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JACK J. SCHRIER
Acting Chairman

EILEEN SWAN
Executive Director

MEETING AGENDA
Thursday, January 20, 2011 1:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES – December 16, 2010
6. ACTING-CHAIRMAN’S REPORT (and Council Member Reports)
7. EXECUTIVE DIRECTOR’S REPORT
8. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION – *Petition for Plan Conformance submitted by Mount Olive Township, Morris County* (voting matter with public comment)
9. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION – *Petition for Plan Conformance submitted by the Borough of High Bridge, Hunterdon County* (voting matter with public comment)
10. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION – *Petition for Plan Conformance submitted by the Town of Clinton, Hunterdon County* (voting matter with public comment)
11. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION – *Petition for Plan Conformance submitted by Denville Township, Morris County* (voting matter with public comment)
12. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION – *Petition for Plan Conformance submitted by Green Township, Sussex County* (voting matter with public comment)
13. CONSIDERATION OF RESOLUTION – *Approval of Fiscal Year 2011 Highlands Protection Fund Budget* (voting matter with public comment)
14. CONSIDERATION OF RESOLUTION – *Authority for Plan Conformance and Highlands Project Review* (voting matter with public comment)
15. PUBLIC COMMENTS (*please note – the Council requests that public comments be limited to three (3) minutes per person. Questions raised in this period will not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
16. EXECUTIVE SESSION (if deemed necessary)
17. ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF JANUARY 20, 2011

PRESENT

JACK SCHRIER)	ACTING CHAIRMAN
KURT ALSTEDDE)	COUNCIL MEMBERS
TRACY CARLUCCIO)	
BILL COGGER)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
JANICE KOVACH)	
MIMI LETTS)	
CARL RICHKO)	
JAMES VISIOLI)	

ABSENT

GLEN VETRANO)

CALL TO ORDER

The Acting Chairman of the Council, Jack Schrier, called the 101st meeting of the New Jersey Highlands Water Protection and Planning Council to order at 1:07pm.

ROLL CALL

Roll call was taken. Mr. Vetrano was absent. All other Council Members were present.

OPEN PUBLIC MEETINGS ACT

Acting Chairman Schrier announced that the meeting was called in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 and that the Highlands Council had sent written notice of the time, date, and location of this meeting to pertinent newspapers or circulation throughout the State and posted on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF MINUTES OF DECEMBER 20, 2010

Ms. Kovach introduced a motion to approve the minutes. Ms. Letts seconded it. Mr. Vetrano was absent. All other members present voted to approve. The minutes were APPROVED 10-0.

ACTING CHAIRMAN'S REPORT

Acting Chairman Schrier reported that traditionally at this time of year, Council elects officers including a Vice Chairman and a Treasurer. Acting Chairman Schrier reported that the Chairman is selected by the Governor. Acting Chairman Schrier further stated that given there are so many appointees named to the Highlands Council, although not confirmed, it would be wise to ask Council to defer the election of officers until new members are in place.

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Mr. Visioli stated that it made sense to him. Mr. Holtaway pointed out that there is a limited pool of committee members that will remain on the Council to choose from and so it makes sense to defer.

Mr. Cogger asked if Council had to take action due to the bylaws. Ms. Swan responded to say that the bylaws required that the election of officers is considered annually, so this would serve as a consideration. Mr. Borden added that there is a requirement to annually act and he saw no reason why it could not be deferred action until new members are in place.

Mr. Alstede made a motion to have the current officers continue in their current roles until such time as the Highlands Council deems it time to elect new officers. Mr. Holtaway seconded it. All members present voted unanimously to approve the motion.

EXECUTIVE DIRECTOR'S REPORT

Plan Conformance Update

Ms. Swan gave a brief summary update to the Council on Plan Conformance Petition reviews. To date 64 Petitions (from 59 Municipalities and 5 Counties) have been submitted to the Highlands Council (49 have been deemed administratively complete and posted to the Highlands Council website - including 2 Counties). Of these, nine Petitions have been approved (Townships – Bethlehem, Byram, Chester & Mahwah; Boroughs – Califon, Glen Gardner, Hampton and Lebanon; and Passaic County). On today's meeting agenda five municipalities will be considered for Plan Conformance (Mount Olive Township, High Bridge Borough, Town of Clinton, Denville Township and Green Township).

Ms. Swan noted that two Petitions, submitted by Denville and Green Townships, are really best described as housekeeping because they both are conforming for limited areas of land in the Preservation Area as mandated by the Highlands Act. Council staff hopes in the future to continue to work with them and that they may reconsider conformance for their Planning Areas. Three municipal Petitions are anticipated for the February meeting. There are seven Municipal Response Periods Underway or waived (Townships – Franklin, Lopatcong, Holland, West Milford, and Washington (Morris), Kinnelon Borough and Somerset County). Seventeen additional Draft Consistency Reports are prepared and under internal review; another nine are in development by Staff.

Ms. Swan reported that Staff continues to make great progress and she is grateful to all the municipalities and their professionals for working with the Highlands Council. Ms. Swan showed three different maps which showed the progress of Highlands Council Plan Conformance status of Petitions. Ms. Swan noted that High Bridge is a standout municipality because they are the first and only entirely Planning Area municipality that have adopted the statutorily mandated ordinance petitioning for conformance.

Public Hearing and Consideration of Resolution – Petition for Plan Conformance by Mount Olive Township, Morris County

Ms. Swan acknowledged the Mount Olive Township representatives attending the meeting today, Mayor Scapicchio; Howie Weiss, Planning Board Chair; Chuck McGroarty, Township Planner;

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Catherine Natafalusy, Planning Coordinator; and James Humphries Highlands Council Liaison for Mount Olive Township.

Ms. Swan then proceeded with the PowerPoint presentation of the Petition of Mount Olive Township for Plan Conformance. Ms. Swan noted that Mount Olive Township was Council's second RMP Update which updated the RMP mapping for the Combe Fill North Landfill. She noted that the Highlands Council has also assisted Mount Olive on other Highlands Redevelopment Area projects and continue to do so with NJDEP. She presented photographs of Mount Olive so the Council could focus on the character of the community and the past planning and protection initiatives of Mount Olive Township. Ms. Swan presented background statistics and information for Mount Olive Township.

- Established: 1871
- Population (2009): 24,193
- Land Area: 19,992 acres / 31.2 sq. mi.
- Preserved Lands: 6,901 acres
- Wetlands: 2,404 acres
- Total Forest: 11,088 acres
- Farmland: 1,234 acres

Ms. Swan presented significant Highlands statistics as they pertain to Mount Olive Township:

- Preservation Area Lands: 15,859 acres – 79% - Considered today.
- Planning Area Lands: 4,133 acres – 21%
 - Existing Community Zone: 6,198 acres – 31%
 - Conservation Zone – 1,207 acres – 6%
 - Protection Zone: 11,415 acres – 57% (Roads 6%)
 - Highlands Open Water Protection: 10,013 acres – 50%
 - Forest Resource Area: 15,132 acres – 76%
 - Conservation Priority Areas – 4,754 acres – 24%
 - Special Environmental Zone – 313 acres – 1.6%

Mount Olive Township Background Statistics – Land Use			
NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	924.6	2,997.3	19.6%
Commercial (Retail)	241.9	280.2	2.6%
Industrial & Transportation & Utilities	376.7	561.4	4.7%
Agriculture (Crops & Plantations)	190.0	1,008.6	6.0%
Recreational Lands (Public & Private)	220.8	185.9	2.0%
Extractive Mining	0.0	210.3	1.1%
Other Urban or Built-Up Land	286.2	317.1	3.0%
Subtotal Developed Lands	2,240.3	5,560.7	39.0%
Mixed Forest	1,171.2	7,030.5	41.0%
Shrub & Scrub	71.5	412.3	2.4%
Mixed Wetlands	481.7	1,920.9	12.0%
Barren Lands	104.8	186.9	1.5%
Surface Waters (Lakes, Ponds &	63.3	748.0	4.1%

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Tributaries)			
Subtotal Natural Lands	1,892.5	10,298.5	61.0%
Total	4,132.8	15,859.2	100.0%

Ms. Swan then showed a movie representing a ‘fly over’ of Mount Olive Township. The movie offered an opportunity to focus on the landscape of the Township. Ms. Swan noted that there will be further discussion through the Plan Conformance process on three potential redevelopment areas in Mount Olive Township that staff has been working on with the municipality through the development of the Petition, two are in the Preservation Area and one is in the Planning Area.

Ms. Swan showed ordinance maps for Mount Olive Township and continued to provide an overview of the Petition of Plan Conformance and the administrative record for the Township as follows:

- 12/8/09 Petition for Plan Conformance Submitted
- 2/2/10 Petition Deemed Administratively Complete
- 2/9/10 Petition Posted to Highlands Council Website
- 8/12/10 Draft Consistency Report Sent to Municipality
- 12/17/10 Final Draft Report Posted to Highlands Council Website
- 1/5/11 End of Public Comment Period (Start 12/17/10)
- 1/13/11 Final Report Posted to Highlands Council Website
- 1/20/11 Highlands Council Public Hearing

Ms. Swan then noted that Mount Olive Township had completed the required Module submittals. With respect to Module 1 and 2, the Highlands Municipal Build-Out Report for Mount Olive Township was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The Report is dated June 2009 and a revised version was posted to the Highlands Council website on January 12, 2010. Staff RMP Consistency Finding is that Mount Olive Township Highlands Municipal Build-Out Report is consistent with the RMP. With respect to Module 3, the Council staff found that Mount Olive Township’s Fair Share Plan and Housing Element was consistent with the RMP. With respect to the Environmental Resource Inventory, Module 4, Ms. Swan noted that it describes and illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality. The Staff RMP Consistency Finding is that Mount Olive Township’s Environmental Resource Inventory is consistent with the RMP.

With respect to the Master Plan Highlands, Module 5, Ms. Swan noted that the Staff RMP Consistency Finding is that Mount Olive Township’s Master Plan Highlands Element is consistent with the RMP. With respect to the Highlands Area Land Use Ordinance, Module 6, Ms. Swan noted that these regulatory provisions protect Highlands Resources and effectuate the policies, goals, and objectives of RMP at the local level. The Staff RMP Consistency Finding is that Mount Olive Township’s Highlands Area Land Use Ordinance is consistent with the RMP.

With respect to the Municipal Petition for Plan Conformance, Module 7, Ms. Swan noted that it consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment

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Report, List of Current Planning Documents, and the Highlands Implementation Plan & Schedule. The Staff RMP Consistency Finding is that Mount Olive Township's Petition for Plan Conformance is consistent with the RMP.

Ms. Swan then presented a summary of the public comments received and a summary of the draft responses prepared by Highlands Council staff for Mount Olive Township's Petition for Plan Conformance. The public comment period for Mount Olive Township's Petition for Plan Conformance opened on December 17, 2010, and closed January 5, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.

Ms. Swan also noted that a meeting with Mount Olive professionals was held during the comment period to clarify the opportunity for municipalities to refine Master Plan Element and Ordinances before final adoption. She stressed the fact that these documents are draft in order to allow the Highlands Council to review the Petition prior to formal adoption under the Municipal Land Use Law. After Highlands Council approval, these documents may be refined through staff and municipal coordination. Should any changes result in significant issues regarding Plan Conformance, the documents will be brought back for Highlands Council consideration.

With respect to public comments, comments received from:

- New Jersey Highlands Coalition

Comment 1: Request for more information concerning the township's Water Use and Conservation Management Plan.

- **Summary of Response:** As with the Highlands Council's current pilot projects for the development of Water Use and Conservation Management Plans in various project areas around the Highlands Region, additional plans, such as the one identified for Mount Olive Township, will be based on the Goals, Policies and Objectives (Chapter 4) and "Highlands Restoration: Water Deficits" Program (Chapter 5) within the Regional Master Plan, in collaboration with the municipality. As detailed in the program description, development of such plans is coordinated with the relevant municipalities and professionals, major water users, and the NJ Department of Environmental Protection.

Ms. Swan noted that the intent of the above is to bring all model work back to the Council for review and opportunity and that there is always opportunity or public comment at that time.

Comment 2: Request for more information concerning Mt. Olive's Wastewater Management Plan as referred to in the conformance documents.

- **Summary of Response:** For municipalities that are not petitioning for Plan Conformance with the Regional Master Plan for the entire municipality, as is the case for Mt. Olive, the municipality will work with the County (in the cases of Hunterdon, Morris, Somerset and Sussex Counties) or directly with the NJDEP (in the case of Bergen, Passaic and Warren Counties) to develop their Wastewater Management Plan chapter for that municipality. The Highlands Council will review the draft Wastewater Management Plan and provide a Consistency Determination pursuant to N.J.A.C. 7:38-1.1.

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Where a municipality's Plan Conformance petition is approved for the full municipality, the Highlands Council will work directly with the municipality to develop the required Wastewater Management Plan that meets all requirements of both Plan Conformance and N.J.A.C. 7:15, and therefore will be fully compliant with N.J.A.C. 7:38-1.1 as well.

Ms. Swan then summarized the Staff Recommendation for Mount Olive Township's Petition for Plan Conformance that it be approved with the following conditions:

- Compliance with the Fair Housing Act (COAH Certification) - This condition requires updates on COAH proceedings and Council review of any proposed changes to the Fair Share Plan and Housing Element.
- Update/Development & Implementation of:
 - Water Use & Conservation Management Plan
 - Stormwater Management Plan (updates only)
 - Habitat Conservation & Management Plan
 - Highlands Redevelopment Area Planning Program
 - Land Preservation & Stewardship Program
 - Septic System Management/Maintenance Plan
 - Right to Farm Ordinance
 - Stream Corridor Protection & Restoration Plan

Ms. Swan reminded Council that all obligations for the work continued on Plan Performance are always conditional upon the availability of funding because the Highlands Act made it clear that municipalities would have that funding for the reasonable costs associated for Plan Conformance.

Ms. Swan then reported out on all previous Highland Protection Fund Grants for Mount Olive Township. The Fair Share Planning Grant for the development of a Housing Element and Fair Share Plan and Initial Assessment Grant are complete and final. Mount Olive Township is participating in a pilot project for the development of a Water Use and Conservation Management Plan, lead is Highlands Council.

Ms. Swan then reported the future Highlands Protection Fund Grants for Mount Olive Township:

- Highlands Implementation Plan and Schedule – Grant funding is proposed for the following:
 - Water Use and Conservation Management Plan for an additional subwatershed, with the Highlands Council serving as the lead for this project.
 - Highlands Redevelopment Area Planning will assist Mount Olive in identifying potential Highlands Redevelopment Areas, primarily affecting the developed portions of the Route 46 corridor. Additional Highlands Redevelopment Areas in the area of Goldmine Road, and on Route 206 in the area of Bartley Road will also be reviewed for potential future redevelopment and designation.

Ms. Swan stated that later on in the meeting, when Highlands Council considers the continued delegation of certain authority to the staff, it is proposed to include the process a municipality will have to go through regarding Highlands Redevelopment Areas only for conforming towns. She

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then showed a slide which represented a site near Route 46 with developed areas and an undeveloped area owned by the Jehovah Witnesses which is a potential future Highlands Redevelopment Area. Ms. Swan made note that the Jehovah Witness Church lot was subdivided prior to the Highlands Act and a well and investigative studies were completed (with permit) in June of 2003. The church received zoning board approval for variance in 2003, closed on the property in 2004 and is currently seeking relief from NJDEP through a waiver. Ms. Swan noted that staff will continue to work with Mount Olive on this and other potential Highlands Redevelopment Area designations. Mr. Alstede asked the location of the site. Mr. McGroarty responded to say it was just north of Route 46 on Sandhill Road.

Ms. Swan noted that currently Highlands Redevelopment Areas are brought back to the Council's attention for approval. Mr. Schrier stated that it seems like an extra step. Ms. Swan responded to say that Council will have an opportunity to decide the process later on in the meeting.

Ms. Swan continued to discuss the future Highlands Protection Fund Grants for Mount Olive Township:

- Stream Corridor Restoration Plan – will identify critical corridors, focused especially on the South Branch Raritan River and tributaries, and identify methods to protect, restore and enhance these corridors while also addressing potential mitigation opportunities. Funding will be made available to the Township upon approval of a scope of work.
- Habitat Conservation and Management Plan – will address habitat management needs in both the Preservation and Planning Areas. Funding will be made available to the Township upon approval of a scope of work.

Mr. Cogger made a motion to approve the Resolution for Mount Olive Township. Ms. Kovach seconded it.

Acting Chairman Schrier opened the public hearing on Mount Olive Township's Petition for public comment on the proposed Resolution and asked Mayor Scapicchio if he would like to be the first to provide a comment.

Public Comment

Mayor David M. Scapicchio – Mayor Scapicchio asked that his letter of January 13, 2011 sent to the Executive Director of Highlands Council be entered into the record. Mayor Scapicchio further stated that Mount Olive is excited and happy with the guidance, cooperation and participation they received from the Highlands Council staff and hope that the relationship continues. Mr. Scapicchio hopes that the Council adopts this Resolution this afternoon.

Elliot Ruga, New Jersey Highlands Coalition – Mr. Ruga thanked the Highlands Council staff for following up on their comments, but they have one remaining comment regarding the municipalities that are split in Preservation and Planning Areas, as is the case of Mount Olive petitioning in their Preservation Area only. Those municipalities, like Mount Olive, would be working directly with the County or NJDEP for their Waste Water Management Plan. Mr. Ruga stated that he would hope that that would not end the Highlands Council involvement with Mount Olive Waste Water Management Planning.

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Wilma Frey, New Jersey Conservation Foundation – Ms. Frey seconded what Mr. Ruga said and hopes Mount Olive’s Waster Water Management Plan will be consistent with RMP for the Preservation and Planning Areas. Ms. Frey also encourages Mount Olive Township to conform its Planning Area in the future.

Council Discussion

Mr. Alstede asked about the International Trade Zone regarding a little chunk of land that was left out of the Planning Area. Ms. Swan stated that this was a Preservation/Planning area line and Highlands Council had no authority to change.

Mayor Scapicchio stated that it was his Planning Coordinator, Catherine Natafalusy’s understanding that the portion of land is a county compost facility and boundary lines were changed and it remains in the Planning Area. Mr. McGroarty also confirmed that it is in the Planning Area and that the municipality did not seek a map adjustment but did get assistance from the Highlands Council on the Combe Fill North Landfill site. Ms. Swan stated that the landfill came in as a RMP Update request.

Mr. Alstede asked if Mount Olive Township had chosen to conform with the Planning Area would they have approved a recent project in the same way. Ms. Swan responded to say that it is a timing issue and referred Mr. Alstede’s question to Mr. Borden. Mr. Borden responded to say that there are many situations that pending applications get approved based on current zoning and it is a timing issue when those ordinances which have been deemed to be approved through a Petition for Plan Conformance are adopted in the Planning Area.

Ms. Swan reiterated that if they conformed and adopted the ordinance at that point the ordinance is in effect and then any proposed development would have to meet the ordinances that comply with the RMP.

Ms. Letts commended Mount Olive on their non-profit groups in Morris County for a terrific job they have done in preserving large tracts of land.

All members present voted on the Resolution by roll call. The Resolution was APPROVED 10-0.

At this time commemorative photos were taken as the Acting Chair presented a framed certificate regarding the approval of the Plan Conformance Petition to Mayor David M. Scapicchio.

Public Hearing and Consideration of Resolution– Petition for Plan Conformance by Borough of High Bridge, Hunterdon County

Ms. Swan acknowledged those in attendance at the hearing representing the Borough of High Bridge: Doug Walker, Borough Administrator; Darlene Jay, Borough Planner; and Chris Ross, Highlands Council Staff liaison.

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Ms. Swan commented that High Bridge is the first municipality to introduce and adopt an ordinance with a Petition for Plan Conformance for the Planning Area. Ms. Swan also congratulated High Bridge on a tract of land where they held a referendum to approve \$8.2 million in funding to preserve that property. High Bridge to date has received \$800,000 which came from Green Acres and \$1M for the County to assist with the project.

Ms. Swan then proceeded with the PowerPoint presentation of the Petition of The Borough of High Bridge for Plan Conformance and presented photographs of Borough of High Bridge so the Council could focus on the character of the community and consider the past planning and protection initiatives of Borough of High Bridge.

Ms. Swan presented background statistics and information for Borough of High Bridge.

