

**AMENDMENT TO THE LAND USE ELEMENT OF
OF THE TOWNSHIP OF HARDYSTON MASTER PLAN**

Hardyston, Sussex County, New Jersey

HARDYSTON TOWNSHIP PLANNING BOARD

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JULY 2019

Adopted by the Hardyston Planning Board on July 25, 2019

**The original of this document was signed and sealed
in accordance with N.J.S.A. 45:14A-12**

Prepared by



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Introduction

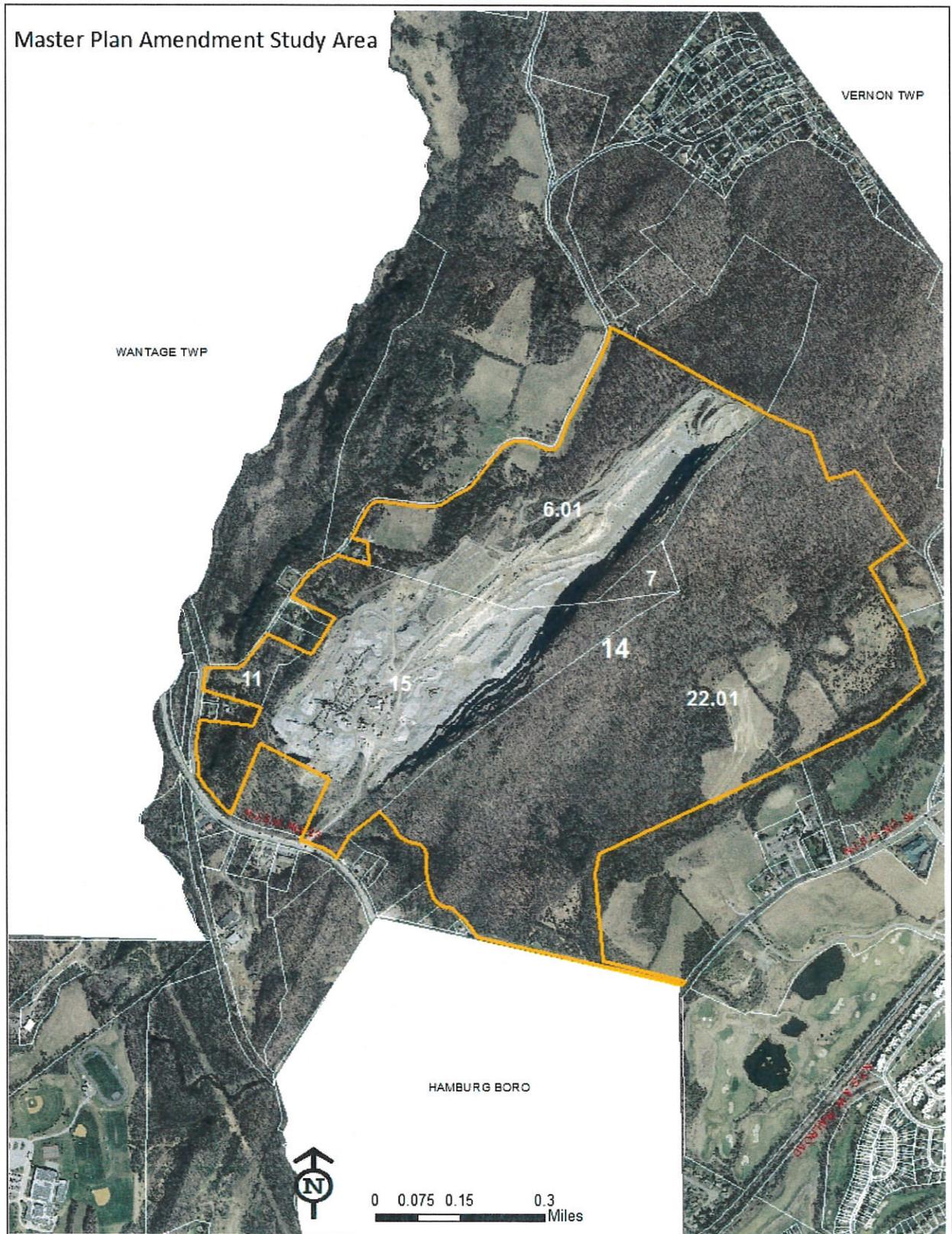
The purpose of this Amendment to the Land Use Element of the Township of Hardyston Master Plan is to address the pre-existing non-conforming quarry that exists along Route 23 and Scenic Lake Road.

