the environment in order to encourage environmental stewardship among residents, children and visitors;
3. Ensuring greater protection of surface water resources, including the Great Swamp, which covers one third of Township land, through regulatory and educational measures;
4. Protecting groundwater resources;

5. Conserving energy and improving air quality;
6. Preserving open space, scenic vistas and quality of life.

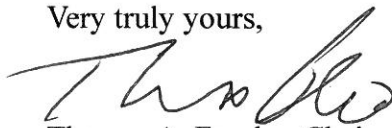
Environmental protection strategies contained in the 2011 Land Use Plan call for “no development...on the most sensitive steep slope areas, especially the highly erodible soils in the southern portion of the Township, where downslope impacts are very difficult to control and even harder to correct.” It also recommended that land use policies be reevaluated regarding the extent to which existing zoning will:

- a. Preserve and enhance the remaining rural countryside;
- b. Minimize inappropriate intrusions by development;

In summary, The Planning Board finds that Proposed Ordinance #2015-10 is not inconsistent with the Township of Chatham Master Plan. As discussed above, the Master Plan objective to secure safety from fire, flood, panic and other natural and manmade disasters appears a most relevant concern. Additionally, the prohibition of these pipelines advances the Master Plan objectives for protection of the land, water, and air resources of the Township of Chatham.

Should you require any additional information, please advise.

Very truly yours,



Thomas A. Franko, Chair
Chatham Township Planning Board

cc:Planning Board

F. Banisch

S.K. Warner, Esq.