- Established: 1898
- Population (2000): 3,766
- Land Area: 1,555 acres / 2.4 sq. mi.
- Preserved Lands: 599 acres
- Wetlands: 55 acres
- Total Forest: 661 acres
- Farmland: 26 acres

Ms. Swan then presented significant Highlands statistics as they pertain to Borough of High Bridge:

- Planning Area Lands: 1,555.4 acres – 100%
 - Existing Community Zone: - 1,226 acres - 79%
 - Protection Zone: 212 acres - 14% (Roads 7%)
 - Highlands Open Water Protection: 627 acres – 40%
 - Forest Resource Area: 883 acres – 42%
 - Conservation Priority Areas: 75 acres – 4.8%

High Bridge Borough Background Statistics – Land Use		
NJDEP Land Use/Land Cover (2007)	Plan	Percent
Residential (Single & Multi Family)	571.4	36.7%
Commercial (Retail)	40.1	2.6%
Industrial & Transportation & Utilities	59.2	3.8%
Agriculture (Crops & Plantations)	31.3	2.0%
Recreational Lands (Public & Private)	93.4	6.0%
Other Urban or Built-Up Land	39.3	2.5%
Subtotal Developed Lands	834.6	53.7%
Mixed Forest	551.7	35.5%
Shrub & Scrub	78.9	5.1%
Mixed Wetlands	54.7	3.5%
Barren Lands	3.7	0.2%
Surface Waters (Lakes, Ponds & Tributaries)	31.8	2.0%
Subtotal Natural Lands	720.8	46.3%
Total	1,555.4	100.0%

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Ms. Swan then showed a movie representing a ‘fly over’ of Borough of High Bridge. The movie offered an opportunity to focus on the character of the Borough. Ms. Swan showed ordinance maps of Borough of High Bridge and continued to provide an overview of the Petition of Plan Conformance and the administrative record for the Borough as follows:

12/24/09	Petition for Plan Conformance Submitted
7/7/10	Petition Deemed Administratively Complete
7/15/10	Petition Posted to Highlands Council Website
NA	Draft Consistency Report Sent to Municipality
12/17/10	Final Draft Report Posted to Highlands Council Website
1/5/11	End of Public Comment Period (Start 12/17/10)
1/14/11	Final Report Posted to Highlands Council Website
1/20/11	Highlands Council Public Hearing

With respect to Module 1 and 2, Ms. Swan explained that the Highlands Municipal Build-Out Report for Borough of High Bridge was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The Report is dated September 2009 and was posted to the Highlands Council website on September 30, 2009. The Staff RMP Consistency Finding is that Borough of High Bridge’s Highlands Municipal Build-Out Report is consistent with the RMP.

With respect to Module 3, Ms. Swan specified that the Staff RMP Consistency Finding is that Borough of High Bridge’s Fair Share Plan and Housing Element is consistent with the RMP. With respect to the Environmental Resource Inventory, Module 4, the Staff RMP Consistency Finding is the Borough of High Bridge’s Environmental Resource Inventory is consistent with the RMP. With respect to the Master Plan Highlands, Module 5, the Staff RMP Consistency Finding is the Borough of High Bridge’s Master Plan Highlands Element is consistent with the RMP. Ms. Swan also made note that the Borough also submitted a report which examined the feasibility of redevelopment of the “Exact Tool site” (Block 24, Lot 16). With respect to the Highlands Area Land Use Ordinance, Module 6, the Staff RMP Consistency Finding is the Borough of High Bridge’s Highlands Area Land Use Ordinance is consistent with the RMP.

With respect to the Municipal Petition for Plan Conformance, Module 7, Ms. Swan noted that it consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment Report, List of Current Planning Documents, and the Highlands Implementation Plan & Schedule. The Staff RMP Consistency Finding is that Borough of High Bridge’s Petition for Plan Conformance is consistent with the RMP.

Ms. Swan then presented a summary of the public comments received and summary of the responses given by the Highlands staff for Borough of High Bridge Petition for Plan Conformance. The public comment period for Borough of High Bridge’s Petition for Plan Conformance opened December 17, 2010, and closed January 5, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. Comments received from:

- Kevin Walsh, Esq. on behalf of the Fair Share Housing Center

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- Julia Somers, Executive Director on behalf of the New Jersey Highlands Coalition

Comment 1. The Fair Share Housing Center submitted comments objecting to reliance on the Highlands Build-out numbers for calculating the Borough's fair share obligation of affordable housing.

- **Summary of Response:** These comments specifically relate to matters that are pending before the Appellate Division in litigation filed by Fair Share Housing Center. The Petition should be approved conditioned upon achieving and retaining compliance with the Fair Housing Act. In addition, the response clarifies that the Build-out Report is based upon the Highlands Act and RMP Requirements.

Comment 2: The New Jersey Highlands Coalition supports the Highlands Council's approving the petition to conform to the RMP of the Borough of High Bridge. Following is a summary of additional specific comments (A detailed response has been provided, in the comment/response document.):

- Seeks to ensure that resource mapping is up to date and accurate in the maps to be approved by the Council.
- Supports the incorporation of LiDAR data into all Highlands mapping as appropriate.
- Supports the Borough of High Bridge seeking a Center Designation.
- Seeks to ensure that preserved farms are shown in the GIS mapping for High Bridge.
- **Summary of Responses:**
 - The Highlands Council has already updated the Steep Slopes mapping using LiDAR data. The results are shown in the Land Use Ordinance Exhibit showing steep slopes along Cregar Road and Beavers Street.
 - With respect to Water Quantity, Quality, Availability and Use, the Highlands Council has already utilized updated Modules 1 and 2 data and has incorporated these data into the new Ordinance Exhibit regarding utility service areas.
 - With respect to RMP Updates requests them for specific parcels related to Forest Resource Area and Agriculture Use, the Highlands Council is updating its regional mapping by utilizing the most recent NJDEP Land Use/Land Cover mapping. In one instance (where review of the most recent NJDEP Land Use/Land Cover mapping indicated that there was no forest on a parcel where previous mapping had shown mapping), the change was made to Land Use Ordinance Exhibit showing Total Forest.
 - The Highlands Council is very supportive of the Borough's interest in a Highlands Center designation and looks forward to working with the Borough toward its development and implementation.

Ms. Swan then summarized the Staff Recommendation for Borough of High Bridge's Petition for Plan Conformance that it be approved with the following conditions.

- Adoption of Completed Final Environmental Resource Inventory
- Adoption of Completed Master Plan Highlands Element
- Completion and Adoption of Highlands Land Use Ordinance

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- Adoption of Updated Zoning Map
- Wastewater Management Plan
- Compliance with Fair Housing Act (COAH Certification). This condition requires updates on COAH proceedings and Council review of any proposed changes to the Fair Share Plan and Housing Element.
- Update/Development & Implementation of:
 - Water Use & Conservation Management Plan
 - Stormwater Management Plan (updates only)
 - Habitat Conservation and Management Plan
 - Land Preservation & Stewardship Program
 - Septic System Management/Maintenance Plan
 - Right to Farm Ordinance
 - Sustainable Economic Development Plan
 - Stream Corridor Protection & Restoration Plan

Ms. Swan then reported the previous Highlands Protection Fund Grants for the Borough of High Bridge:

- Initial Assessment Grant is complete and finalized.
- Feasibility study for redevelopment of the Exact Tool site, as part of their Plan Conformance Grant is complete and approved.
- Development of a Sustainable Economic Development Plan has also been approved as part of the Plan Conformance Grant.
- Highlands Implementation Plan and Schedule – Grant funding is proposed for the following:
 - Water Use and Conservation Management Plan: The Highlands Council will serve as lead for a project to develop a plan for two HUC 14 subwatersheds: 1) South Branch of the Raritan/Spruce Run – Stone Mill gage; and 2) Spruce Run Reservoir/Willoughby Brook.
 - Continued redevelopment planning for the Exact Tool site in a Highlands Redevelopment Area Plan.

Ms. Kovach made a motion on the Resolution for the Borough of High Bridge. Ms. Carluccio seconded it.

Acting Chairman Schrier opened the public hearing on Borough of High Bridge's Petition for public comment on the proposed Resolution and asked if Administrator Walker wished to begin.

Public Comment

Doug Walker, High Bridge Borough Administrator – Mr. Walker thanked the Highlands Council for considering High Bridge's Petition today. He stated that land preservation and natural resource protection are very important to the Borough. Mr. Walker thanked Ms. Swan and her team for their great working relationship.

David Shope owns property in Lebanon Township - Mr. Shope asked to see the slide on High Bridge's Fair Share obligations before and after conformance. Ms. Swan stated that she did not have

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a slide that showed before and after. Mr. Shope asked what High Bridge needs to build. Ms. Swan went back to the slide and in response to Mr. Shope's questions on what High Bridge would have had to build if they did not conform Ms. Swan explained that it is not the issue before the Council but stated that the information is posted on the website. Mr. Shope continued to state that conforming to the Highlands is to keep new people out of municipalities.

Council Discussion

Ms. Kovach stated as a former High Bridge resident she is very happy that High Bridge is conforming to the RMP. She stated that the High Bridge Council has always worked diligently to protect natural resources.

Mr. Alstede commented about the various boroughs that the Highlands Council has approved to date for Plan Conformance. Similar to High Bridge conforming in the Planning Area was Lebanon Borough. Mr. Alstede asked that by High Bridge opting in they will have the shield for all the environmental protections that would exist in the Preservation Area which also means that it becomes less available for potential growth. Mr. Alstede further asked is it a good regional planning decision and if everyone conforms in the Planning Area then where does the growth go or where does it come from.

Ms. Swan responded that Highlands Council does take potential growth into consideration and that the Council through the RMP does not mandate growth but encourages it. Through the build-out analysis, the Plan Conformance process identifies where capacity exists and then the Council works with the municipality. The planning work is to maximize the opportunities for growth. Mr. Alstede asked how does the approval process differ if they opt in or not and meets all municipal standards. Ms. Swan stated that the overlay zones in the municipality will govern what will happen in the future and ability to develop is capped at the infrastructure capacity. Mr. Alstede also asked can a town who opts in still identify receiving areas for TDRs. Ms. Swan responded to say that the Highlands Council encourages a municipality who has the capacity to do so. Mr. Alstede further stated that Council is mandated by the Act to identify 4% of growth areas inside a Planning Area for TDR receiving areas. Mr. Borden responded that this requirement of the Highlands Act was met in the RMP which identified potential TDR receiving areas and that the Highlands Council continues to do examine TDR receiving areas this through the Plan Conformance process.

Mr. Alstede concluded then that Highlands Council cannot determine where center designations must be located. Ms. Swan concurred that the RMP does not mandate center designation but added that Highlands Council does encourage appropriate patterns of growth. Mr. Alstede then asked if there are financial resources a municipality may seek for a center designation and if Council approves that it is an appropriate area for growth, if they have conformed. Ms. Swan responded to say yes there are dollars to assist the municipality for planning. Ms. Swan added however that Highlands Council cannot dictate that they do this type of planning if Council does not have the funding to support it. Ms. Swan further mentioned there are State planning incentives to support the municipalities as well and Ms. Swan has spoken to various legislators to inform them that municipalities are taking actions for growth and will need the support of the grant funding. Ms. Swan emphasized that towns are now choosing to conform for their Planning Area in order to do center planning and that is what has led them to consider conformance.

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Ms. Letts asked if a town decides that they want a development in a Protection Zone can the Council give a variance. Ms. Swan responded that the Highlands Center designated in Byram was exactly that where the Highlands Council approved a center which includes an area that was designated Protection zone and had forest lands. The decision for center designation was based upon the unique resources and facts of the municipality.

Mr. Francis added that any RMP has good points and bad points. It is the responsibility of the governing body to determine what the municipality will do. He emphasized the voluntary nature of the Planning Area.

All members present voted on the Resolution by roll call. The Resolution was APPROVED 10-0.

At this time commemorative photos were taken as the Acting Chairman Schrier presented a framed certificate regarding the approval of the Plan Conformance Petition to Borough Administrator Doug Walker.

Public Hearing and Consideration of Resolution– Petition for Plan Conformance by the Town of Clinton, Hunterdon County

Ms. Kovach recused herself from the Town of Clinton Public Hearing at 2:40pm as she was appointed to the Highlands Council as a municipal official in her capacity as a Council member for the Town of Clinton.

Ms. Swan acknowledged those in attendance at the hearing representing the Town of Clinton: Mayor Christine Schaumburg; James Naples, Administrator; Carl Hintz, Planner; and Chris Ross, Highlands Council Staff liaison.

Ms. Swan then proceeded with PowerPoint presentation of the Petition of Town of Clinton for Plan Conformance and presented photographs so the Council could focus on the historical beauty of the community and the past planning and protection initiatives of the Town of Clinton. Ms. Swan presented background statistics and information for the Town of Clinton.

- Incorporated: 1865
- Population (2009): 2,567
- Land Area: 917 acres/1.44 sq. mi.
- Preserved Lands: 256 acres
- Wetlands: 72 acres
- Total Forest: 185 acres
- Farmland: 120 acres

Ms. Swan presented significant Highlands statistics as they pertain to the Town of Clinton:

- Preservation Area Lands: 141 acres – 15%
- Planning Area Lands: 776 acres – 85%
 - Existing Community Zone – 605 acres – 66%

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- o Protection Zone – 195 acres – 21% (Roads 13%)
- o Highlands Open Water Protection – 458 acres – 50%
- o Conservation Priority Areas – 2 acres – 0.3%

Town of Clinton Background Statistics – Land Use			
NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	327.7	0.2	35.7%
Commercial (Retail)	84.8	0.1	9.3%
Industrial & Transportation & Utilities	34.5	8.4	4.7%
Agriculture (Crops & Plantations)	93.1	26.7	13.1%
Recreational Lands (Public & Private)	12.4	1.3	1.5%
Other Urban or Built-Up Land	33.1	21.4	5.9%
Subtotal Developed Lands	585.6	58.1	70.2%
Mixed Forest	72.3	38.4	12.1%
Shrub & Scrub	6.9	12.7	2.1%
Mixed Wetlands	66.9	5.5	7.9%
Barren Lands	9.8	0.0	1.1%
Surface Waters (Lakes, Ponds & Tributaries)	34.9	26.2	6.7%
Subtotal Natural Lands	190.8	82.9	29.8%
Total	776.4	141.0	100.0%

Ms. Swan then showed a movie representing a ‘fly over’ of the Town of Clinton. The movie offered an opportunity to focus on the landscape of the Town including its major infrastructure, historical buildings and natural resources. Ms. Swan showed ordinance maps for the Town of Clinton and continued to provide an overview of the Petition of Plan Conformance and the administrative record for the Town as follows:

- 12/7/09 Petition for Plan Conformance Submitted
- 3/16/10 Petition Deemed Administratively Complete
- 3/24/10 Petition Posted to Highlands Council Website
- 8/11/10 Draft Consistency Report Sent to Municipality
- 12/17/10 Final Draft Report Posted to Highlands Council Website
- 1/5/11 End of Public Comment Period (Start 12/17/10)
- 1/13/11 Final Report Posted to Highlands Council Website
- 1/20/11 Highlands Council Public Hearing

Acting Chairman Schrier left the meeting at 2:52PM

Ms. Swan noted that the Town of Clinton had completed the required Module Submittals. With respect to Module 1 & 2, the report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities. The Highlands Municipal Build-Out Report for the Town of Clinton was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The Report is dated June 2009 and was posted to the Highlands Council website on July 15, 2009. The Staff RMP Consistency

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Finding is that the Town of Clinton's Highlands Municipal Build-Out Report is consistent with the RMP.

With respect to Module 3, the Staff RMP Consistency Finding is that the Town of Clinton's Fair Share Plan and Housing Element are consistent with the RMP. With respect to the Environmental Resource Inventory, Module 4, the Staff RMP Consistency Finding is the Town of Clinton's Environmental Resource Inventory is consistent with the RMP. With respect to the Master Plan Highlands, Module 5, Ms. Swan noted that the Staff RMP Consistency Finding is that the Town of Clinton's Master Plan Highlands Element is consistent with the RMP. With respect to Module 6, the Staff RMP Consistency Finding is that the Town of Clinton's Highlands Area Land Use Ordinance is consistent with the RMP.

Lastly, with respect to the Municipal Petition for Plan Conformance, Module 7, Ms. Swan noted that it consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment Report, List of Current Planning Documents, and the Highlands Implementation Plan & Schedule. The Staff RMP Consistency Finding is that the Town of Clinton's Petition for Plan Conformance is consistent with the RMP.

Ms. Swan then presented a summary of the public comments received and a summary of the responses given by Highlands staff for the Town of Clinton's Petition for Plan Conformance. The public comment period for Town of Clinton's Petition for Plan Conformance opened December 17, 2010, and closed January 5, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. Comments received from:

- Kevin Walsh, Esq. on behalf of the Fair Share Housing Center (addressed under Bethlehem Township)
- Julia Somers, Executive Director on behalf of the New Jersey Highlands Coalition

Comment 1. The Fair Share Housing Center submitted comments objecting to reliance on the Highlands Build-out numbers for calculating the Town's fair share obligation of affordable housing.

- **Summary of Response:** These comments specifically relate to matters that are pending before the Appellate Division in litigation filed by Fair Share Housing Center. The Petition should be approved conditioned upon achieving and retaining compliance with the Fair Housing Act. In addition, the response clarifies that the Build-out Report is based upon the Highlands Act and RMP Requirements.

Comment 2: The New Jersey Highlands Coalition supports the Highlands Council's approving the petition to conform to the RMP of the Town of Clinton. Following is a summary of additional specific comments (A detailed response has been provided, in the comment/response document.):

1. Encourages the town to adopt the optional Historic, Cultural & Archaeological Resources ordinance.
 2. Supports the Town of Clinton pursuing a Center Designation, but would like to see more information.
 3. Supports the development and application of a Water Use & Conservation Management Plan, but believes that more information is necessary on the phasing, timing and funding for such a Plan, as well as goals and deliverables.
- **Summary of Responses:**

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1. The Highlands Council encourages all municipalities to adopt a Historic, Cultural & Archaeological Resources ordinance. The Council will continue to encourage the Town of Clinton to adopt a Historic, Cultural & Archaeological Resources ordinance as we work together on future Plan Conformance planning including the center designation proposal. The Town of Clinton has done a terrific job of historic protection in the past and may choose to do this element at a future date.
2. The Highlands Council encourages the Town to pursue a Highlands Center designation. Such a designation will require detailed planning analysis and will be subject to Highlands Council approval subsequent to public review and comment.
3. As with the Highlands Council's current pilot projects for the development of Water Use and Conservation Management Plans in various project areas around the Highlands Region, additional plans, such as the one identified for Clinton, will be based on the Goals, Policies and Objectives (Chapter 4) and "Highlands Restoration: Water Deficits" Program (Chapter 5) within the Regional Master Plan. Development of such plans is coordinated with the relevant municipalities and professionals, major water users, and the NJ Department of Environmental Protection.

Ms. Swan then summarized the Staff Recommendation for the Town of Clinton's Petition for Plan Conformance that it be approved with the following conditions:

- Adoption of Ordinance Petitioning for Planning Area
- Adoption of Completed Final Environmental Resource Inventory
- Adoption of Completed Master Plan Highlands Element
- Completion and Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan
- Compliance with Fair Housing Act (COAH Certification). This condition requires updates on COAH proceedings and Council review of any proposed changes to the Fair Share Plan and Housing Element.
- Update/Development & Implementation of:
 - Water Use & Conservation Management Plan
 - Stormwater Management Plan (updates only)
 - Habitat Conservation and Management Plan
 - Land Preservation & Stewardship Program
 - Septic System Management/Maintenance Plan
 - Right to Farm Ordinance
 - Sustainable Economic Development Plan
 - Stream Corridor Protection & Restoration Plan

Ms. Swan noted the previous Highlands Protection Fund Grants for the Town of Clinton. Ms. Swan added that the Town of Clinton went ahead of other municipalities with what they have done regarding grants:

- Fair Share Planning Grant for the development of a Housing Element and Fair Share Plan is complete and final.
- Initial Assessment Grant is complete and finalized.

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- Municipal Partnership Planning Pilot (MP3) Grant for development of a water management plan, which is being used as the foundation (Phase 1) for the Water Use and Conservation Management Plans for which funding is allocated under Plan Conformance approval. Complete and approved.
- Transfer of Development Rights Feasibility Study: Complete report has been submitted.
- Highlands Implementation Plan and Schedule – Grant funding is proposed for the following:
 - Water Use and Conservation Management Plan for nine HUC14 subwatersheds, based on prior work by the Town of Clinton under its MP3 grant.
 - Stream Corridor Restoration Plan to address local issues regarding development impacts to stream corridors and planning for restoration and mitigation projects, particularly for tributaries of the South Branch Raritan River, including Beaver Brook which has extensive flooding history. Funding will be made available to the Town upon approval of a scope of work.
- Highlands Center Designation

Acting Chairman Schrier returned to the meeting at 3:00pm

Ms. Carluccio made a motion on the Resolution for the Town of Clinton. Mr. Holtaway seconded it.

Acting Chairman Schrier opened the public hearing on Town of Clinton's Petition for public comment on the proposed Resolution and asked if Mayor Schaumburg wished to start.

Public Comment

Mayor Christine Schaumburg – Mayor Schaumburg thanked the Council Members for having her town here today. Mayor Schaumburg stated that on behalf of the Town of Clinton's Planning Board and Council Members unanimously are very eager to be here for Plan Conformance. Mayor Schaumburg also expressed to Council that the Highlands staff is capable, and that is an understatement, and Clinton Town appreciates the availability of staff's resources to assist the Town of Clinton (planning board, council members, and professionals) with this process. Mayor Schaumburg concluded that Plan Conformance is a benefit not only to the Town of Clinton, but the surrounding municipalities who utilize their water and sewer capacity.

Helen Heinrich, New Jersey Farm Bureau – Ms. Heinrich asked if it is possible to get more information on the feasibility study for TDR. Ms. Heinrich also commented on her concern with what Mr. Alstede stated in that it seems like if a town wants to freeze land use in their Planning Area than conforming is a good way to do it, in particular with waste water management and new technologies. Ms. Heinrich asked if the TDR Report is posted. Ms. Swan responded that staff is currently reviewing it, once it is done, the municipality will be alerted and would be available to the public.