The study area consists consist of three parcels that make up the existing quarry and two, adjoining undeveloped parcels. The quarry operation currently encompasses portions of Block 14, lots 6.01, 11 and 15, which total approximately 226 acres. The lots are currently zoned as either I-1, Light Industrial or MIDD-5, Minimum Impact Development District (5). The two adjoining parcels include a large undeveloped parcel known as block 14, lot 22.01 and a small landlocked parcel known as block 14, lot 7, totaling an additional 259 acres. The existing zoning for the smaller parcel is MIDD-5 while the larger parcel is zoned C-R, Commercial Recreation. The study area is highlighted on the aerial map in Figure 1.

The quarry operation predates the existing zoning and has been in operation for over 30 years. The larger undeveloped lot that adjoins the quarry was previously approved by the Planning Board for residential development. The property has not been actively developed. The ownership of the property recently transitioned from the prior developer and is now owned by the owner/operator of the adjoining quarry operation.

The recent change in ownership of the larger undeveloped parcel has given the Township the opportunity to reexamine the proposed land uses for the area surrounding the quarry operation and address the pre-existing non-conforming use. A potential rezoning of the existing quarry and the adjacent undeveloped property will help to ensure that the future development of the study area promotes the many goals and objectives of the master plan by preventing incompatible uses, creating additional open space and preserving the valuable view shed along the mountain ridge for the resort oriented development that exists across Route 94.

Figure 1.



Study Area - Existing Land Use and Zoning

The Eastern Concrete Quarry operation located along Route 23 and Scenic Lake Road in the north has been in operation since 1989. The quarry has a 10 year quarry plan approved by the Township Council that must be renewed prior to the end of 2019. The Township presently does not permit quarrying as a permitted use in any zone and in order to obtain a quarry permit through the Township applicants must either be determined to be a pre-existing nonconforming use or obtain a use variance from the Zoning Board.

The parcels identified as Block 14, Lots 6.01, 11 and 15 on which the quarry operation is currently located have been identified as either industrial or five acre density residential as part of the Township's Land Use Plan Element in the 2003 Master Plan. The 3 parcels are currently zoned as either I-1, Light Industrial or MIDD-5, Minimum Impact Development District (5).

There are a number of single family homes located on smaller lots along Scenic Lake Road adjacent to the quarry that are zoned as MIDD-5. The remaining larger land holdings adjacent to the quarry are owned by Eastern Concrete Materials including a 51 acre parcel to the north that is zoned MIDD-10, Minimum Impact Development District (10) with an active farmland assessment, and 2 parcels to the north east of the property that are zoned MIDD-5 and are undeveloped or vacant.

