



MAP ADJUSTMENT REVIEW AND RECOMMENDATIONS REPORT

**TOWNSHIP OF CHESTER, MORRIS COUNTY
GLENLORA SITE - BLOCK 26.06, LOT 7**

Prepared by the State of New Jersey Highlands Water Protection and
Planning Council in Support of the Highlands Regional Master Plan

APRIL 5, 2023

Application Type:	Map Adjustment
Block and Lot:	Block 26.06, Lot 7
Municipality:	Chester Township
County:	Morris County
Highlands Act Area:	Planning Area (conforming)
Proposed:	Map Adjustment to Existing Community Zone for a portion of Block 26.06, Lot 7
Recommendation:	Approve with Conditions

EXECUTIVE SUMMARY

Map Adjustments issued by the Highlands Council address policy issues raised during Plan Conformance to allow for the adjustment of the Regional Master Plans (RMP's) Land Use Capability Zone Map to, among other potential modifications, authorize the extension of infrastructure into Highlands resource areas. However, the RMP at Objective 6G2b requires that the Map Adjustment result in "no net loss of Highlands resources or resource values." The RMP also specifies that for Map Adjustments to allow for the creation of an Existing Community Zone they must "create a meaningful opportunity to provide affordable housing; improve the balance of housing and employment; and promote the use of alternative modes of transportation, such as transit."

Highlands Council Staff reviewed a Chester Township request for a proposed Map Adjustment to modify part of an existing area of Protection Zone to Existing Community Zone. The proposed Map Adjustment would allow for a 100% affordable housing project. The Township has consulted with Highlands Council staff on numerous occasions and has previously requested an RMP Update based on the surrounding land uses. An RMP Update is a factual map change that may be issued by the Executive Director. Having found no discernable reason to amend the Land Use Capability Zone (LUCZ) based on the RMP Update methodology, the Township is seeking to modify the LUCZ via the Map Adjustment process.

SITE CONDITIONS

Block 26.06, Lot 7 of Chester Township, commonly known as Glenlora (site), is presently developed with the former Glenlora Convalescent Care Center which ceased operation in 2004. Current development of the site contains two primary buildings with a combined footprint of approximately 8,966 square feet. The site has an installed septic system with a capacity of approximately 4,050 gallons per day.

The 14.38 acre site is divided between two LUCZs, the Protection Zone (7.58 acres), and the Existing Community Zone (6.8 acres). The Protection Zone is defined by low density forest cover while the Existing Community Zone is defined by previously disturbed areas associated with the current development. The Township of Chester is seeking an extension of the Existing Community Zone to permit a larger building envelope and the expansion of the existing sewer service area to allow for a one hundred percent affordable housing development consisting of twenty to twenty-five individual units and/or bedrooms.

MAP ADJUSTMENT REVIEW

The following is a summary of the Highlands RMP Goals, Policies and Objectives on Map Adjustments as related to the property:

RMP Objective 6G2b: Map Adjustments proposed to change Protection and Conservation Zones or the Environmentally-Constrained Sub-Zones may be approved by the Highlands Council where it finds that the petition does not result in deleterious impacts to the affected or adjacent Land Use Capability Zones or to RMP policies and objectives applicable to adjacent or nearby lands, and the petitioner demonstrates that the proposed adjustment:

1. Complies with the intent and purposes of the Highlands Act and the RMP and demonstrates that Highlands resource protection and smart growth planning principles have been addressed:

Finding: Consistent.

The site is presently developed with the former Glenlora Convalescent Home. A Map Adjustment is being requested to facilitate a 100% Affordable Housing development. RMP Objective 6G2b states that: “Where a petition seeks the creation or extension of an ECZ, it must demonstrate that the area in question can accommodate ECZ-appropriate development. The Council will look most favorably upon ECZ petitions that create a meaningful opportunity to provide affordable housing; improve the balance of housing and employment; and promote the use of alternative modes of transportation, such as transit, by for example, a location proximate to Highlands Baseline Transportation and Transit features.” In addition, the proposed change is consistent with RMP Policy 6O7 which requires that conforming municipalities implement both the resource protection requirements of the RMP along with the New Jersey Supreme Court’s doctrine, in its Mount Laurel decisions. Development of a 100% affordable housing development is consistent with these RMP Goals and Policies.

2. Will result in no net loss of Highlands resources or resource values (including but not limited to water availability, water quality, Critical Habitat, and agriculture) within the Region or as appropriate, within any HUC 14 subwatershed, such that on the whole, the results equal or exceed the resource protections provided by the RMP;

Finding: Consistent subject to conditions (see conditions #3, 4 and 5)

The following is a summary of resources present on the property. Any impact to the resources noted below will be mitigated through conditions of approval.

Forest Resource Area:

Approximately 9.3 acres of the Site is located within the Total Forest Area. On January 30, 2023 Highlands Council staff conducted a site visit to assess the condition of the Total Forest Area. After inspection, Council staff noted the area had canopy coverage of Tulip poplar (*Liriodendron tulipifera*), Oaks (*Quercus spp.*) and black cherry (*Prunus serotina*) of a similar age class. A native mid and understory were not represented in the area that was observed. The shrub layer of the forest was densely populated with non-native Japanese Barberry (*Berberis thunbergii*) and non-native Wineberry (*Rubus phoenicolasius*). A few small clearings were noted that

contained Japanese Stiltgrass (*Microstegium vimineum*). Staff noticed small piles of scrap metal and discarded fencing on the property.