David Shope, owns property in Lebanon Township - Mr. Shope recalls a TDR study which could not be done. He stated that it would be helpful to know what has been spent on Clinton's TDR and serves to keep the professionals busy. He was amused by the well head protection of the Town of Clinton and that hoses could be thrown into the Spruce Run Reservoir but that the water is

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for other parts of the State. Mr. Shope stated that Highlands region is no more than a colony for the eastern part of this State.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey commented that Clinton is the town center to many Highlands towns and thinks it is great that they are conforming. Mr. Frey encourages Clinton Town to move forward with their Historic, Cultural and Archaeological Resources ordinance, as well as to possibly consider the Scenic Byway ordinance. Ms. Frey also noted that she heard there was salt in a major wellhead and that could limit gross potential and add some constraints should they decide to be a center.

Mr. Francis left the meeting at 3:05pm.

Mr. Francis returned to the meeting at 3:07pm

Council Discussion

There was no Council discussion.

All members present voted on the Resolution by roll call. The Resolution was APPROVED 9-0.

At this time commemorative photos were taken as the Acting Chairman Schrier presented a framed certificate regarding the approval of the Plan Conformance Petition to Mayor Christine Schaumburg. *Ms. Kovach returned to the meeting at 3:10pm.*

Public Hearing and Consideration of Resolution– Petition for Plan Conformance by Denville Township, Morris County

Ms. Swan reported that no municipal officials from Denville Township were present.

Ms. Swan then proceeded with PowerPoint presentation of the Petition of Denville Township for Plan Conformance for the Preservation Area and presented photographs of Denville Township so the Council could focus on the character of the community and the past planning and protection initiatives of Denville Township. Ms. Swan presented background statistics and information for Denville Township.

- Incorporated: 1913
- Population (2000): 15,824
- Land Area: 8,151 acres/12.75 sq. mi.
- Preserved Lands: 1,591 acres
- Wetlands: 681 acres
- Farmland: 148 acres
- Forest: 3,704 acres

Ms. Swan also presented significant Highlands statistics as they pertain to the Denville Township:

- Preservation Area Lands: 7 acres – 0.1%
- Planning Area Lands: 8,144 acres – 99.9%
 - Existing Community Zone – 6,015 acres – 74%

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- o Protection Zone – 1,417 acres – 17% (Roads 9%)
- o Highlands Open Water Protection – 4,068 acres – 50%
- o Forest Resource Area – 3,113 acres – 38%
- o Conservation Priority Areas – 591 acres – 7%

Denville Township Background Statistics – Land Use			
NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	2,700.7	0.0	33.1%
Commercial (Retail)	362.2	0.0	4.4%
Industrial & Transportation & Utilities	365.2	0.0	4.5%
Agriculture (Crops & Plantations)	151.5	0.0	1.9%
Recreational Lands (Public & Private)	261.0	0.0	3.2%
Extractive Mining	4.6	0.0	0.1%
Other Urban or Built-Up Land	176.2	0.0	2.2%
Subtotal Developed Lands	4,021.4	0.0	49.3%
Mixed Forest	2,911.3	0.0	35.7%
Shrub & Scrub	42.6	0.0	0.5%
Mixed Wetlands	669.9	0.2	8.2%
Barren Lands	50.4	0.0	0.6%
Surface Waters (Lakes, Ponds & Tributaries)	448.7	6.9	5.6%
Subtotal Natural Lands	4,123.0	7.1	50.7%
Total	8,144.4	7.1	100.0%

Ms. Swan then showed an overview of the Petition of Plan Conformance and the administrative record for Denville Township as follows:

- 12/8/09 Petition for Plan Conformance Submitted
- 10/15/10 Petition Deemed Administratively Complete
- 10/19/10 Petition Posted to Highlands Council Website
- NA Draft Consistency Report Sent to Municipality
- 12/17/10 Final Draft Report Posted to Highlands Council Website
- 1/5/11 End of Public Comment Period (Start 12/17/10)
- 1/13/11 Final Report Posted to Highlands Council Website
- 1/20/11 Highlands Council Public Hearing

Ms. Swan noted that Denville Township had completed the required Module Submittals. With respect to Module 1 & 2, the report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities. The Highlands Municipal Build-Out Report for Denville Township was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The Report is dated September 2009 and was posted to the Highlands Council website on September 30, 2009. The Staff RMP Consistency Finding is that Denville Township’s Highlands Municipal Build-Out Report is consistent with the RMP. With respect to Module 3, the Staff RMP Consistency Finding is that Denville Township’s Fair Share Plan and Housing Element is consistent with the RMP.

Waivers were granted for Modules 4, 5, 6 and 7 due to the unique circumstances of Denville Township’s Petition for Plan Conformance for the 7 acres in the Preservation Area. The entirety of the Preservation Area in Denville Township is located between the center-line and the eastern banks

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and buffers of Beaver Brook, a Category One stream. The Preservation Area consists entirely of Highlands Open Waters or associated buffers that are regulated by the New Jersey Department of Environmental Protection under the Highlands Act, the Freshwater Wetlands Protection Act, and the Flood Hazard Area Control Act. The Highlands Council will continue to work with Denville Township through the Plan Conformance process. At any time the Township may reconsider and petition for the Planning Area portion of the Township.

Ms. Swan added that the public comment period for Denville Township's Petition for Plan Conformance opened December 17, 2010, and closed January 5, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. No Comments were received. Ms. Swan then reported that Previous Highlands Protection Fund Grants by Denville Township are:

- Fair Share Planning Grant for the development of a Housing Element and Fair Share Plan is complete and final.
- Initial Assessment Grant is complete and final.

Proposed Conditions for Denville Township:

- Compliance with Fair Housing Act (COAH Certification). This condition requires updates on COAH proceedings and Council review of any proposed changes to the Fair Share Plan and Housing Element.
- Adoption of Highlands Preservation Area Checklist Ordinance.

Ms. Swan noted that Mayor Hussa is a great supporter of the RMP and wanted to recognize him and work with him in the future.

Ms. Carluccio made a motion on the Resolution for Denville Township. Ms. Kovach seconded it.

Acting Chairman Schrier opened the public hearing on Denville Township's Petition for public comment on the proposed Resolution.

Public Comment

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey was sorry to see that Denville did not choose to conform entirely to the RMP, as some of the original organizations that supported and worked for the protection of the Highlands came from Denville. Ms. Frey continued that Denville Township is a sensitive area and would deserve to benefit from entire Plan Conformance of their municipality and hopes they will do so in the future.

Ms. Swan acknowledged James Humphries as the Highlands Staff liaison for Denville Township.

Council Discussion

There was no Council discussion.

All members present voted on the Resolution by roll call. The Resolution was APPROVED 10-0.

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Public Hearing and Consideration of Resolution– Petition for Plan Conformance by Green Township, Sussex County

Ms. Swan reported that Green Township came in from the beginning for Preservation Area only and acknowledged Dr. Dan Van Abs as the Highlands staff liaison for Green Township.

Ms. Swan then proceeded with PowerPoint presentation of the Petition of Green Township for Plan Conformance and presented photographs of Green Township so the Council could focus on the character of the community and the past planning and protection initiatives of Green Township.

Ms. Swan presented background statistics and information for Green Township.

- Incorporated: 1824
- Population (2000): 3,220
- Land Area: 10,429 acres/16.3 sq. mi.
- Preserved Lands: 2,171 acres
- Wetlands: 1,190 acres
- Farmland: 2,768 acres
- Forest: 5,315 acres

Ms. Swan presented significant Highlands statistics as they pertain to the Green Township:

- Preservation Area Lands: 260 acres – 2.7%
- Planning Area Lands: 10,169 acres – 97.5%
 - Existing Community Zone – 601 acres – 6%
 - Conservation Zone – 5,412 acres – 52%
 - Protection Zone – 4,100 acres – 39% (Roads 3%)
 - Highlands Open Water Protection – 4,895 acres – 47%
 - Forest Resource Area – 7,817 acres – 75%
 - Conservation Priority Areas – 2,559 acres – 25%
 - Agricultural Priority Area – 3,907 acres – 38%

Green Township Background Statistics – Land Use			
NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	1,559.7	1.9	15.0%
Commercial (Retail)	32.8	0.0	0.3%
Industrial & Transportation & Utilities	88.2	0.1	0.8%
Agriculture (Crops & Plantations)	2,551.7	59.3	25.1%
Recreational Lands (Public & Private)	62.4	0.0	0.6%
Extractive Mining	6.5	0.0	0.1%
Other Urban or Built-Up Land	153.3	0.0	1.5%
Subtotal Developed Lands	4,454.7	61.3	43.4%
Mixed Forest	3,848.7	176.5	38.6%
Shrub & Scrub	434.5	1.4	4.2%
Mixed Wetlands	1,165.4	21.2	11.4%
Barren Lands	38.6	0.0	0.4%
Surface Waters (Lakes, Ponds & Tributaries)	212.6	0.0	2.0%

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Subtotal Natural Lands	5,699.7	199.1	56.6%
Total	10,154.4	260.4	100.0%

Ms. Swan provided an overview of the Petition of Plan Conformance and the administrative record for Green Township as follows:

12/8/09	Petition for Plan Conformance Submitted
1/22/10	Petition Deemed Administratively Complete
2/1/10	Petition Posted to Highlands Council Website
NA	Draft Consistency Report Sent to Municipality
12/17/10	Final Draft Report Posted to Highlands Council Website
1/5/11	End of Public Comment Period (Start 12/17/10)
1/13/11	Final Report Posted to Highlands Council Website
1/20/11	Highlands Council Public Hearing

Ms. Swan noted that Green Township had completed the required Module Submittals. With respect to Module 1 & 2, the report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities. The Highlands Municipal Build-Out Report for Green Township was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The Report is dated September 2009 and was posted to the Highlands Council website on September 30, 2009. The Staff RMP Consistency Finding is that Green Township's Highlands Municipal Build-Out Report is consistent with the RMP. With respect to Module 3, the Staff RMP Consistency Finding is that Green Township's Fair Share Plan and Housing Element is consistent with the RMP.

Waivers were granted for Modules 4, 5, 6 and 7 due to the unique circumstances of Green Township's Petition for Plan Conformance for the 260 acres in the Preservation Area all of which is owned by the State of New Jersey. The Highlands Council will continue to work with Green Township through the Plan Conformance process. At any time the township may reconsider and petition for the Planning Area portion of the township.

Ms. Swan stated the public comment period for Green Township's Petition for Plan Conformance opened December 17, 2010, and closed January 5, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. No Comments were received. Previous Highlands Protection Fund Grants for Green Township consist of Fair Share Planning grant for the development of a Housing Element and Fair Share Plan is complete and final.

Staff Recommendation for Green Township is to approve without conditions.

Acting Chair Schrier stated that this is unique in that there are no conditions. Ms. Swan responded that Highlands Council has an ongoing relationship with the municipality and any changes may be required to come back to Council. Ms. Swan noted that Green Township will be required to continue to be in conformance with the RMP and that future grant funding can be provided to ensure continued compliance.

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Mr. Holtaway made a motion on the Resolution for Green Township. Ms. Letts seconded it.

Acting Chairman Schrier opened the public hearing on Green Township's Petition for public comment on the proposed Resolution.

Public Comment

There were no public comments

Acting Chairman Schrier asked if Council has stipulated the amount of the grants for particular purposes with limitations. Ms. Swan responded that all of the grant awards to date have been part of Council's Plan Conformance approvals.

Ms. Letts stated that she appreciated all the grant information included with these Petitions and the breakdown of all the grants. She commended the work staff has done.

Council Discussion

There was no Council discussion.

All members present voted on the Resolution by roll call. The Resolution was APPROVED 10-0.

Consideration of Resolution– Approval of the Fiscal Year 2011 Highlands Protection Fund Budget

Ms. Kovach made a motion on the Resolution. Mr. Richko seconded it.

Ms. Swan reported that the Governor's Office had requested that the Highlands Council adopt a Highlands Protection Fund Budget. She noted that prior grant resolutions have always been approved by the Highlands Council and welcomed the requested approach to adopt a budget to better plan upcoming Plan Conformance grants. She noted that she coordinated the proposed budget with the Department of Treasury and that the Budget and Finance Committee members have reviewed the budget. Ms. Swan also noted that the Council has the latest figures before them today in their packets. Ms. Swan also clarified that Council only needs to vote on a FY2011 budget. Information provided on the FY12 budget was informational only. Mr. Cogger added that the forecast is subject to change and is highly confidential and privileged. Mr. Cogger also wanted to mention as advised by Mr. Borden that even though the Council is approving this forecast of potential grants to municipalities and counties, the Council is not taking action on individual grants but a complete grants budget for the entire Highlands Region much like the adoption of the RMP.

Ms. Swan continued with a PowerPoint presentation and first gave an update on the grant funding program. The following are the average amount request for reimbursement by municipalities that are participating in Plan Conformance grant activities. On average, reimbursement request to date are within the base amounts established by the Highlands Council.

<u>Towns</u>	<u>Base Amount</u>	<u>Average</u>	<u>Number</u>
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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF JANUARY 20, 2011

Module 1	\$15,000	\$13,588	71
Module 2	\$10,000	\$ 6,570	68
Module 3	\$ 7,500	\$13,168	53
Module 4	\$ 2,000	\$ 3,199	58
Module 5	\$ 2,500	\$ 6,065	49
Module 6	\$ 5,000	\$ 4,345	48
Module 7	<u>\$ 8,000</u>	<u>\$ 6,623</u>	43
Total	\$50,000	\$53,558	

Ms. Swan reported that since 2004, the Highlands Protection Fund has included State appropriations of \$4.4 million per year in the following accounts:

- Incentive Planning Aid - \$2,650,000
- Regional Master Plan Compliance Aid - \$1,750,000

Ms. Swan further stated that these appropriations were utilized to fund Plan Conformance grant programs between FY2005 and FY2010. As of the close of FY2010, a total of \$11,376,838 was encumbered for Highlands municipalities and counties. Of this, the Highlands Council has reimbursed a total of \$3,404,898.33 to date for those encumbrances. This leaves a balance of unexpended yet encumbered grant funds totaling \$7,971,939.67. FY2011 State appropriations included \$.4 million; however \$2,217.648 was transferred to Watershed Moratorium Aid. This left a balance of Highlands Protection Fund allocations for FY2011 totaling \$2,182,352.

For the FY2011 budget, the projections include FY2011 Municipal Plan Conformance grants of \$2,214,500 in projected encumbrances and County Plan Conformance grants of \$164,500 in projected encumbrances. These projected FY2011 Allocations are based upon 25 Municipal Petitions and two County Petitions.

Ms. Swan then reported that funding in the budget will address:

- Completion and Adoption of Plan Conformance Modules
- Natural Resource Management Plans
 - Water Use & Conservation Management Planning
 - Habitat Conservation Management Planning
 - Stream & Lake Protection Planning
- Wastewater Management Planning
- Sustainable Economic Development Planning
- Redevelopment/Center Designation Planning
- Agritourism, Agricultural Retention & Farm Preservation Planning
- Green Building/ Env. Sustainability/Alt. Energy Planning
- County Facilities and Infrastructure Planning & Conservation Easement Inventory

Mr. Swan further explained each type of planning initiative and the basis for the range of grant funding:

- Water Use & Conservation Management Plans to prevent, reduce or eliminate deficits in Net Water Availability. Priority is placed on HUC14 subwatersheds with significant but not

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF JANUARY 20, 2011

severe deficits, for which management plans are most likely to achieve significant reductions. Range of Costs: \$40,000 per HUC14 subwatershed, assuming Highlands Council lead on projects to achieve scale economies. The exception is for the Town of Clinton, where nine HUC14 subwatersheds will be addressed for \$110,000, based on prior planning work.

- Habitat Conservation & Management Plans to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects. Based on the total number of acres of critical habitat for entire municipality and the general risk of fragmentation based on the percentage of preserved lands. Range of Costs: \$5,000 to \$40,000 per municipality.
- Redevelopment Plan/ Center Designations for petitions to the Highlands Council for the designation of Highlands Redevelopment Areas and Highlands Centers that will significantly increase economic potential. Range of Costs: \$3,000 to \$20,000 per municipality, generally, with specific allocations up to \$53,000 to address complex Highlands Center Designations (e.g., Byram Township)
- Sustainable Economic Development Plans to improve the economic viability of municipalities with significant economic assets or development centers with limited growth capacity. Priority placed on municipalities with significant areas of dense development, for which continued economic vitality will provide major benefits for community character, municipal finances and business viability. Range of Costs: \$10,000 to \$21,000 per municipality
- Agricultural Retention Plans to develop approaches that will enhance the viability of agriculture as a business, and increase the profitability of agricultural enterprises while maintaining community character and protecting environmental resources. Allocation based on the total number of acres in active agriculture, per municipality (Preservation and Planning Areas, regardless of conformance status). Range of Costs: \$5,000 to \$20,000 per municipality.
- Stream Corridor Restoration/Protection Plans & Lake Management Plans to protect or restore streams and lakes and to mitigate the impacts of future land uses on such water resources. Based on linear miles of streams and number of Highlands lakes. Priority for streams in Existing Community Zones. For lakes, emphasis is placed on lakes that are not reservoirs (managed by major water purveyors) or that do not have advanced management plans. Range of Costs: \$5,000 to \$60,000 per municipality.

Ms. Swan thanked the Highlands Council staff: Tom Borden, Dan Van Abs, Chris Ross, Keri Bencoter and Herb August for their extremely detailed work on the grant budget. Mr. Schrier asked whether the Council should revisit the funding for certain projects. Ms. Swan responded that Council staff has been very cautious and have worked very closely with the municipality to manage these funds.

Public Comment

There was no public comment.

Council Discussion

There was no Council discussion.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF JANUARY 20, 2011

All members present voted on the Resolution by roll call. The Resolution was APPROVED 10-0.

Consideration of Resolution– Authority for Highlands Plan Conformance and Highlands Project Review

Acting Chairman Schrier asked for a review of the Resolution before Council. Ms. Swan responded to say this is the delegation authority to give certain authorities to Council staff to continue to work. Council asked that we reconsider this Resolution in six months and that the time is now here.

Acting Chairman Schrier asked if the language was changed. Ms. Swan then presented the following for the Resolution:

- The Highlands Council periodically reviews the delegation of authority for Plan Conformance and Highlands Project Review decisions.
- The Resolution for this delegation proposes to retain the prior delegation with one suggested amendment. This amendment proposes to delegate authority for Highlands Redevelopment Area Designations for those lands where the Highlands Council has approved that municipality's Petition for Plan Conformance. Staff would provide for a public comment period before approving any designation and provide that notice to Council members. Page 3, Item 3.
 - "For Highlands Redevelopment Area Determinations, designate areas appropriate for redevelopment for those lands where a municipality has received approval of their Petition for Plan Conformance from the Highlands Council."

Ms. Kovach made a motion on the Resolution. Mr. Cogger seconded the motion.

Ms. Carluccio made a motion to amend the Resolution to remove Item 3 on Page 3.

Ms. Carluccio objected to having the staff designate Highlands Redevelopment Areas and felt the Council should have a discussion about the various details of redevelopments.

Mr. Alstede seconded Ms. Carluccio's amendment to the Resolution to remove Item #3 on Page 3.

Acting Chairman Schrier asked how Ms. Swan felt about the amendment. Ms. Swan responded to say she respected whatever the Council decides. Acting Chairman Schrier then opened the meeting to Council discussion.

Council members gave their opinions regarding the removal of #3 from the Resolution. Mr. Richko commented Council should leave as is. Mr. Holtaway thought it should be removed. Mr. Francis trusted the staff to make the delegation. Ms. Kovach agreed with Mr. Francis however felt making a decision for a Council that is not here yet is somewhat uncomfortable. Mr. Cogger commented that he also trusted the staff but because of the every changing environment it may be best to remove it. Ms. Letts commented that Council may have to retain some type of voice in redevelopment areas. Mr. Visioli commented that he has confidence in staff and would support keeping #3 for the sake of expediency and there is still going to be a public comment period. Mr. Alstede reiterated that the

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF JANUARY 20, 2011

Legislature was deliberate to make up a Highlands Council to represent many interests. Mr. Alstede commented that a Council was formed to make decisions and have a staff to assist the Council and believes this should remain in front of us.

All members present voted on the Motion to Amend the Resolution (to delete #3) by roll call. The Motion was APPROVED 8-2

Public Comment

Elliot Ruga, New Jersey Highlands Coalition – Mr. Ruga commented that it is a tricky motion and that he supported the resolution without the redevelopment Item #3.

Helen Heinrich, New Jersey Farmers Bureau – Ms. Heinrich stated that this is a tricky resolution and she is still confused with #6. Ms. Heinrich commented that Council should table it or vote it down as this point.

Ms. Schrier responded that new makeup of new Highlands Council members may indeed change any decision we make today.

David Shope, owns property in Lebanon Township – Mr. Shope opposes this resolution entirely. Mr. Shope states that too much power is given to staff. Need to protect interest of land owners and take power back.

Council Discussion

There were numerous discussions back and forth with the Council members regarding delegating authority to Executive Director. Mr. Alstede commented that the actions should be made by the Council. Other members proposed that status reports be provided to Council. Ms. Swan noted that she reports out all these decisions currently. Mr. Borden added in response to a question that under New Jersey administrative law agencies do have the authority to reconsider decisions made. Mr. Cogger mentioned that Council needs to trust the competency of staff. Ms. Carluccio commented that she does have confidence in the staff and supports the Resolution as amended. Mr. Richko asked if anything would change if the Resolution is approved as amended. Ms. Swan responded to say that nothing would change.

All members present voted on the Resolution, as amended, by roll call. The Resolution was APPROVED 9-1.