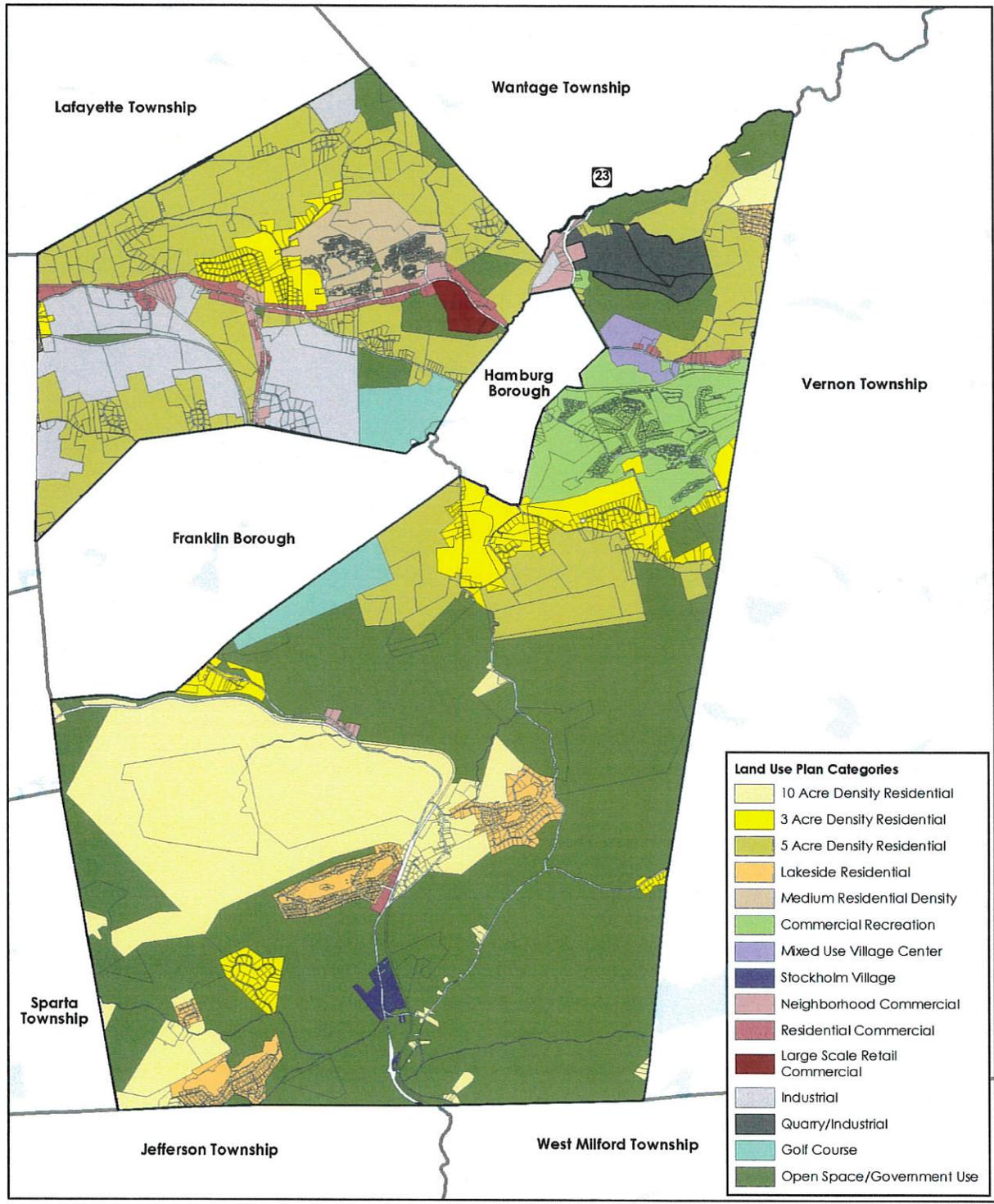
The southern limits of the quarry are bordered by a large undeveloped parcel identified as Block 14, Lot 22.01. The parcel is approximately 254 acres and is zoned C-R, Commercial Recreation. The property has a significant amount of wetlands, the presence of threatened and endangered species habitat and steep slopes leading up to the mountain ridge bordering the existing quarry operation. The property was formerly owned by Crystal Springs Builders and received development approval for 484 residential units in 2008. The property was sold to Eastern Concrete Materials in 2017 and has remained undeveloped.

The remaining adjacent parcel is a 5 acre landlocked parcel identified as Block 14, Lot 7, which was purchased by the quarry in 2017 and is currently zoned MIDD-5.