Critical Habitat:

Consistent with the Forest Resource Area designation, the site contains approximately 9.3 acres of Critical Wildlife Habitat identified for Wood Thrush, Wood Turtle, Bobcat, Barred Owl, Indiana Bat, and Veery.

Prime Groundwater Recharge Area:

Primarily consistent with the boundaries of the Forest Resource Area, the site is mapped for approximately 9.2 acres of Prime Ground Water Recharge Area.

3. Will under no circumstances result in the allocation of water or waste water capacity in excess of that available in any HUC 14 subwatershed;

Finding: Consistent

Wastewater Capacity: No increase in wastewater capacity is proposed, however the footprint of the sewer service area may need to be expanded to accommodate proposed building locations. The site is located in an existing sewer service area (SSA), but the SSA is clipped to the existing building footprint. The site is currently and will continue to be served by an onsite subsurface disposal system for wastewater, although the system may require reconstruction. The current disposal system is permitted by NJDEP for a discharge up to 4,050 gallons per day.

Water Capacity: No increase in water use is proposed. The site lies within two HUC14 subwatersheds, which have net water availability values calculated as follows: Peapack Brook (above/incl Gladstone Bk), which has a net water availability of 0.0 MGD and Burnett Brook (above Old Mill Rd), which has a calculated net water availability of 0.1 MGD.

4. Cannot appropriately or adequately be addressed via other options such as:
 - Waivers under the Highlands Act
 - Exemptions from the Highlands Act; and
 - RMP Updates Program

Finding: Consistent

Chester Township has consulted with the Highlands Council regarding the site on multiple occasions. The site does not meet the requirements for the 3 waivers contained in the Act and the RMP (Public Health and Safety, Redevelopment, or Takings). Based on current site configuration and size, it is infeasible to complete the project under Highlands Act Exemption 4 due to the limits on expansion of disturbance and impervious coverage. Additionally, the Township applied for an RMP Update in August of 2022. An RMP Update is based on the receipt of new, corrected, or updated factual information and verification by the Highlands Council to improve the accuracy of the RMP. The Township, in its submittal, suggested that the development pattern surrounding the site was more consistent with the Existing

Community Zone of the Land Use Capability Zone Map. After review, Highlands Council staff did not find adequate evidence to support this assertion and denied the request for an RMP Update.

Objective 6G2b also states: “Where a Map Adjustment creates opportunity for an increase in density, such density must be offset by an equivalent reduction in density elsewhere in the Region, or alternatively, by use of HDCs.”

Finding: Consistent

The existing Glenlora development contained a convalescent home with 26 beds with an approval for up to 100 beds. The application for Map Adjustment states that future development of the site will accommodate 25 units or beds thus not increasing the current density of development.

Rationale for Approval of Map Adjustment with Conditions

1. The Highlands Act requires the Highlands Council to “encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from the individual and cumulative adverse impacts thereof” (Section 10 Goals of Regional Master Plan for the Planning Area). The development authorized through this Map Adjustment is adjacent to and is a logical extension of the development pattern in Chester Township.
2. The project is a key component of the Township’s current Affordable Housing obligations and represents a critical site in a municipality where limited development opportunities exist.
3. The project is consistent with RMP Policies 6G2 (standards for Map Adjustments) and Goal 6O (regarding the provision of affordable housing).

Conditions of Map Adjustment Approval

1. The proposed Map Adjustment will be restricted to the area as mapped in Appendix A.
2. The Township shall complete a Stormwater Management Plan including adoption of the Municipally Important Groundwater Recharge Areas. Municipally Important Groundwater Recharge Areas are preserved or constrained lands that have recharge rates above the median recharge rate for the subwatershed in which they are located; meaning they provide 40% or greater total recharge volume for the subwatershed. These mapped recharge areas may replace the Prime Groundwater Recharge Areas when adopted as part of a municipal stormwater management plan.

3. The forested area of the remaining Protection Zone will be restored and enhanced consistent with RMP Goal 1B. All invasive and non-native plant species shall be removed and native plant species restored during development of the site such that no net loss of resource value is incurred as a result of the development. In the event the disturbance of Highlands Resources exceeds the ability to mitigate on-site, off-site mitigation may be approved. All mitigation and restoration plans are subject to Highlands Council review and approval at the time of Highlands Project Review and shall include follow up treatments to ensure successful removal of undesired species.
4. A critical habitat suitability analysis shall be completed to identify the presence of any rare, threatened, or endangered species on the site. Appropriate mitigation strategies shall be put in place to protect any identified species. A Critical Habitat Mitigation Plan shall be incorporated into the Highlands Project Review application and deemed adequate prior to approval.
5. Upon completion of the development, the remainder of the site shall be restored subject to condition three (3) above and placed in a conservation easement to ensure no future incursion into Highlands Resources.
6. All proposed development of the site shall incorporate low impact stormwater management techniques to maximize groundwater recharge subject to Highlands Council approval during Project Review.
7. In accordance with the Township's adopted Highlands Referral Ordinance, the Site Plan application shall be reviewed by the Highlands Council for consistency with the RMP prior to being deemed complete for review by the Township.

APPENDIX A

Map Adjustment Area





Original Land Use Capability Zone



Updated Land Use Capability Zone



Land Use Capability Zones

-  Protection Zone
-  Existing Community Zone
-  Existing Community
-  Environmentally Constrained Subzone

 Glenlora



Glenlora Property
Chester Township: Block 26.06, Lot 7

PROPOSED MAP ADJUSTMENT

APPENDIX B

PUBLIC COMMENTS AND RESPONSE TO COMMENTS

A 30 day public comment period was held from March 2, 2023 through April 2, 2023. No comments from the public were received.