Ms. Swan reported that the Highlands does try to always have the most accurate information and our GIS Unit received new updated acreage information for the Preservation and Planning Area. This Addendum A to the Regional Master Plan has been included in Council member packets and will be posted on the website.

Ms. Kovach reported that she wanted to thank the staff because it may potentially be her last meeting, given the fact that nominations have been made. Ms. Kovach wanted to take this opportunity to say thank you to the Council and described how she enjoyed working with everyone. She reminisced about the early days of the Council and the relationship they developed to tackle difficult issues in a civil and respectful manner.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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Acting Chairman Schrier reported that Council members also received in their packet the 2011 schedule for the Highlands Council and Highlands Development Credit Bank meetings.

Public Comments

Monique Purcell – Department of Agriculture – Ms. Purcell had an observation and wanted to clarify that when a Planning Area town opts in that that town chooses to be in conformance with the RMP, which does not mean that the town is equivalent to a Preservation Area town. Ms. Purcell also had concerns about the Waste Water Management Plan for NJDEP to approve Highlands towns and the process which is taken by the Department. Ms. Swan responded that the NJDEP rules require a consistency determination on the WWMP for all Highlands towns are submitted to the Department, but Ms. Swan stated that it is up to NJDEP to make a final determination. Ms. Purcell added that then Planning Area towns that conform would be required to cluster.

Ms. Letts commented that it is very important to note what Ms. Purcell said that a Planning Area town does not make them Preservation Area only that they have to conform to the RMP. Ms. Swan responded to say that the municipal professionals, elective officials and planning boards do understand because they go through the Land Use Ordinance process before Plan Conformance and when municipalities disagree they have the right to come to Council to say they do not agree with staff.

Mr. Alstede clarified that a municipality on its own could not adopt ordinances for Planning Area that would mirror protections afforded in the Preservation Area because that would be in conflict with the RMP. Ms. Swan responded that municipalities can be stricter and the Act allows for that. Mr. Francis stated that Council cannot influence towns for Planning Area as that is the jurisdiction of the municipality.

Mr. Cogger asked for an example of a regulation in the Planning Area that was created by the Act that a must conform to the RMP. Ms. Swan responded that there is a requirement in the statute that if a applicant needs a new water allocation permit that it must be consistent with the RMP and it is enforced through the NJDEP.

Ms. Swan also commented that when Council took action on Byram Township, Alpha and Phillipsburg towns expressed an interest to conform to the Highlands RMP because they saw an opportunity for enhanced planning and the benefits of the RMP. Ms. Swan added that towns are talking about center designation and sustainable growth.

David Shope, owns property in Lebanon Township –Mr. Shope asked for a dollar amount on grants for Clinton Town. Mr. Shope commented that if a Planning Area section of a town opts in and does extreme anti-growth ordinance would that town be entitled to a legal shield. Mr. Shope stated that this is another layer of legal hurdles for anyone who objected to these actions. Mr. Shope also announced that the New Jersey Water Supply Authority will have a public hearing on proposed water rates on February 4, 2011 at 10:00am.

Council Comment

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF JANUARY 20, 2011

Mr. Holtaway reported on COAH compliance in Bedminster Township which has 697 units (17% of housing stock). Mr. Holtaway mentioned that the demand is not being filled. People are not looking for units and that at the moment 40-50% are filled with people who do not qualify. He mentioned that they are considering an ordinance to require that the designated affordable units continue to be occupied by residents that are income eligible and this would greatly assist the availability of affordable units.

In closing, Ms. Swan stated that HDC Applications are due to the Highlands Council on February 24, 2011; HDC Certificate Applications are due to the Bank by March 24, 2011; and HDC Bank Board Meeting is scheduled for April 7, 2011 at 1:00pm.

Mr. Cogger made a motion to adjourn the meeting. Ms. Letts seconded it. The meeting was adjourned at 4:40pm.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 2/17/11

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

**Vote of the Approval of
These Minutes**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio						✓
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach		✓	✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli	✓		✓			
Acting Chairman Schrier			✓			

PUBLIC COMMENTS SUBMITTED



Township of Mt. Olive

OFFICE OF THE MAYOR
DAVID M. SCAPICCHIO

January 13, 2011

Eileen Swan, Executive Director
Highlands Water Protection and Planning Council
100 North Road (Road 513)
Chester, NJ 07930

Re: Mount Olive Township / Highlands Petition For Plan Conformance

Dear Ms. Swan:

Pursuant to your correspondence of December 10, 2010, we are prepared to proceed with the public hearing scheduled on the Highlands Council agenda of January 20th for Mount Olive Township's Petition for Plan Conformance. We understand that this is one of many steps in this process and that our desire to modify certain parts of the Highlands Master Plan Element, the Preservation Area Ordinance and the Environmental Resources Inventory will continue in consultation with your office.

In particular, Mount Olive is interested in streamlining the Ordinance and revising language for better clarity in accordance with the outline discussed at your January 6th meeting with our professionals. We do appreciate the time spent in constructive dialogue at that meeting and look forward to working with you and your fine staff in the months ahead.

Sincerely

Handwritten signature of David M. Scapicchio in black ink.

Mayor David Scapicchio

Handwritten signature of Howie Weiss in red ink.

Howie Weiss, Chairman, Mount Olive Planning Board

- c. Phil Tobey, Council President
- Township Council Members
- William Sohl, Business Administrator
- Planning Board Members

Mailing Address:

PO Box 450
Budd Lake, NJ 07828
Phone: (973) 691-0900
Fax: (973) 347-0860
www.mountolivetownship.com

Physical Address:

204 Flanders-Drakestown Road
Budd Lake, NJ 07828

PAGE E-6

Public Notices

NEW JERSEY WATER SUPPLY AUTHORITY

Notice of Rate Proposal

Take notice that pursuant to the provisions of Chapter 293 of the Laws of 1981 (N.J.S.A. 58:1B-1 et. seq.) the New Jersey Water Supply Authority has proposed revisions to its Schedule of Rates, Charges and Debt Service Assessments for the Sale of Water from the Raritan Basin System to cover the Authority's Operational and Debt Service expenses for the Authority's fiscal year which commences on July 1, 2011.

These revisions propose to amend existing regulations found at N.J.A.C. 7:11-2.1 et seq. and primarily deal with changes in the Operations and Maintenance sales base from 182.073 to 182.023 million gallons per day, and Debt Service sales base from 182.073 to 182.023 million gallons per day; an increase in the Operations and Maintenance Rate Component from \$142.55 to \$145.66 per million gallons, and a decrease in the Debt Service Rate Component from \$40.45 to \$40.34 per million gallons.

The proposal is scheduled to be published in the New Jersey Register dated December 20, 2010. A final version of the Basis and Background (B&B) document containing the full text of the proposed revisions to the Rate Schedule, together with supporting information is available from the New Jersey Water Supply Authority's website at <http://www.njwsa.org> or individual requests for the full text of the proposed rate adjustments should be sent to the New Jersey Water Supply Authority.

The Authority will conduct a Pre-public Hearing meeting with its contractual water users and any interested parties at 10:00 a.m. on Friday, January 7, 2011 in the Authority's Executive Office Conference Room located at 1851 Highway 31, Clinton, New Jersey, to present and explain the rate adjustment proposal, answer questions, and provide any additional data requested in accordance with the rate making procedure specified in N.J.A.C. 7:11-2.14.

Notice is hereby given that the Authority will hold a Public Hearing on Friday, February 4, 2011 at 10:00 a.m. in the Authority's Executive Office Conference Room located at 1851 Highway 31, Clinton, New Jersey, to provide the opportunity for public comments and statements on the proposed revisions. Interested persons may present statements orally or in writing relevant to the proposed action.

Written comments may be submitted until March 11, 2011 at which time the hearing record will be closed.

(Pr's fee \$41.41)

12/09/10

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Highlands Council Meeting

January 20, 2011

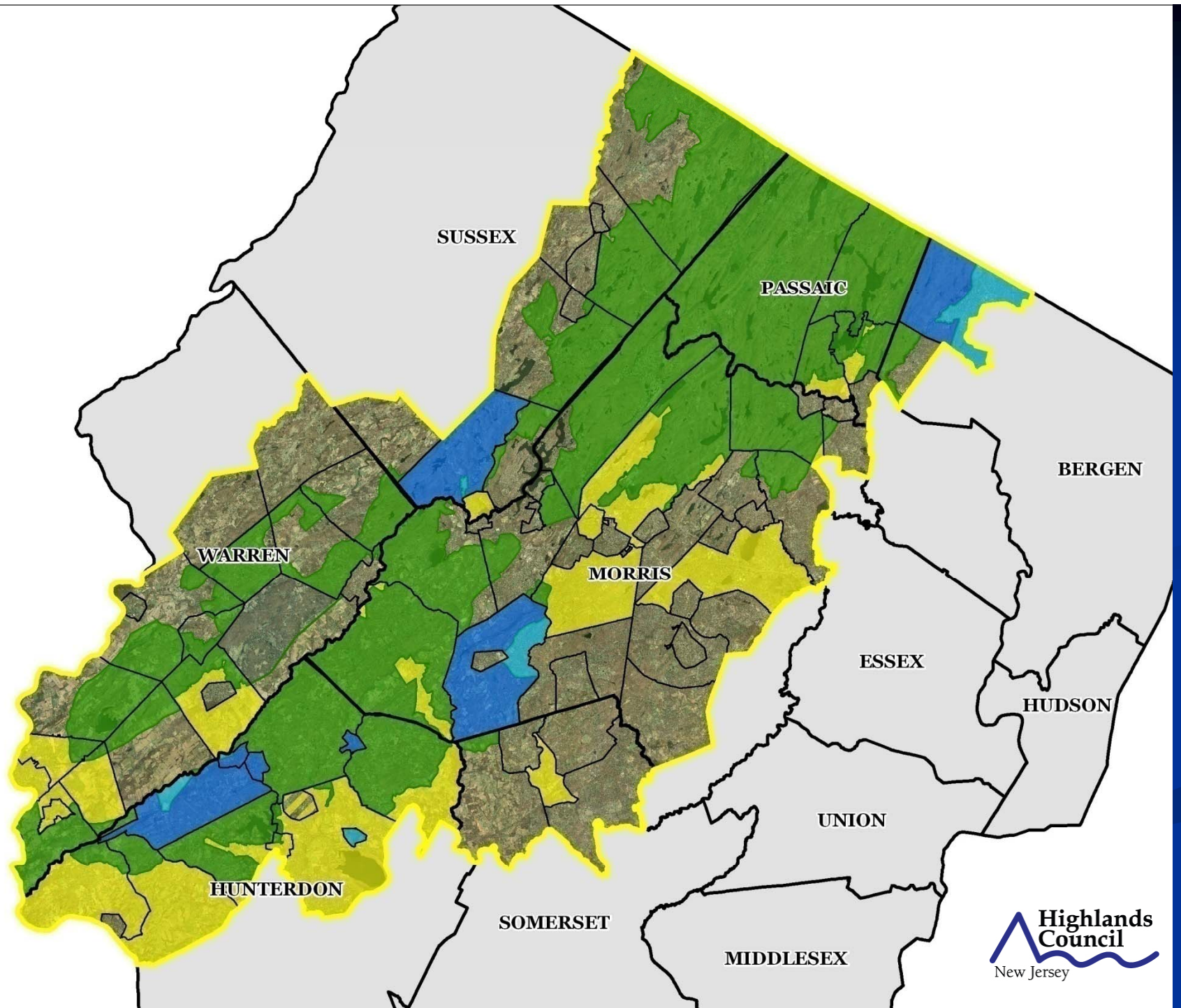


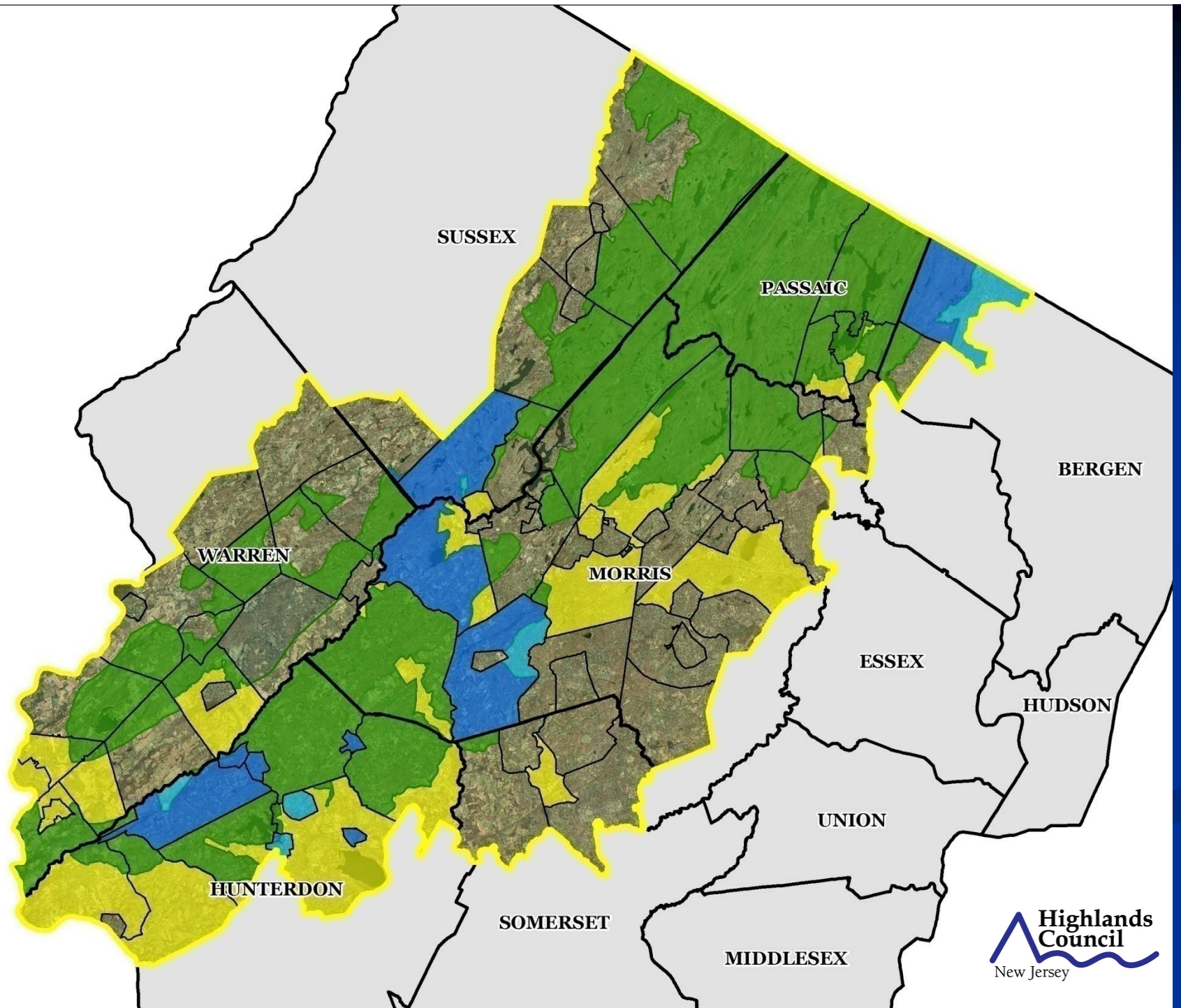
Plan Conformance Update

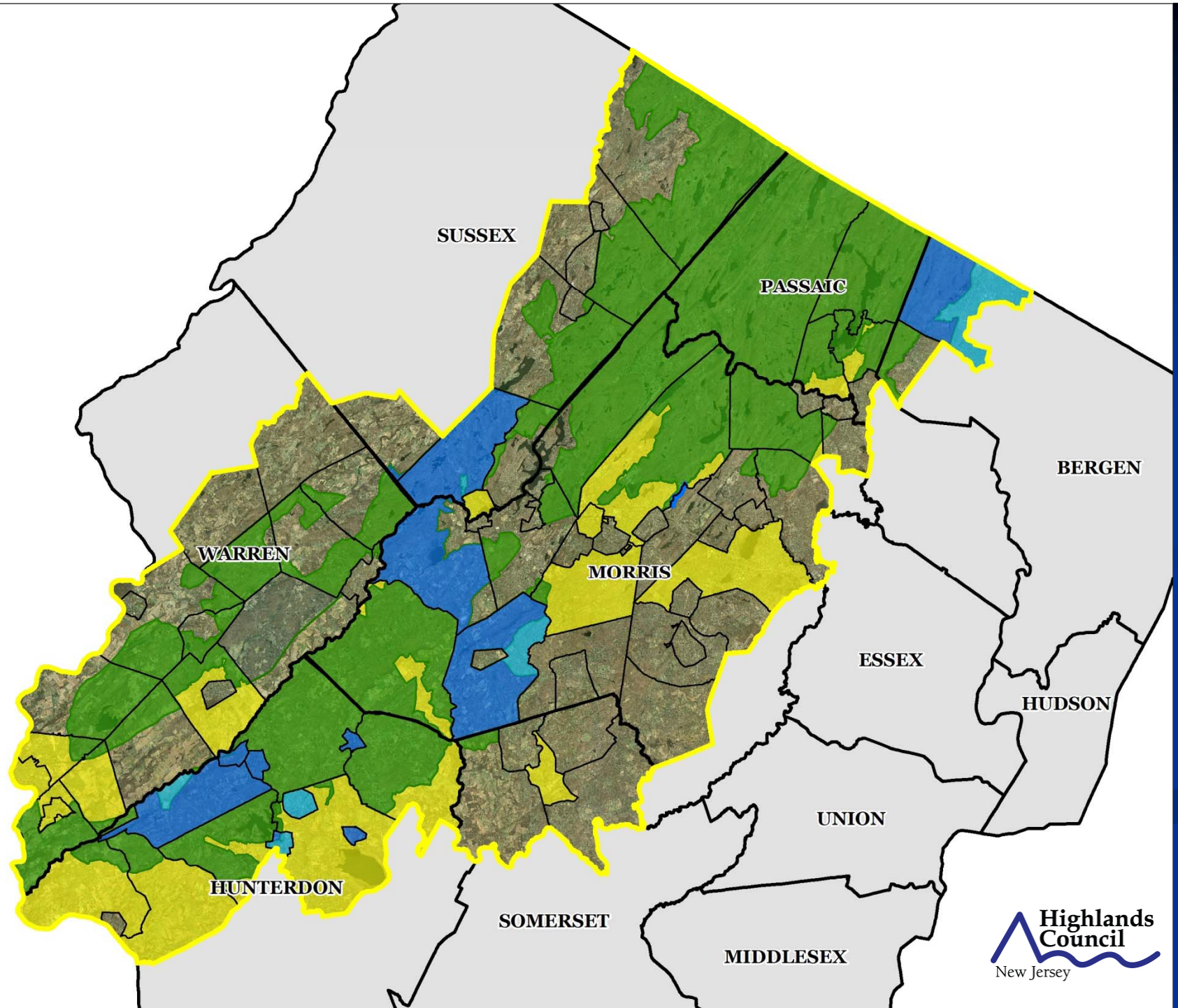
Plan Conformance Update

Petitions Submitted: 64 (59 Municipalities and 5 Counties). Of these, 49 have been deemed Administratively Complete & posted to the Highlands Council website (including 2 Counties). Of these:

- **Petitions Approved (9):** Townships – Bethlehem, Byram, Chester & Mahwah; Boroughs – Califon, Glen Gardner, Hampton & Lebanon ; and Passaic County
- **Today's Meeting (5):** Town of Clinton, High Bridge Borough, Mount Olive Township, Denville Township, and Green Township.
- **February Meeting:** We are anticipating 3 municipal Petitions for Council consideration.
- **Municipal Response Period Underway or waived (7):** Townships - Franklin, Lopatcong, Holland, West Milford, and Washington (Morris), Kinnelon Borough, and Somerset County.
- **17 additional Draft Consistency Reports prepared and under internal review; another 9 are in development by Staff.**