Amended Land Use Plan

The current Land Use Plan Element and Map do not reflect the current conditions of the study area nor the appropriate future land use based upon the recent change in ownership and the uses that would be compatible for properties located adjacent to an active quarry operation. The Township's Land Use Plan Element and Map should be amended to reflect the presence of the quarry operation. In addition, given the intensity of the quarry use and the unique environmental characteristics of Block 14 Lot 22.01 it is recommended that a significant portion of the parcel be planned for public or private open space as part of Township's amended Land Use Plan Element and Map. The Amended Land Use Plan Map is depicted in Figure 2.

Figure 2.



0 0.5 1 Miles
 Source: NJOGIS, NJGIN, NJDEP, NJDOT

Land Use Plan Map
 Hardyston Township, Sussex County, NJ

HGA
 HEYER, BRUEL & ASSOCIATES
 July 2019

Proposed Zoning Change

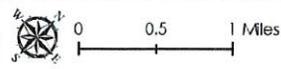
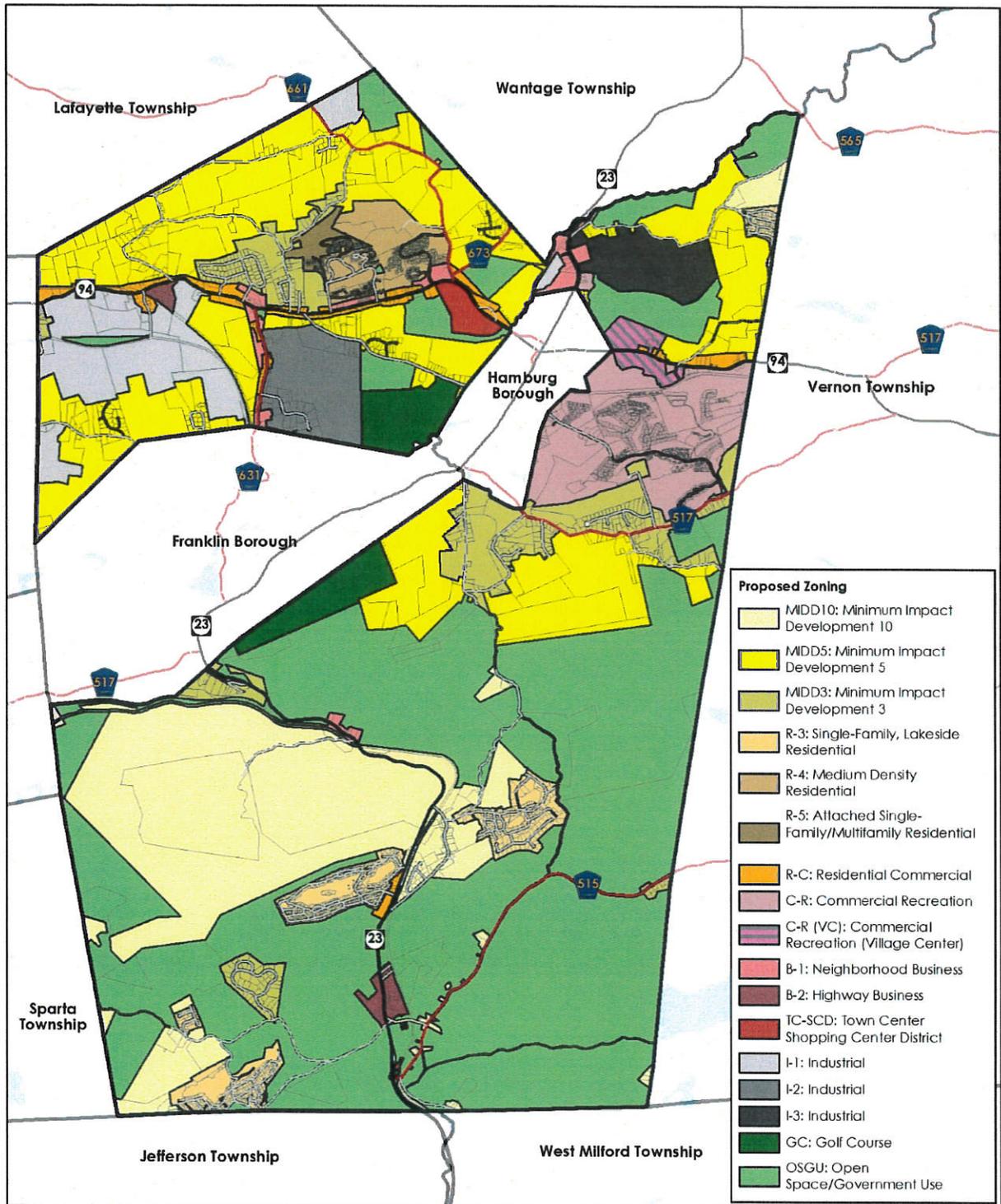
Overview