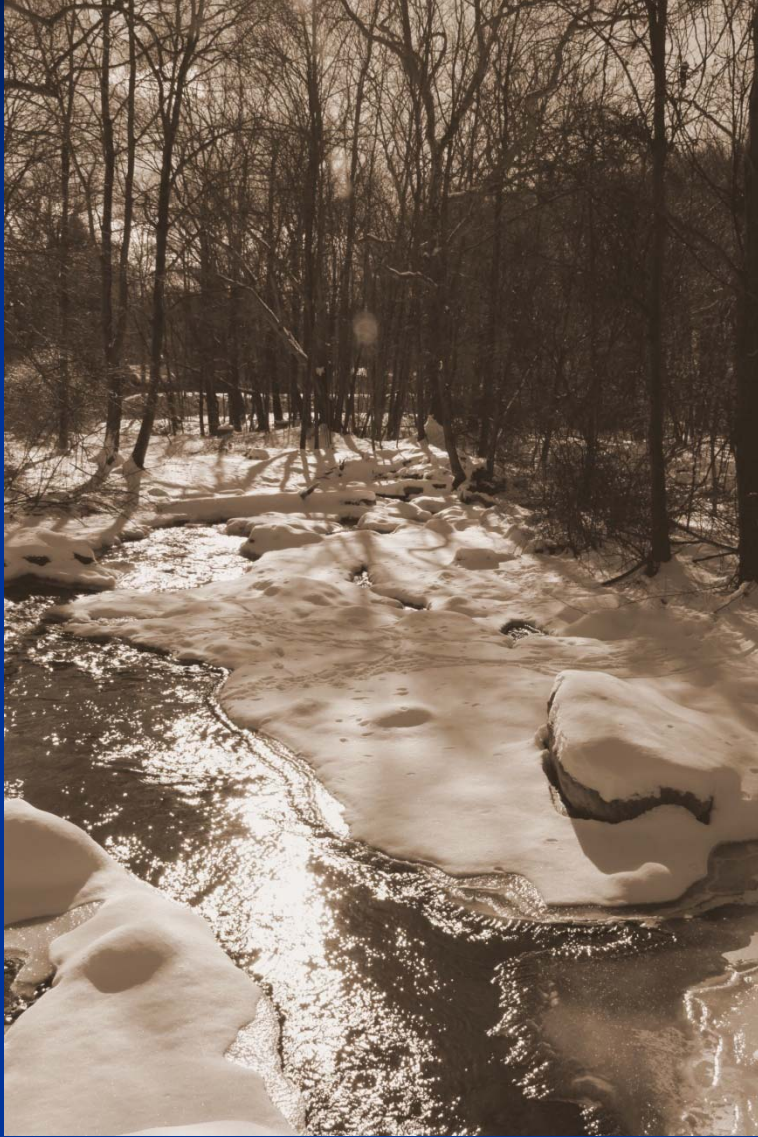




Public Hearing

Mount Olive Petition for Plan Conformance

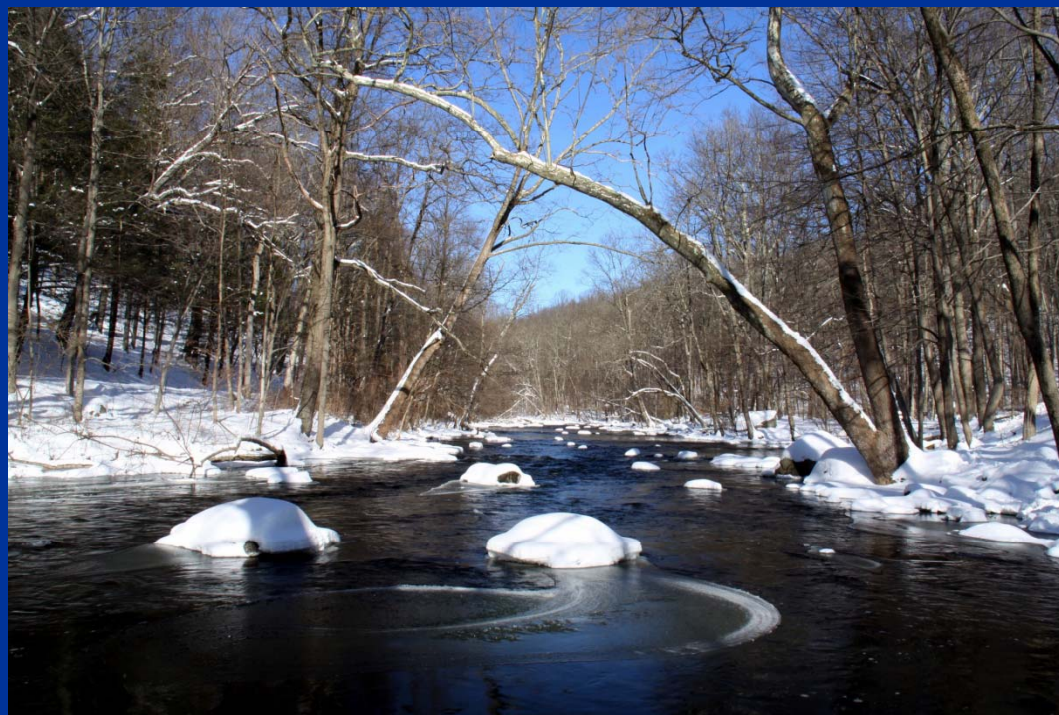
Introduction to Mount Olive

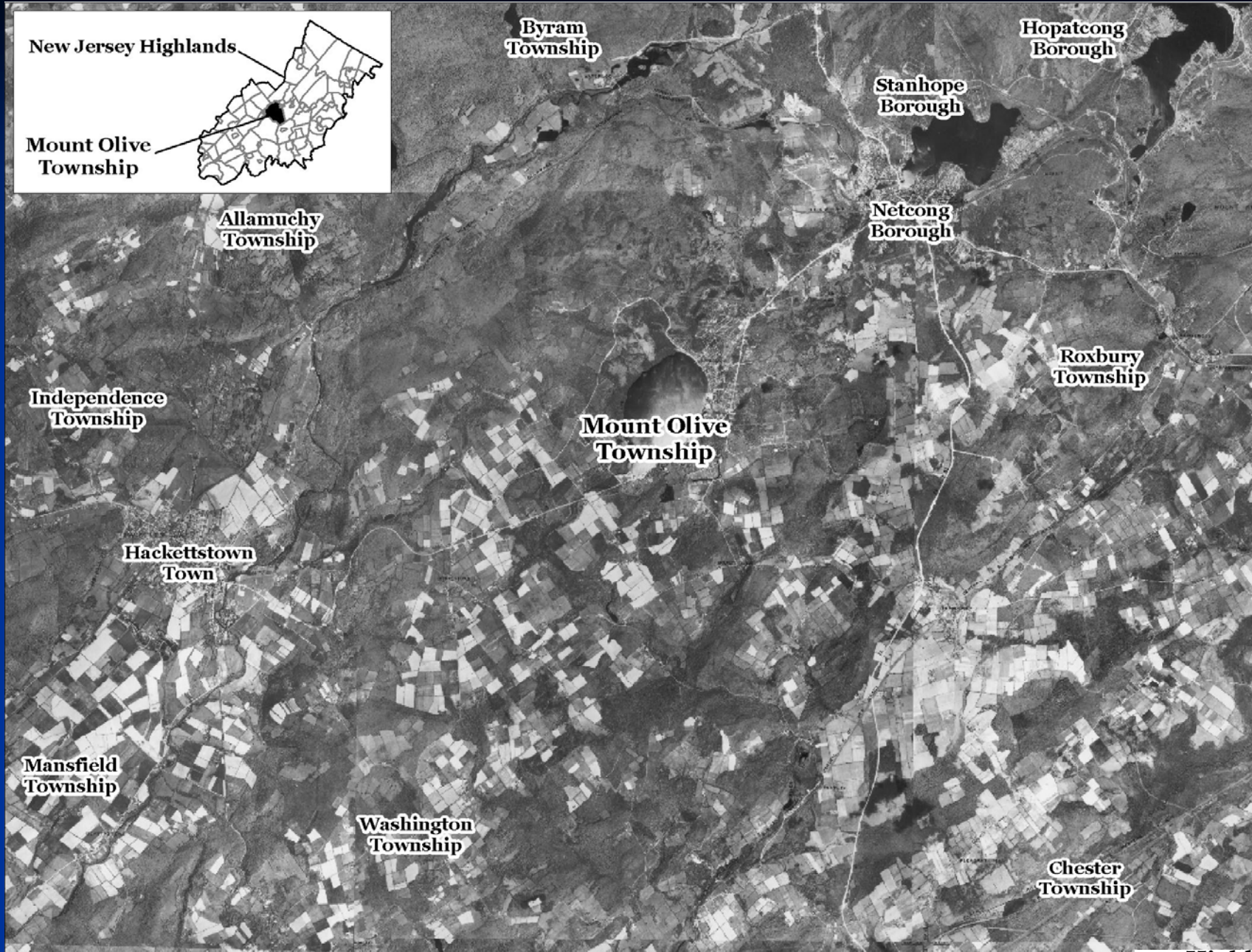


Mount Olive Township

Background Statistics

- Incorporated: 1871
- Population (2009): 24,193
- Land Area: 19,992 acres / 31.2 sq. mi.
- Preserved Lands: 6,901 acres
- Wetlands: 2,404 acres
- Total Forest: 11,088 acres
- Farmland: 1,234 acres





Mount Olive - 1930

Mount Olive Township

Significant Highlands Statistics

- Preservation Area Lands: 15,859 acres – 79%
- Planning Area Lands: 4,133 acres – 21%

- Existing Community Zone – 6,198 acres – 31%
- Conservation Zone – 1,207 acres – 6%
- Protection Zone – 11,415 acres – 57% (Roads 6%)

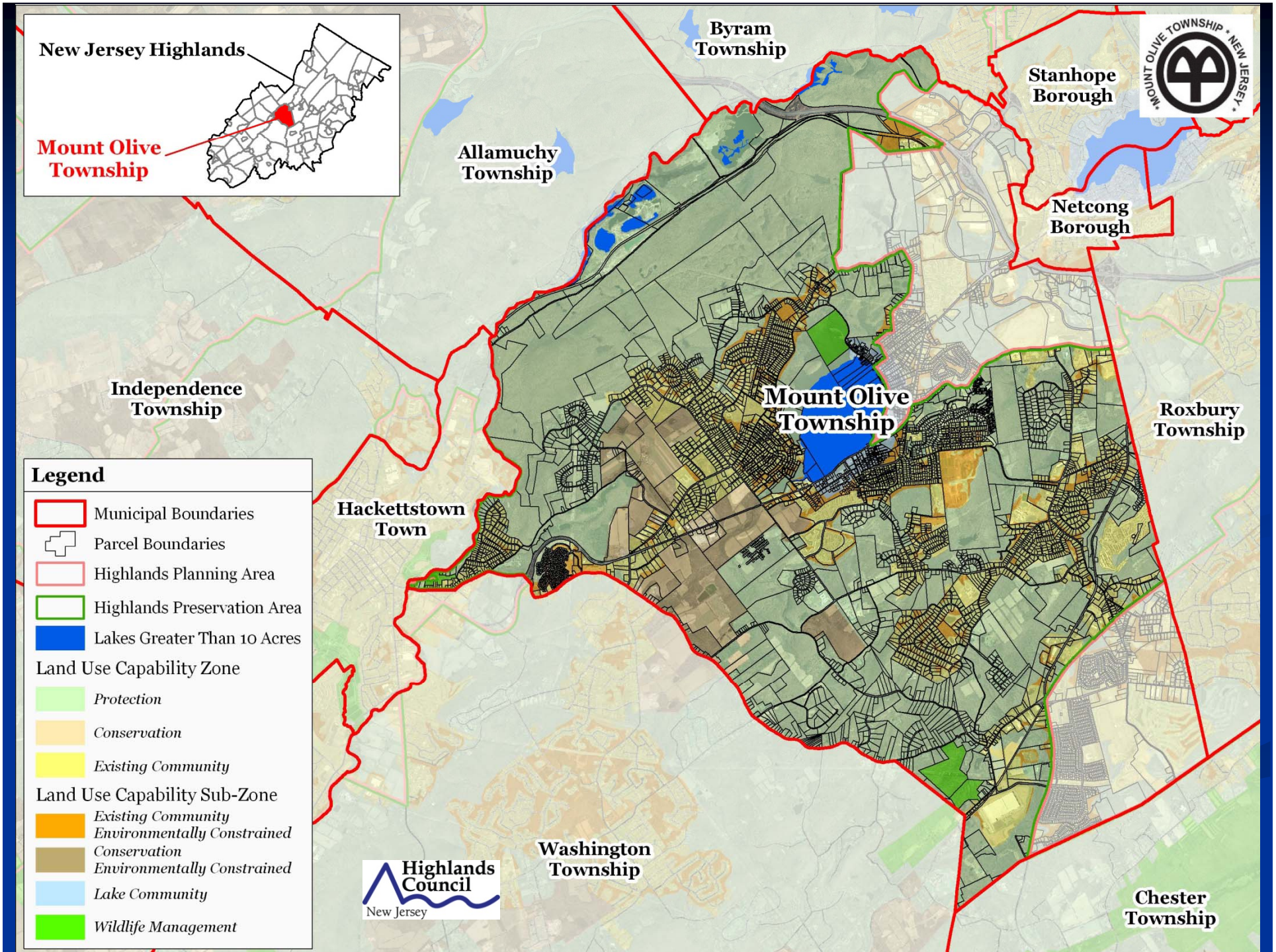
- Highlands Open Water Protection – 10,013 acres – 50%
- Forest Resource Area – 15,132 acres – 76%
- Conservation Priority Areas – 4,754 acres – 24%
- Special Environmental Zone – 313 acres – 1.6%

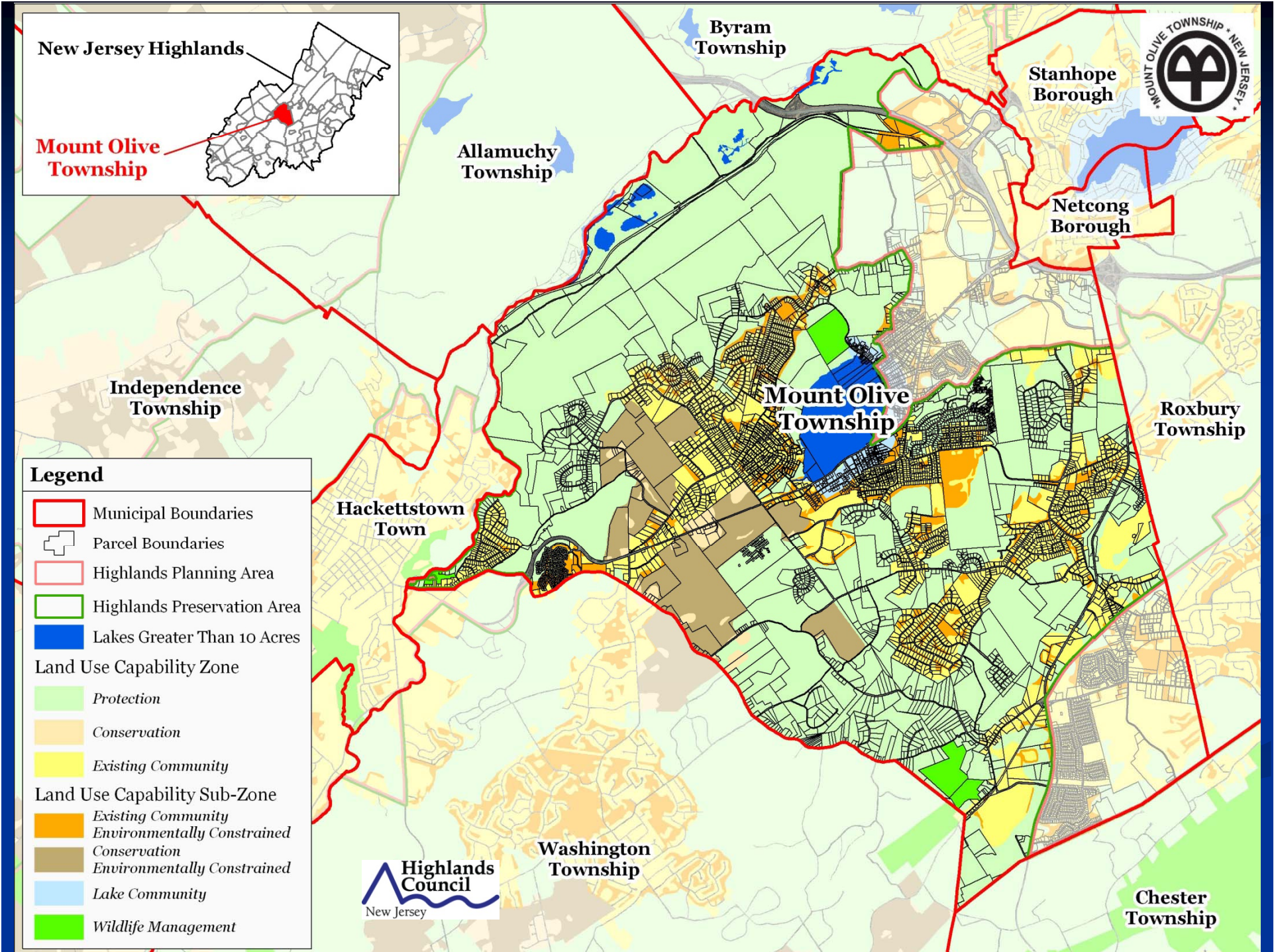


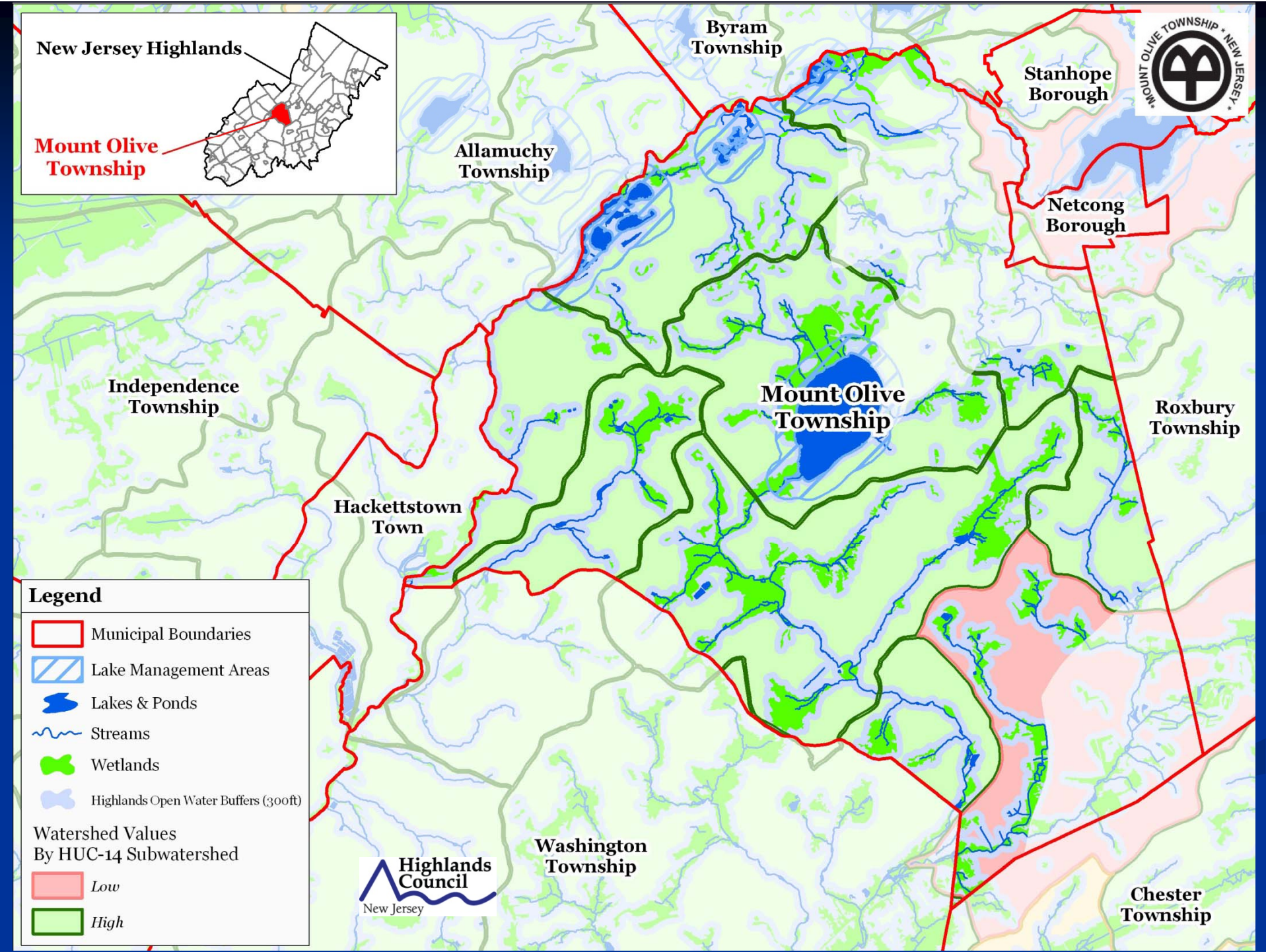
Mount Olive Township

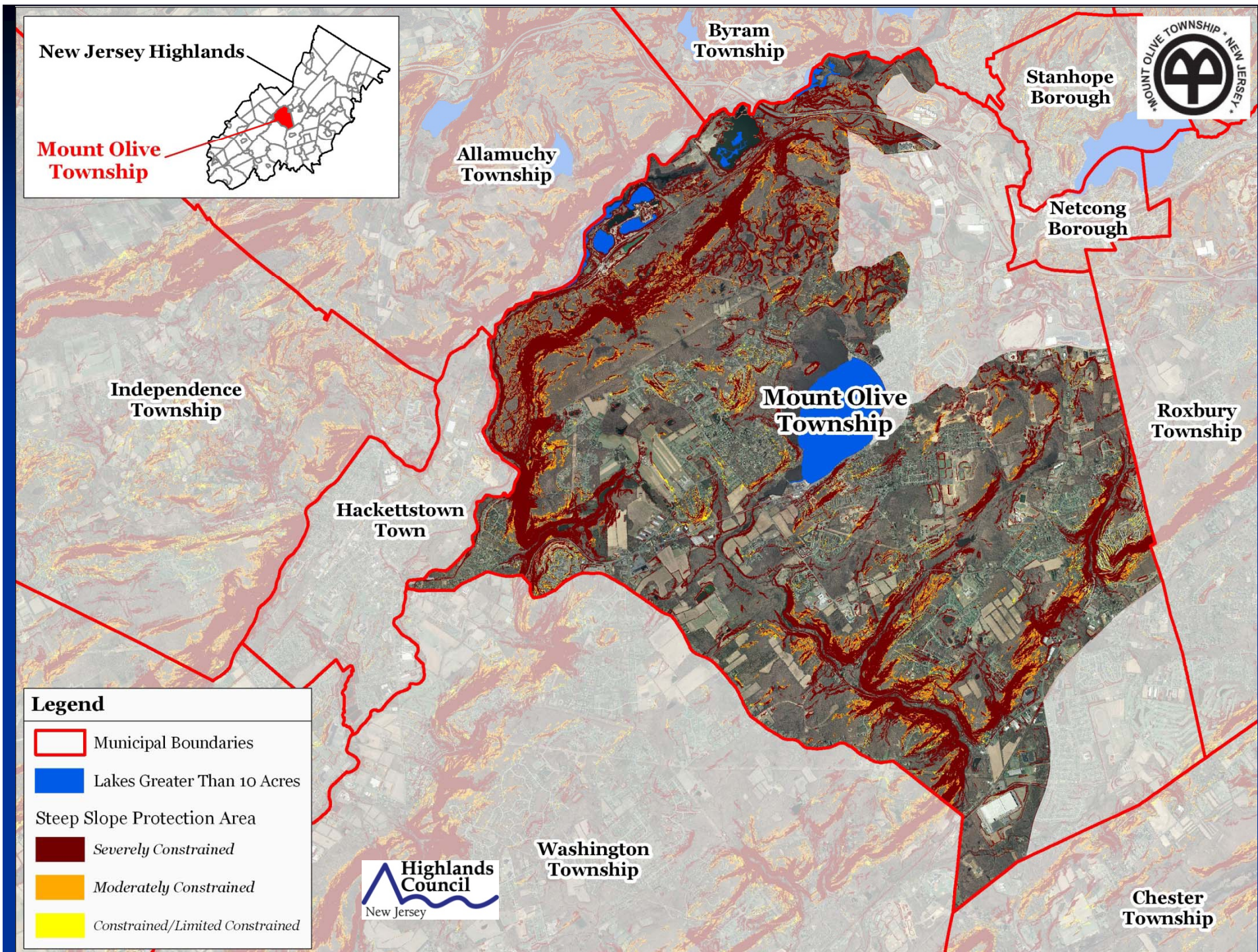
Background Statistics – Land Use

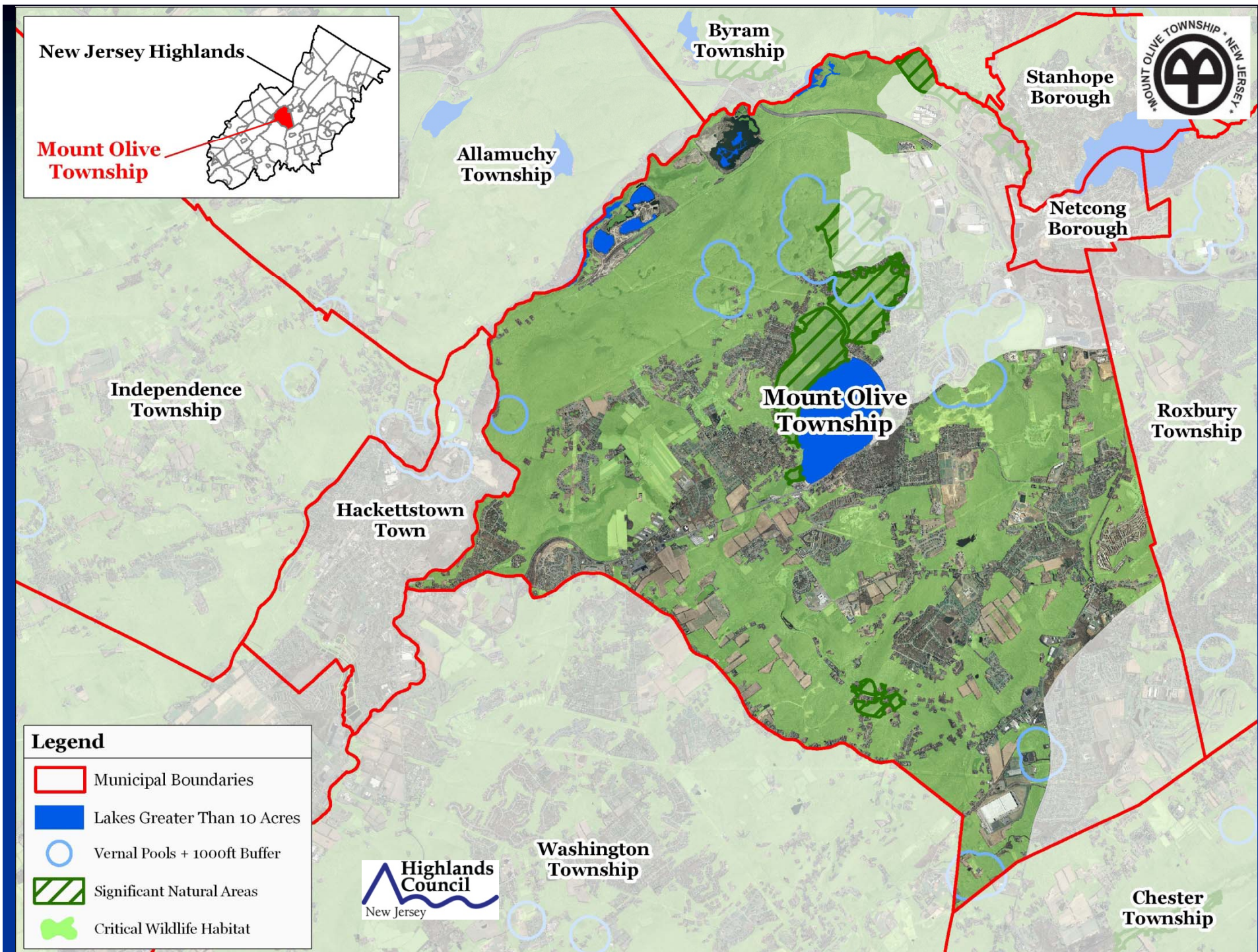
NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	924.6	2,997.3	19.6%
Commercial (Retail)	241.9	280.2	2.6%
Industrial & Transportation & Utilities	376.7	561.4	4.7%
Agriculture (Crops & Plantations)	190.0	1,008.6	6.0%
Recreational Lands (Public & Private)	220.8	185.9	2.0%
Extractive Mining	0.0	210.3	1.1%
Other Urban or Built-Up Land	286.2	317.1	3.0%
Subtotal Developed Lands	2,240.3	5,560.7	39.0%
Mixed Forest	1,171.2	7,030.5	41.0%
Shrub & Scrub	71.5	412.3	2.4%
Mixed Wetlands	481.7	1,920.9	12.0%
Barren Lands	104.8	186.9	1.5%
Surface Waters (Lakes, Ponds & Tributaries)	63.3	748.0	4.1%
Subtotal Natural Lands	1,892.5	10,298.5	61.0%
Total	4,132.8	15,859.2	100.0%

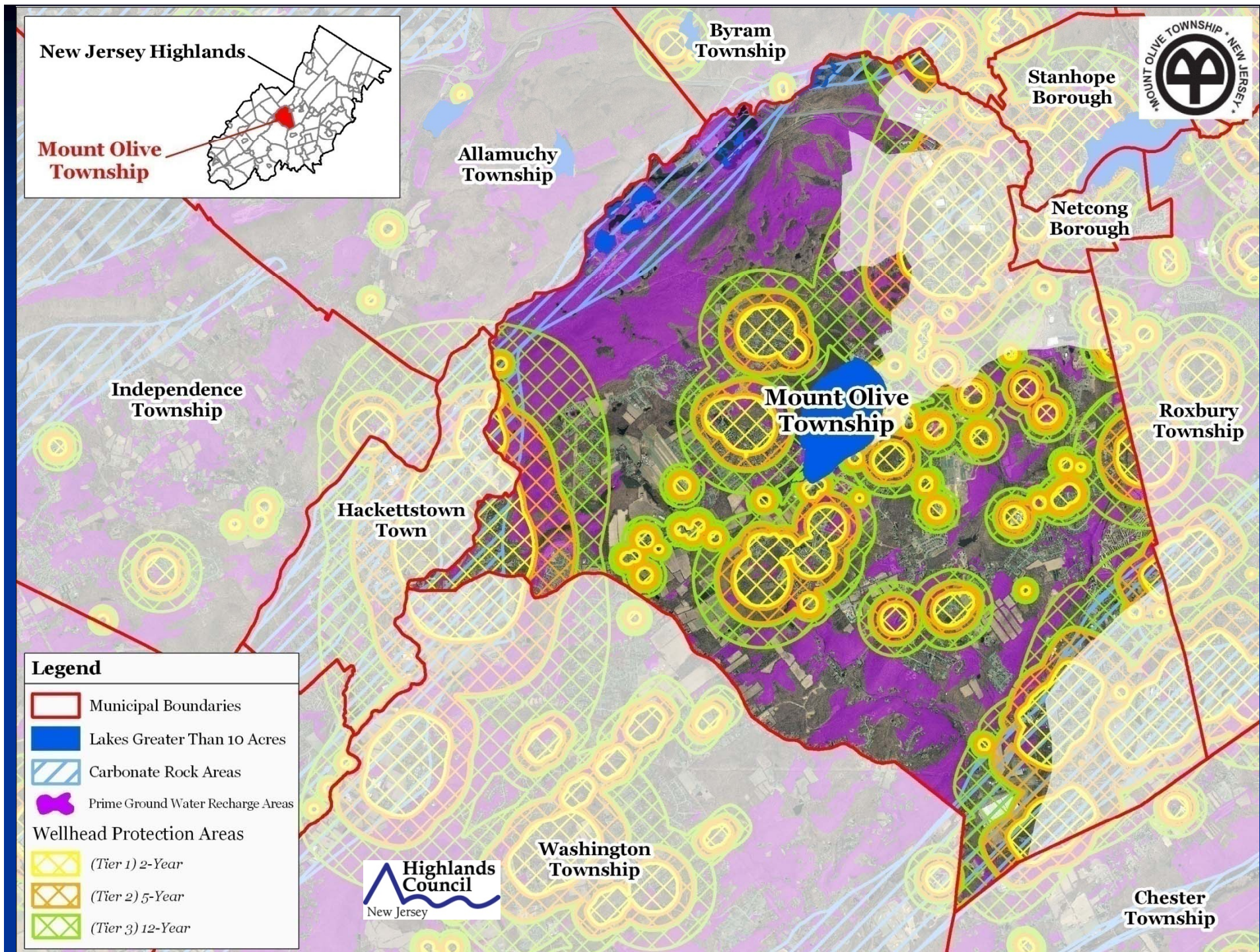


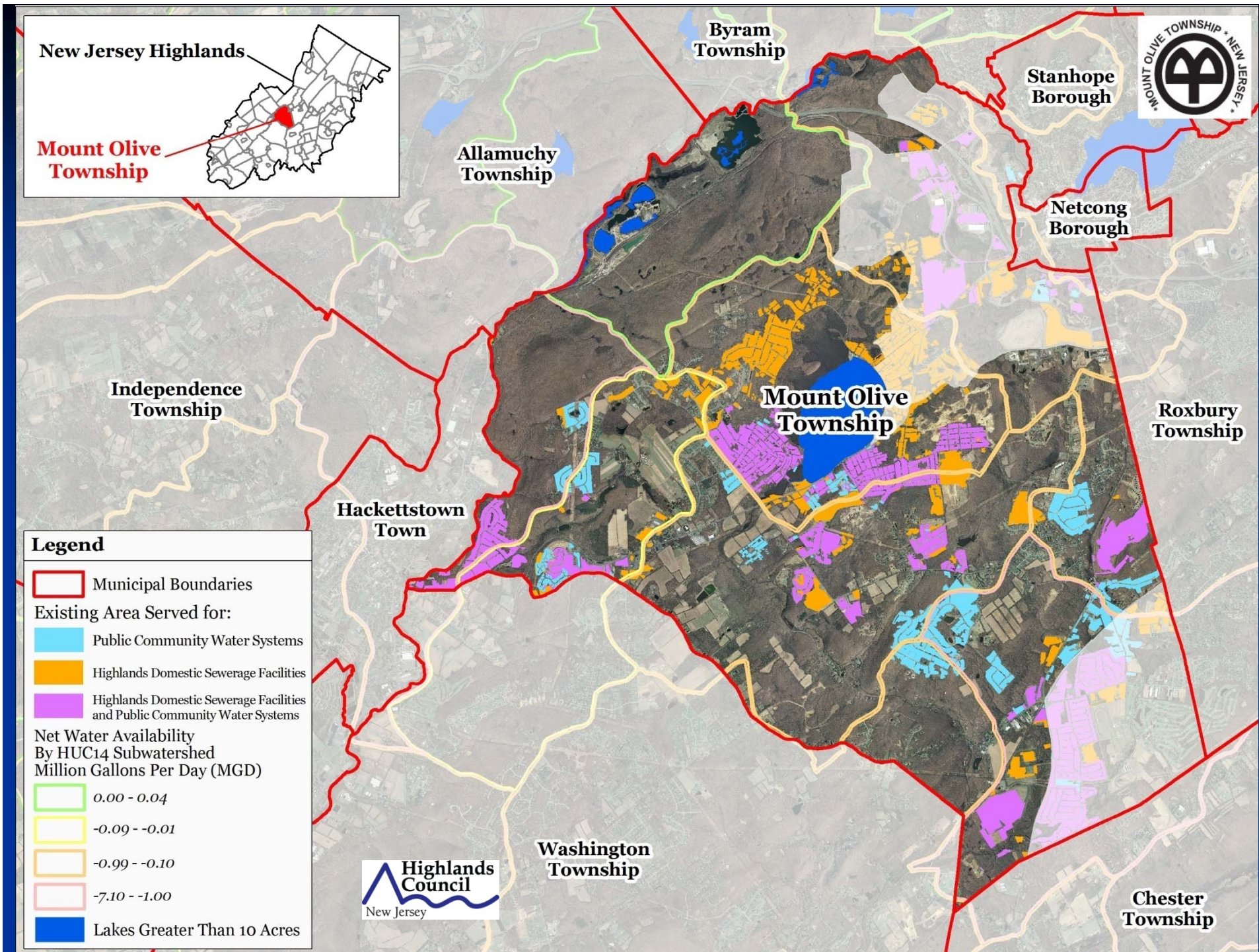


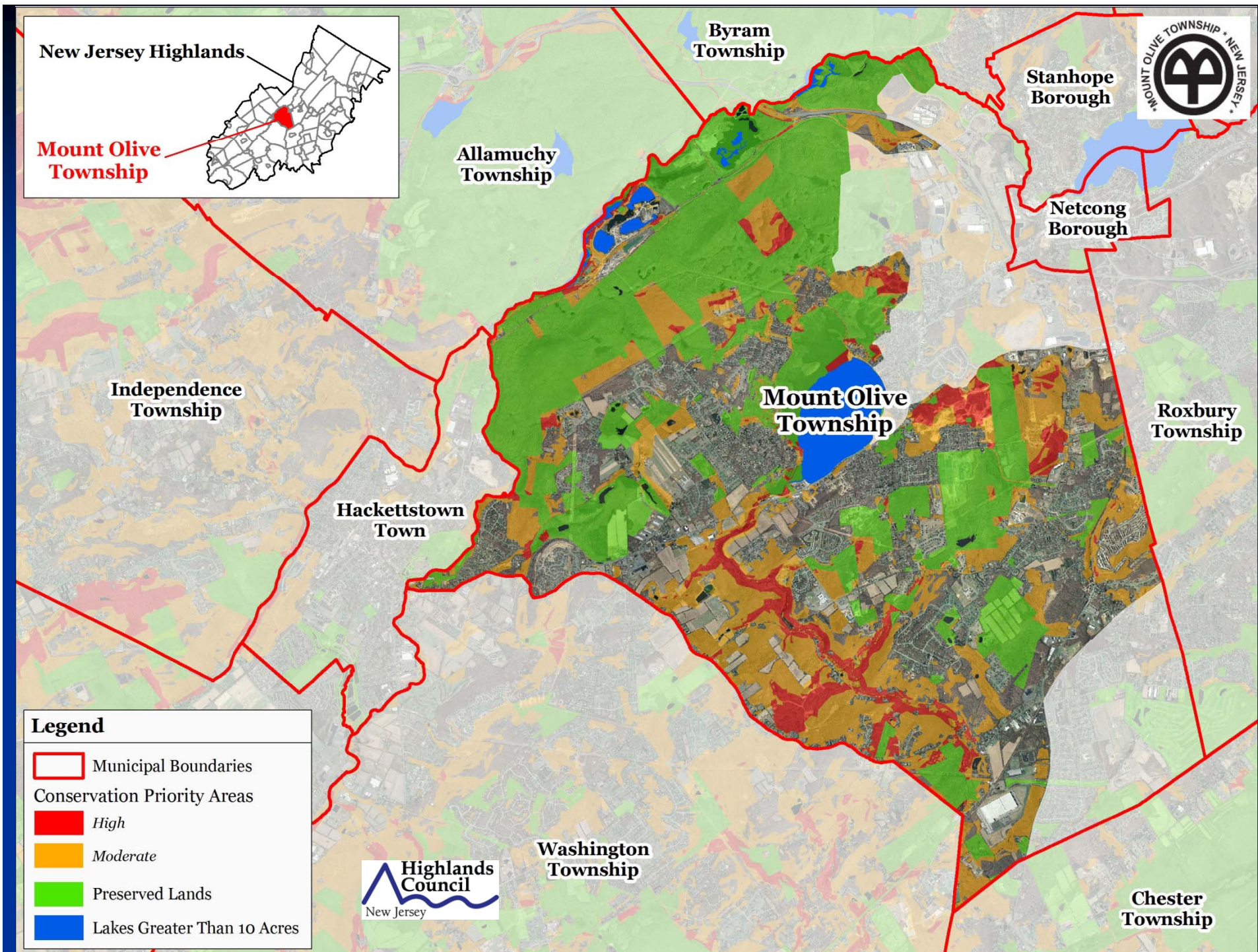


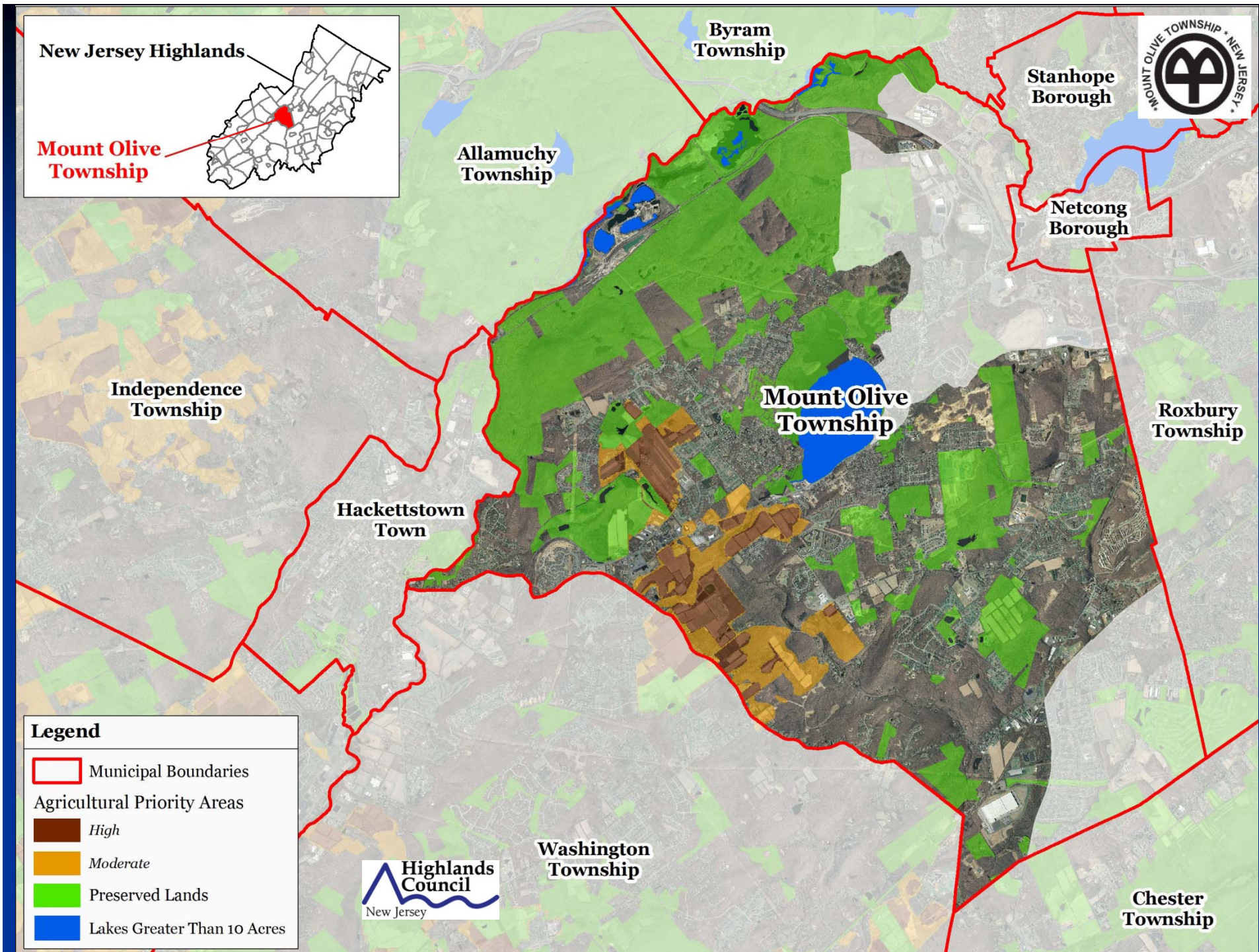












Mount Olive Township

Morris County, New Jersey



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

12/8/09	Petition for Plan Conformance Submitted
2/2/10	Petition Deemed Administratively Complete
2/9/10	Petition Posted to Highlands Council Website
8/12/10	Draft Consistency Report Sent to Municipality
12/17/10	Final Draft Report Posted to Highlands Council Website
1/5/11	End of Public Comment Period (Start 12/17/10)
1/13/11	Final Report Posted to Highlands Council Website
1/20/11	Highlands Council Public Hearing