In support of the recommendations from the 2016 Reexamination Report and the amended Land Use Plan Element is recommended that the following zoning changes be adopted. The parcels encompassing the existing quarry, which are identified as Block 14 Lots 6.01, 11, and 15 should be rezoned as the new I-3 Industrial Zone which will permit quarrying as a conditional use and allow for appropriate industrial uses after the site is no longer an active quarry. The zoning standards for quarrying will establish minimum setbacks, hours of operation, requirements for landscaping, noise standards, provisions for the creation of additional open space when quarry operations are expanded, and the requirement for a rehabilitation plan when the quarry operation no longer exists. In addition, Block 14 Lot 7 and a portion of block 14 lot 22.01 should also be zoned I-3, as the parcel is landlocked and adjacent to the existing quarry operation.

Furthermore, in order to create a sufficient buffer for the more intense quarry use the remaining portion of block 14 lot 22.01 should be rezoned as Open Space Government Use (OSGU).

The proposed zone changes are delineated in the proposed zoning map in Figure 3.

Figure 3.



Source: NJGIS, NJGIN, NJDEP, NJDOT

Proposed Zoning Map
Hardyston Township, Sussex County, NJ

Benefits of Zone Change

There are a number of benefits which would occur as a result of the rezoning of Study Area as proposed above including the following:

1. Alignment of the zoning with the existing use of the property; eliminating the pre-existing nonconforming use and establishing more comprehensive standards for future industrial reuse of the site.
2. Elimination of future development that may be incompatible with the existing quarry operation
3. Creation of additional public/private open space to offset the additional disturbance and potential environmental degradation created by the quarry operation
4. Protection of the view shed and the valuable scenic resources created by the existing landscape of the adjoining property by modestly expanding the area which may be quarried in order to create a more appropriate mining plan that will not require the cutting into or excavation of the front portion of the mountain ridge.

Advancement of the Township of Hardyston Master Plan Goals and Objectives

Several of the goals and objectives as set forth in the Township's adopted 2003 Master Plan, and endorsed in the 2014 and 2016 Master Plan Reexaminations would be furthered by the proposed rezoning, as follows:

Goals:

- *To maintain harmonious land uses and circulation patterns*
- *To retain water quality and environmental resources*
- *To provide open space and recreational opportunities close to all residents*

Land Use Objectives:

- *Preserve and enhance the existing established rural residential and recreational character of Hardyston.*

Conservation Objectives:

- *Protect areas constrained by steep slopes, poor drainage, flood-prone lands, and wetlands*
- *Minimize the visual impact of development on important natural environments*
- *Use all available tools to protect and preserve environmentally sensitive natural resources in the Township*

Open Space & Recreation Objectives

- *Preserve as much open space as possible, especially lakes, streams, tributaries, and significant habitats.*

Advancement of the New Jersey Municipal Land Use Law

The proposed rezoning would also directly advance several purposes of the Municipal Land Use Law (NJSA 40:50D-2 et seq.), as follows:

- (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.
- (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.
- (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.