Highlands Municipal Build-Out Report – Modules 1 & 2

- The Report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities.
- The Highlands Municipal Build-Out Report for Mount Olive Township was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition.
- The Report is dated June 2009 and a revised version was posted to the Highlands Council website on January 12, 2010.
- Staff RMP Consistency Finding: CONSISTENT

Housing Plan – Module 3

- Summary of Mount Olive Township's Fair Share Obligation
 - Rehabilitation Share: 67 Units
 - Prior Round Obligation: 45 Units
 - Growth Share Obligation: 505 Units
- Summary of Mount Olive Township's Fair Share Plan
 - Municipal Rehabilitation Program –34 units have been funded. If necessary, the Township will provide additional funding through the Township's Affordable Housing Trust Fund. Anticipated Credits: 67
 - Prior Round Obligation: The 45-unit Prior Round Obligation will be addressed through already constructed rental projects;
 - Third Round Project/Sites: The Township will meet its 505-unit Growth Share Obligation with credits from 15 affordable housing projects, credit bonuses, a market to affordable program and an accessory apartment program.
- Staff RMP Consistency Finding: CONSISTENT

Environmental Resource Inventory

Module 4

- Describes & Illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality
- Mount Olive's Submittal Based on Highlands Council Model Environmental Resource Inventory
 - ❖ All Applicable Narrative Portions Retained
 - ❖ All Applicable Exhibits Included
- Staff RMP Consistency Finding: CONSISTENT

Master Plan Highlands Element Module 5

- Incorporates RMP Goals & Objectives into local planning; provides basis for effectuation of RMP
- Mount Olive's Submittal Based on Highlands Council Model
 - ❖ All Applicable Narrative Portions Retained
 - ❖ All Applicable Exhibits Provided

- Staff RMP Consistency Finding: CONSISTENT

Highlands Area Land Use Ordinance

Module 6

- Sets forth regulatory provisions that protect Highlands Resources and effectuate the policies, goals, and objectives of RMP at the local level.
- Mount Olive's Submittal Based on Highlands Council Model
 - ❖ All Applicable Narrative Portions Retained
 - ❖ All Applicable Exhibits Provided by the Highlands Council (Parcel-Based)
- Staff RMP Consistency Finding: CONSISTENT

Municipal Petition for Plan Conformance

Module 7

- Consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment Report, List of Current Planning Documents, Highlands Implementation Plan & Schedule
- Mount Olive's Submittals Based on Highlands Council Models
 - ❖ Resolution (Preservation Area) Complete
 - ❖ Self-Assessment Report Accurate & Complete
 - ❖ Highlands Implementation Plan and Schedule Complete
- Staff RMP Consistency Finding: CONSISTENT

Mount Olive's Petition for Plan Conformance Public Comments Received

- The public comment period for Mount Olive's Petition for Plan Conformance opened December 17, 2010, and closed January 5, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.
- Meeting with Mount Olive during the comment period clarified the opportunity for municipalities to refine Master Plan Element and Ordinances before final adoption.
- Comment received from: New Jersey Highlands Coalition

Mount Olive's Petition for Plan Conformance

Public Comments Received

- **Comment 1:** Request for more information concerning the township's Water Use and Conservation Management Plan.
- **Response:** As with the Highlands Council's current pilot projects for the development of Water Use and Conservation Management Plans in various project areas around the Highlands Region, additional plans, such as the one identified for Mount Olive Township, will be based on the Goals, Policies and Objectives (Chapter 4) and "Highlands Restoration: Water Deficits" Program (Chapter 5) within the Regional Master Plan, in collaboration with the municipality. As detailed in the program description, development of such plans is coordinated with the relevant municipalities and professionals, major water users, and the NJ Department of Environmental Protection.

Mount Olive's Petition for Plan Conformance Public Comments Received

- **Comment 2.** Request for more information concerning Mt. Olive's Wastewater Management Plan as referred to in the conformance documents.
- **Response:** For municipalities that are not petitioning for Plan Conformance with the Regional Master Plan for the entire municipality, as is the case for Mt. Olive, the municipality will work with the County (in the cases of Hunterdon, Morris, Somerset and Sussex Counties) or directly with the NJDEP (in the case of Bergen, Passaic and Warren Counties) to develop their Wastewater Management Plan chapter for that municipality. The Highlands Council will review the draft Wastewater Management Plan and provide a Consistency Determination pursuant to N.J.A.C. 7:38-1.1.
- Where a municipality's Plan Conformance petition is approved for the full municipality, the Highlands Council will work directly with the municipality to develop the required Wastewater Management Plan that meets all requirements of both Plan Conformance and N.J.A.C. 7:15, and therefore will be fully compliant with N.J.A.C. 7:38-1.1 as well.

Petition Disposition

Mount Olive's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS

- **Compliance with Fair Housing Act (COAH Certification).** This condition requires updates on COAH proceedings and Council review of any proposed changes to the Fair Share Plan and Housing Element.
- **Update/Development & Implementation of:**
 - **Water Use & Conservation Management Plan**
 - **Stormwater Management Plan (updates only)**
 - **Habitat Conservation and Management Plan**
 - **Highlands Redevelopment Area Planning Program**
 - **Land Preservation & Stewardship Program**
 - **Septic System Management/Maintenance Plan**
 - **Right to Farm Ordinance**
 - **Stream Corridor Protection & Restoration Plan**

Mount Olive's Petition for Plan Conformance

Previous Highlands Protection Fund Grants

- **Fair Share Planning Grant** for the development of a Housing Element and Fair Share Plan is complete and final.
- **Initial Assessment Grant** is complete and finalized.
- Participating in pilot project for the development of a **Water Use and Conservation Management Plan**. Ongoing, with Highlands Council lead.

Mount Olive's Petition for Plan Conformance Future Highlands Protection Fund Grants

- **Highlands Implementation Plan and Schedule** – Grant funding is proposed for the following:
 - **Water Use and Conservation Management Plan** for an additional subwatershed, with the Highlands Council serving as the lead for this project.
 - **Highlands Redevelopment Area Planning** will assist Mount Olive in identifying potential Highlands Redevelopment Areas, primarily affecting the developed portions of the Route 46 corridor. Additional Highlands Redevelopment Areas in the area of Goldmine Road, and on Route 206 in the area of Bartley Road will also be reviewed for potential future redevelopment area designation.

Mount Olive's Petition for Plan Conformance

Future Highlands Protection Fund Grants - Continued

Mt. Olive Redevelopment
Block 8300, Lot 6



Mount Olive's Petition for Plan Conformance

Future Highlands Protection Fund Grants - Continued

- **Stream Corridor Restoration Plan**, will identify critical corridors, focused especially on the South Branch Raritan River and tributaries, and identify methods to protect, restore and enhance these corridors while also addressing potential mitigation opportunities. Funding will be made available to the Township upon approval of a scope of work.
- **Habitat Conservation & Management Plan**, will address habitat management needs in both the Preservation and Planning Areas. Funding will be made available to the Township upon approval of a scope of work.

Council Deliberation



Mount Olive Township

Public Hearing

High Bridge Borough Petition for Plan Conformance

Introduction to High Bridge

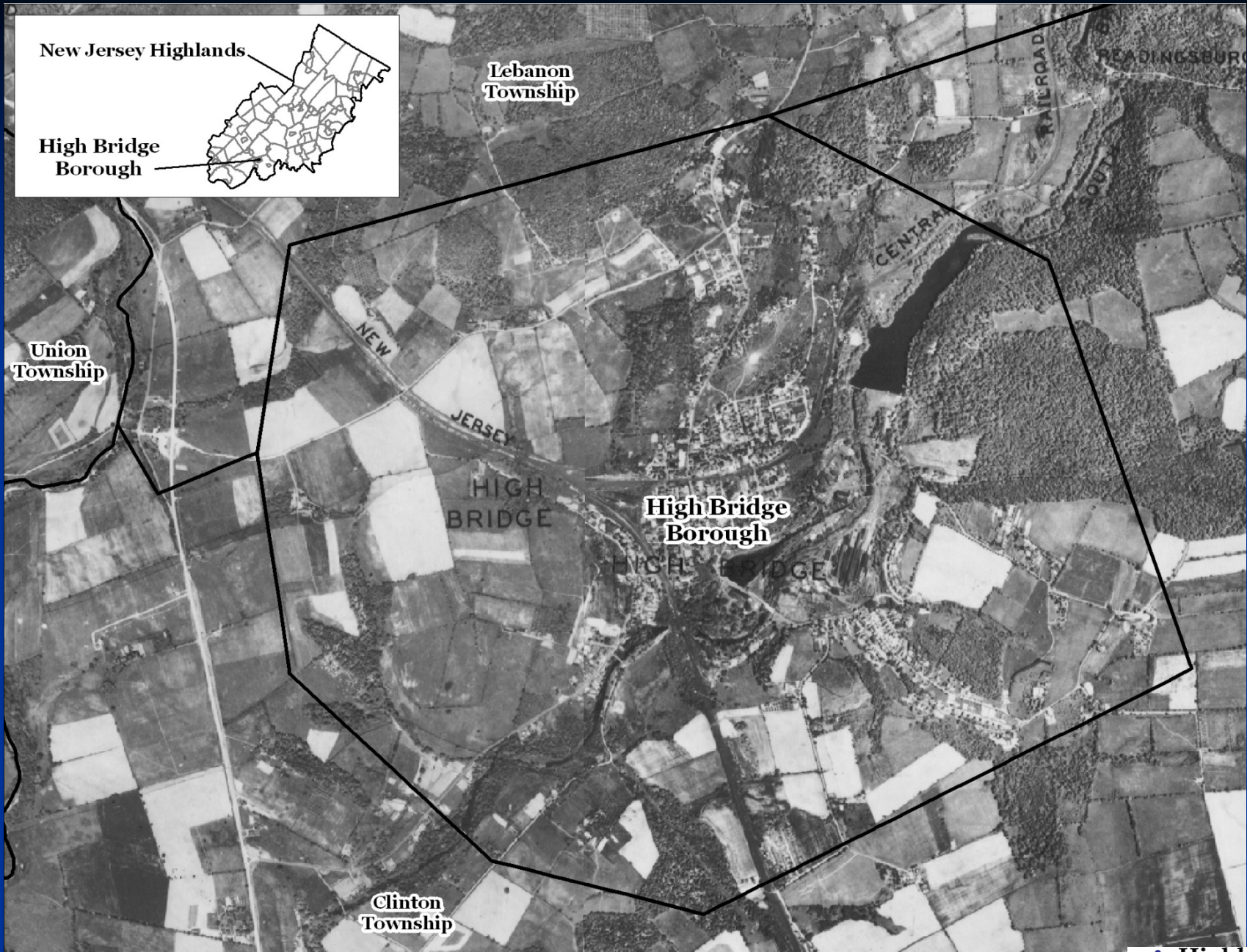


High Bridge

Background Statistics

- Incorporated: 1898
- Population (2000): 3,766
- Land Area: 1,555 acres /
2.4 sq. mi.
- Preserved Lands: 599 acres
- Wetlands: 55 acres
- Total Forest: 661 acres
- Farmland: 26 acres





High Bridge - 1930

High Bridge

Significant Highlands Statistics

- **Planning Area Lands: 1,555.4 acres – 100%**
- **Existing Community Zone – 1,226 acres – 79%**
- **Protection Zone – 212 acres – 14% (Roads 7%)**
- **Highlands Open Water Protection – 627 acres – 40%**
- **Forest Resource Area – 883 acres – 42%**
- **Conservation Priority Areas – 75 acres – 4.8%**



High Bridge

Background Statistics – Land Use

NJDEP Land Use/Land Cover (2007)	Plan	Percent
Residential (Single & Multi Family)	571.4	36.7%
Commercial (Retail)	40.1	2.6%
Industrial & Transportation & Utilities	59.2	3.8%
Agriculture (Crops & Plantations)	31.3	2.0%
Recreational Lands (Public & Private)	93.4	6.0%
Other Urban or Built-Up Land	39.3	2.5%
Subtotal Developed Lands	834.6	53.7%
Mixed Forest	551.7	35.5%
Shrub & Scrub	78.9	5.1%
Mixed Wetlands	54.7	3.5%
Barren Lands	3.7	0.2%
Surface Waters (Lakes, Ponds & Tributaries)	31.8	2.0%
Subtotal Natural Lands	720.8	46.3%
Total	1,555.4	100.0%



New Jersey Highlands

High Bridge
Borough



Lebanon
Township

Union
Township

High Bridge
Borough

Clinton
Township

Legend

-  Municipal Boundaries
-  Parcel Boundaries
-  Highlands Planning Area
-  Highlands Preservation Area
-  Lakes Greater Than 10 Acres
- Land Use Capability Zone**
-  Protection
-  Existing Community
- Land Use Capability Sub-Zone**
-  Existing Community Environmentally Constrained
-  Lake Community
-  Wildlife Management





New Jersey Highlands

High Bridge
Borough



Lebanon
Township

Union
Township

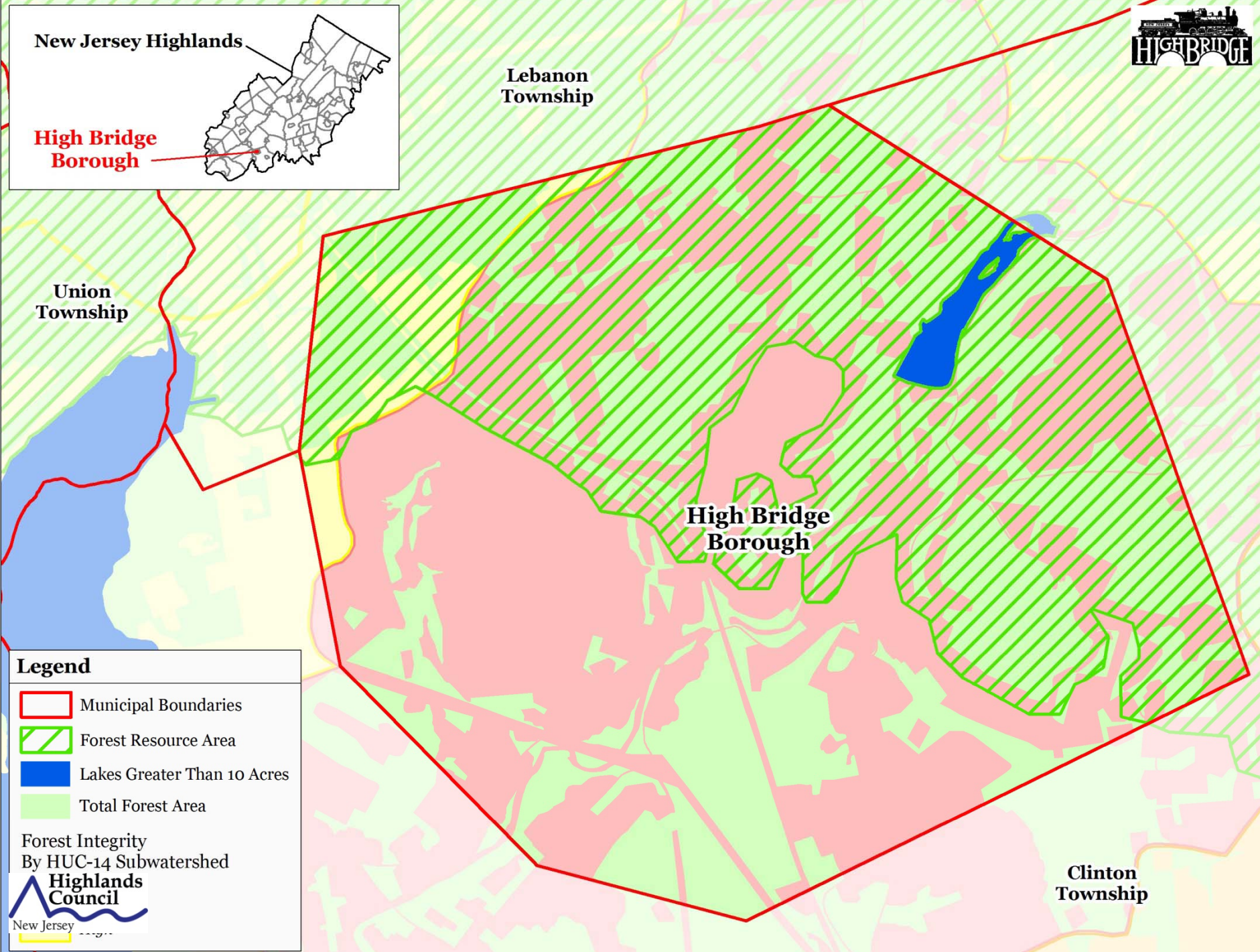
High Bridge
Borough

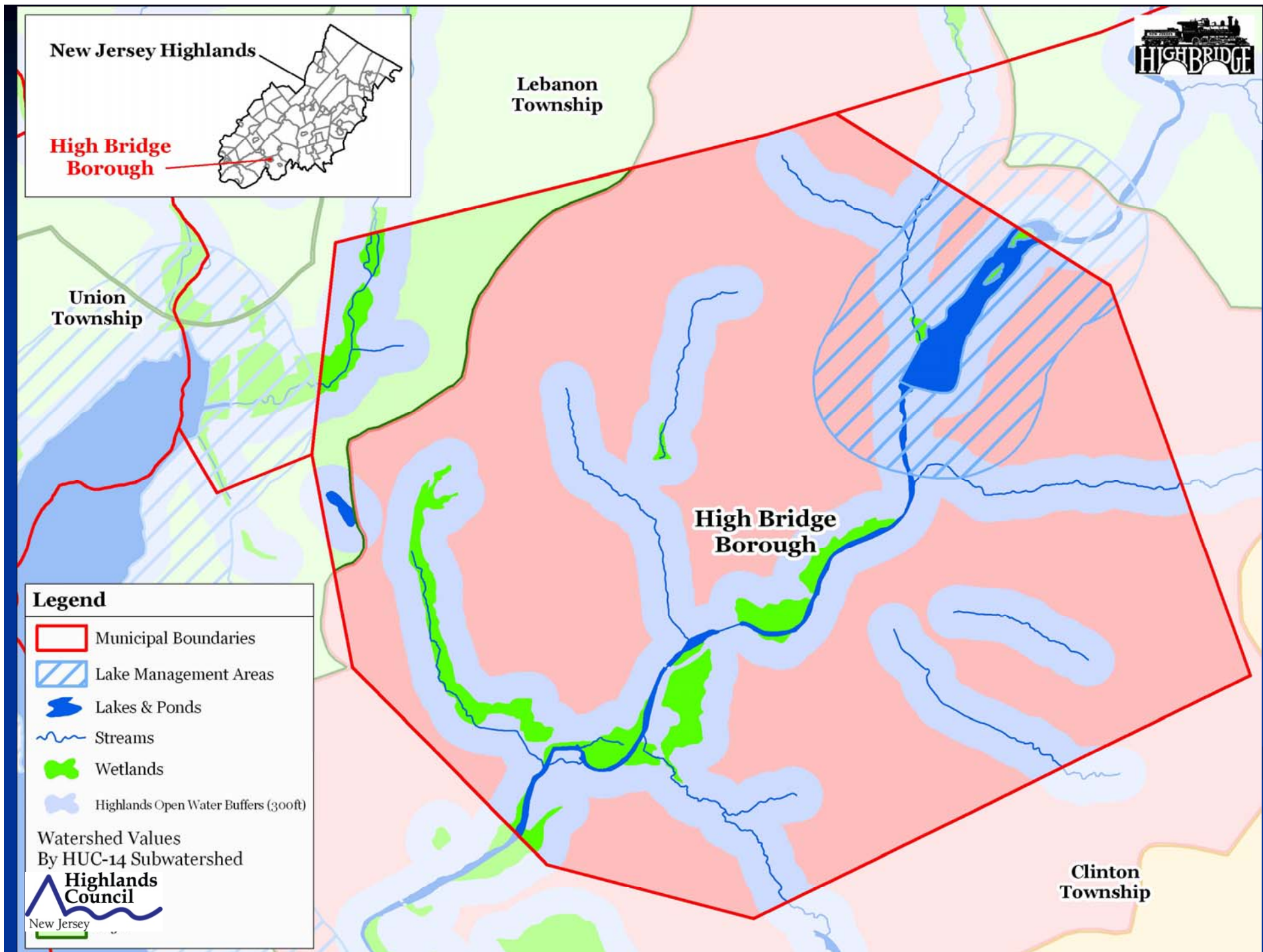
Clinton
Township

Legend

-  Municipal Boundaries
-  Parcel Boundaries
-  Highlands Planning Area
-  Highlands Preservation Area
-  Lakes Greater Than 10 Acres
- Land Use Capability Zone**
-  Protection
-  Existing Community
- Land Use Capability Sub-Zone**
-  Existing Community Environmentally Constrained
-  Lake Community
-  Wildlife Management









New Jersey Highlands

High Bridge
Borough



Lebanon
Township

Union
Township

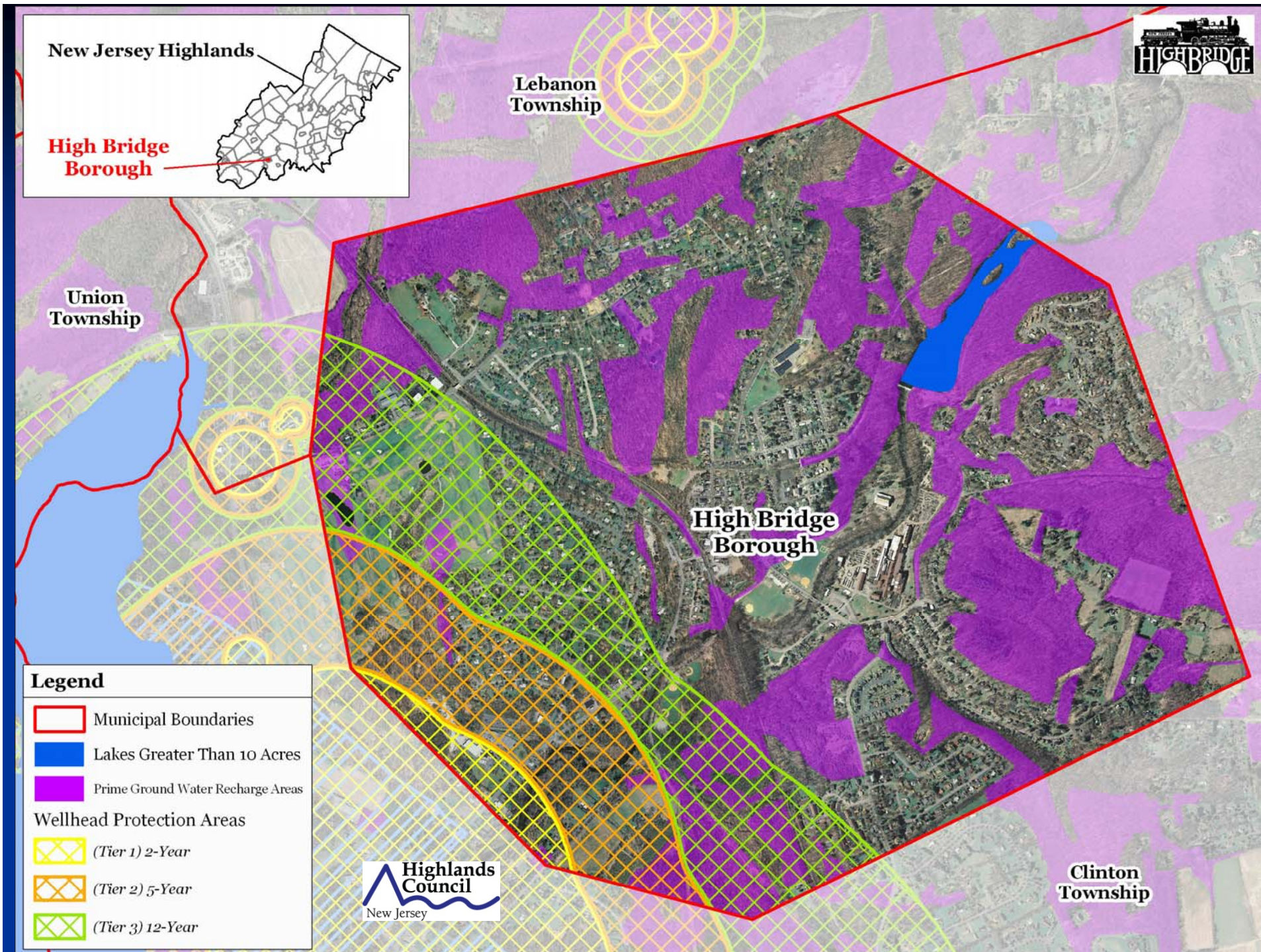
High Bridge
Borough

Clinton
Township

Legend

-  Municipal Boundaries
-  Lakes Greater Than 10 Acres
- Steep Slope Protection Area
 -  Severely Constrained
 -  Moderately Constrained
 -  Constrained/Limited Constrained







New Jersey Highlands

High Bridge
Borough



Lebanon
Township

Union
Township


High Bridge
Borough

Clinton
Township

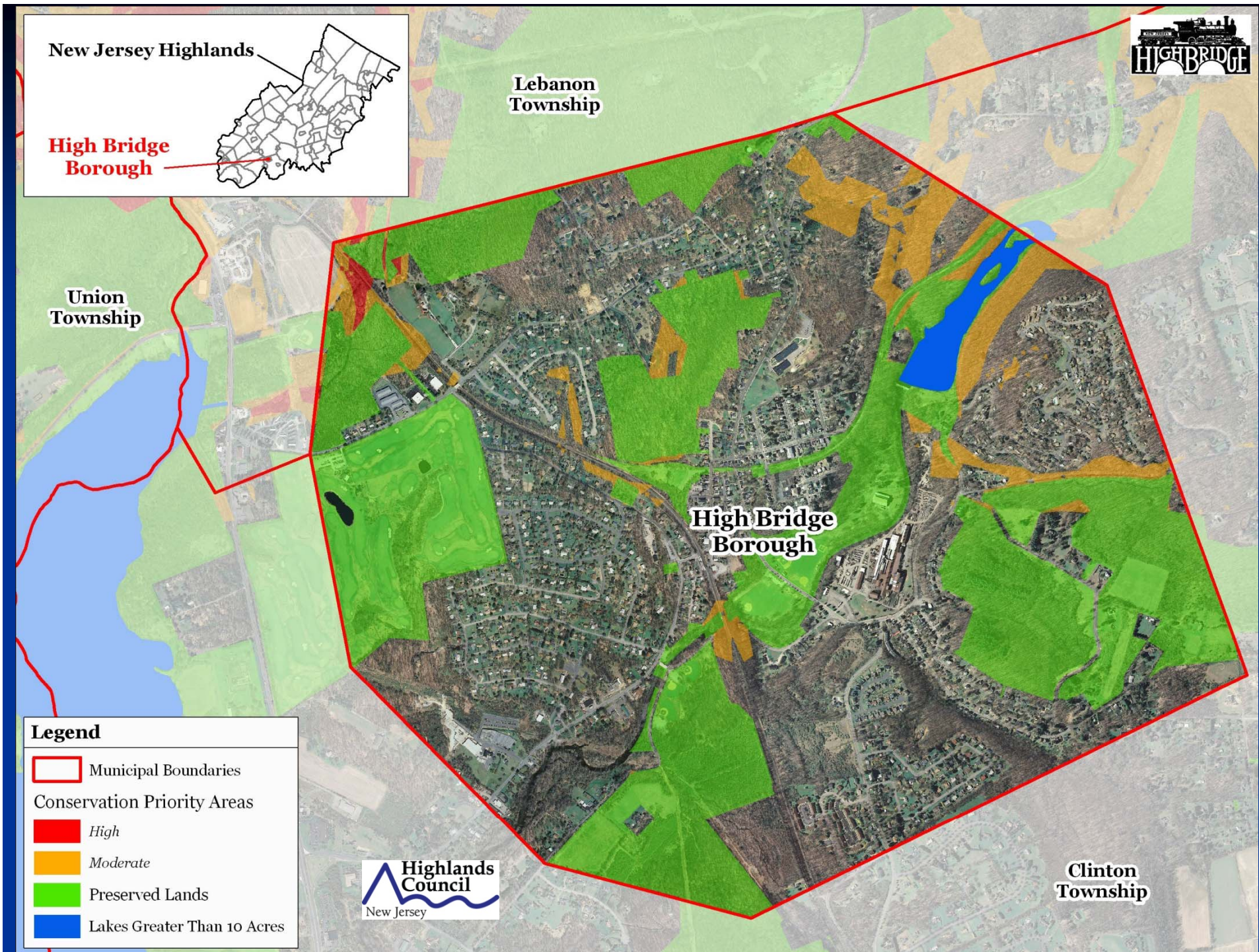
Legend

-  Municipal Boundaries
-  Lakes Greater Than 10 Acres
- Existing Area Served for:
 -  Public Community Water Systems
 -  Highlands Domestic Sewerage Facilities
 -  Highlands Domestic Sewerage Facilities and Public Community Water Systems

Net Water Availability
By HUC14 Subwatershed
Million Gallons Per Day (MGD)

 -0.99 - -0.10





New Jersey Highlands

High Bridge
Borough

Lebanon
Township

Union
Township

High Bridge
Borough

Clinton
Township

Legend

-  Municipal Boundaries
- Conservation Priority Areas
 -  High
 -  Moderate
 -  Preserved Lands
 -  Lakes Greater Than 10 Acres



High Bridge Borough

Hunterdon County, New Jersey



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

12/24/09	Petition for Plan Conformance Submitted
7/7/10	Petition Deemed Administratively Complete
7/15/10	Petition Posted to Highlands Council Website
NA	Draft Consistency Report Sent to Municipality
12/17/10	Final Draft Report Posted to Highlands Council Website
1/5/11	End of Public Comment Period (Start 12/17/10)
1/14/11	Final Report Posted to Highlands Council Website
1/20/11	Highlands Council Public Hearing

Highlands Municipal Build-Out Report – Modules 1 & 2

- The Report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities.
- The Highlands Municipal Build-Out Report for High Bridge was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition.
- The Report is dated September 2009 and was posted to the Highlands Council website on September 30, 2009.
- Staff RMP Consistency Finding: CONSISTENT

Housing Plan – Module 3

- **Summary of High Bridge’s Fair Share Obligation**
 - **Rehabilitation Share:** 0 Units
 - **Prior Round Obligation:** 23 Units (vacant land adjustment)
 - **Growth Share Obligation:** 3 Units
- **Summary of High Bridge’s Fair Share Plan**
 - **Municipal Rehabilitation Program:** None
 - **Prior Round Obligation:** Eighteen (18) prior cycle credits, 5 credits from existing group home, Arbors at High Bridge inclusionary development (8 units, including 4 affordable units and 1 bonus credit, 4 credits applied to prior round obligation.)
 - **Third Round Project/Sites:** Two (2) unit market to affordable program, 1 credit from Arbors at High Bridge development.
- **Staff RMP Consistency Finding:** **CONSISTENT**

Environmental Resource Inventory

Module 4

- Describes & Illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality
- High Bridge's Submittal Based on Highlands Council Model Environmental Resource Inventory
 - ❖ All Applicable Narrative Portions Retained
 - ❖ All Applicable Exhibits Included
- Staff RMP Consistency Finding: CONSISTENT

Master Plan Highlands Element Module 5

- Incorporates RMP Goals & Objectives into local planning; provides basis for effectuation of RMP
- High Bridge's Submittal Based on Highlands Council Model
 - ❖ All Applicable Narrative Portions Retained
 - ❖ All Applicable Exhibits Provided
- Staff RMP Consistency Finding: CONSISTENT
- Note: The Borough also submitted a report which examined the feasibility of redevelopment of the "Exact Tool site" (Block 24, Lot 16)

Highlands Area Land Use Ordinance

Module 6

- Sets forth regulatory provisions that protect Highlands Resources and effectuate the policies, goals, and objectives of RMP at the local level.
- High Bridge's Submittal Based on Highlands Council Model
 - ❖ All Applicable Narrative Portions Retained
 - ❖ All Applicable Exhibits Provided by the Highlands Council (Parcel-Based)
- Staff RMP Consistency Finding: CONSISTENT

Municipal Petition for Plan Conformance

Module 7

- Consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment Report, List of Current Planning Documents, Highlands Implementation Plan & Schedule
- High Bridge's Submittals Based on Highlands Council Models
 - ❖ Resolution for Planning Area Complete
 - ❖ Self-Assessment Report Accurate & Complete
 - ❖ Highlands Implementation Plan and Schedule Completed
- Staff RMP Consistency Finding: CONSISTENT

High Bridge's Petition for Plan Conformance Public Comments Received

- The public comment period for High Bridge's Petition for Plan Conformance opened December 17, 2010, and closed January 5, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.
- Public comments received from: Kevin Walsh, Esq. on behalf of the Fair Share Housing Center; and Julia Somers, Executive Director on behalf of the New Jersey Highlands Coalition

High Bridge's Petition for Plan Conformance Public Comments Received

- **Comment 1.** The Fair Share Housing Center submitted comments objecting to reliance on the Highlands Build-out numbers for calculating the Borough's fair share obligation of affordable housing.
- **Summary of Response:** These comments specifically relate to matters that are pending before the Appellate Division in litigation filed by Fair Share Housing Center. The Petition should be approved conditioned upon achieving and retaining compliance with the Fair Housing Act. In addition, the response clarifies that the Build-out Report is based upon the Highlands Act and RMP Requirements.

High Bridge's Petition for Plan Conformance Public Comments Received

- **Comment 2:** The New Jersey Highlands Coalition supports the Highlands Council's approving the petition to conform to the RMP of the Borough of High Bridge. Following is a summary of additional specific comments (A detailed response has been provided, in the comment/response document.):
 - Seeks to ensure that resource mapping is up to date and accurate in the maps to be approved by the Council.
 - Supports the incorporation of LiDAR data into all Highlands mapping as appropriate.
 - Supports the Borough of High Bridge seeking a Center Designation.
 - Seeks to ensure that preserved farms are shown in the GIS mapping for High Bridge.

High Bridge's Petition for Plan Conformance

Public Comments Received

■ Summary of Responses:

- The Highlands Council has already updated the Steep Slopes mapping using LiDAR data. The results are shown in the Land Use Ordinance Exhibit showing steep slopes along Cregar Road and Beavers Street.
- With respect to Water Quantity, Quality, Availability and Use, the Highlands Council has already utilized updated Modules 1 and 2 data and has incorporated these data into the new Ordinance Exhibit regarding utility service areas.
- With respect to RMP Updates requests for specific parcels related to Forest Resource Area and Agriculture Use, the Highlands Council is updating its regional mapping by utilizing the most recent NJDEP Land Use/Land Cover mapping. In one instance (where review of the most recent NJDEP Land Use/Land Cover mapping indicated that there was no forest on a parcel where previous mapping had shown mapping), the change was made to Land Use Ordinance Exhibit showing Total Forest.
- The Highlands Council is very supportive of the Borough's interest in a Highlands Center designation and looks forward to working with the Borough toward its development and implementation.

Petition Disposition

High Bridge Borough's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS

- Adoption of Completed Final Environmental Resource Inventory
- Adoption of Completed Master Plan Highlands Element
- Completion and Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan

Petition Disposition

High Bridge's Petition for Plan Conformance

CONDITIONS (Continued)

- **Compliance with Fair Housing Act (COAH Certification).** This condition requires updates on COAH proceedings and Council review of any proposed changes to the Fair Share Plan and Housing Element.
- **Update/Development & Implementation of:**
 - Water Use & Conservation Management Plan
 - Stormwater Management Plan (updates only)
 - Habitat Conservation and Management Plan
 - Land Preservation & Stewardship Program
 - Septic System Management/Maintenance Plan
 - Right to Farm Ordinance
 - Sustainable Economic Development Plan
 - Stream Corridor Protection & Restoration Plan

High Bridge's Petition for Plan Conformance

Previous Highlands Protection Fund Grants

- **Initial Assessment Grant** is complete and finalized.
- Feasibility study for redevelopment of the Exact Tool site, as part of their **Plan Conformance Grant**. Complete and approved.
- Development of a **Sustainable Economic Development Plan** has also been approved as part of the Plan Conformance Grant.

High Bridge's Petition for Plan Conformance

Future Highlands Protection Fund Grants

- **Highlands Implementation Plan and Schedule** – Grant funding is proposed for the following:
 - **Water Use and Conservation Management Plan:** The Highlands Council will serve as lead for a project to develop a plan for two HUC 14 subwatersheds: 1) South Branch of the Raritan/Spruce Run – Stone Mill gage; and 2) Spruce Run Reservoir/Willoughby Brook.
 - Continued redevelopment planning for the Exact Tool site in a **Highlands Redevelopment Area Plan.**

Council Deliberation



High Bridge Borough

Public Hearing

Town of Clinton Petition for Plan Conformance

Introduction to the Town of Clinton

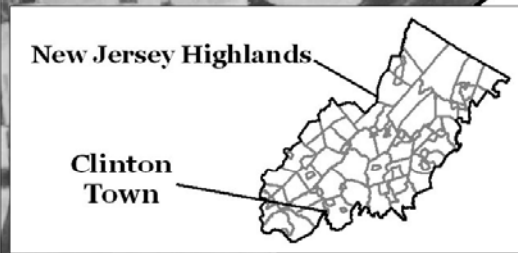
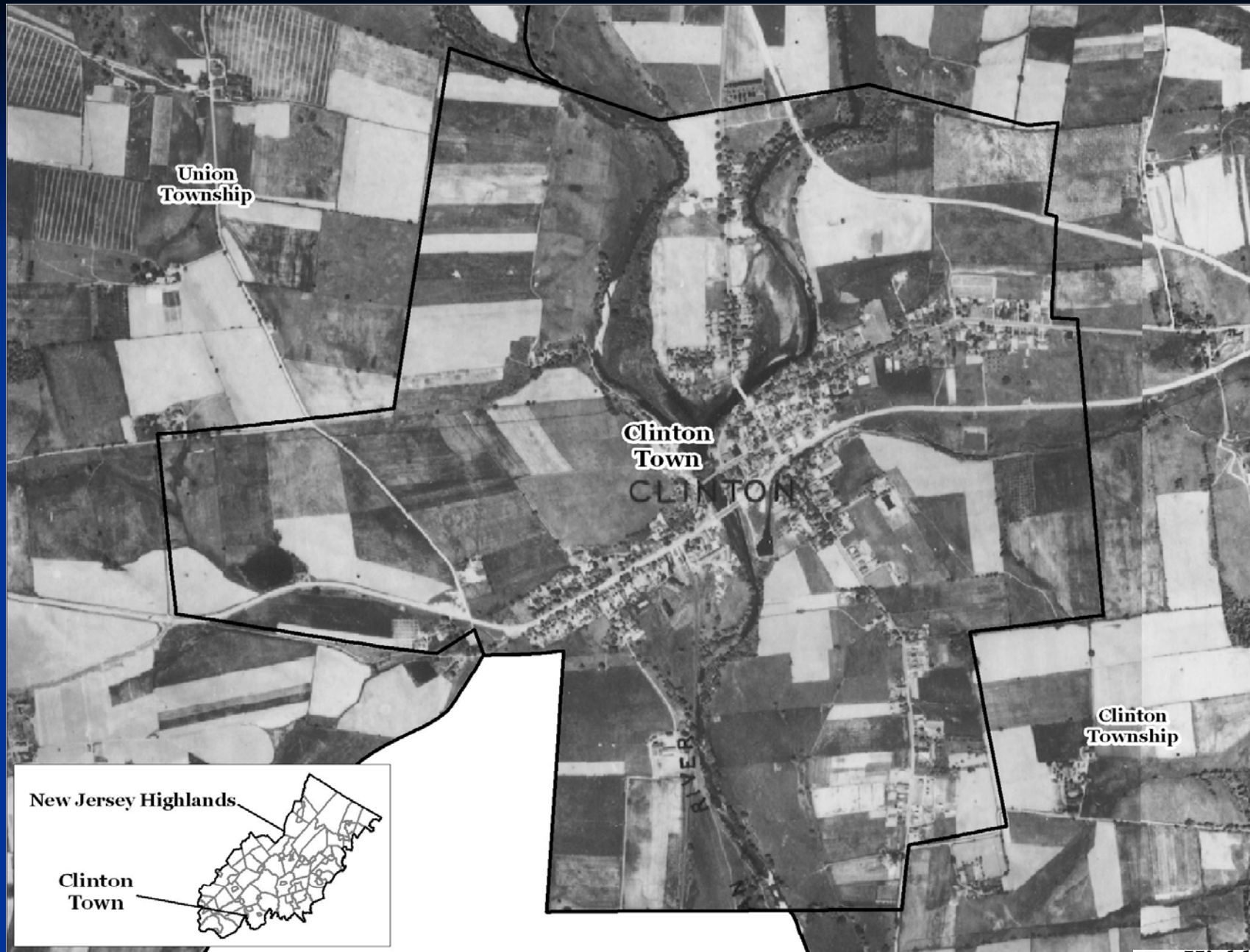


Town of Clinton

Background Statistics

- Incorporated: 1865
- Population (2009): 2,567
- Land Area: 917 acres /
1.44 sq. mi.
- Preserved Lands: 256 acres
- Wetlands: 72 acres
- Total Forest: 185 acres
- Farmland: 120 acres





Town of Clinton - 1930

Town of Clinton

Significant Highlands Statistics

- **Preservation Area Lands: 141 acres – 15%**
- **Planning Area Lands: 776 acres – 85%**

- **Existing Community Zone – 605 acres – 66%**
- **Protection Zone – 195 acres – 21% (Roads 13%)**

- **Highlands Open Water Protection – 458 acres – 50%**
- **Conservation Priority Areas – 2 acres – 0.3%**



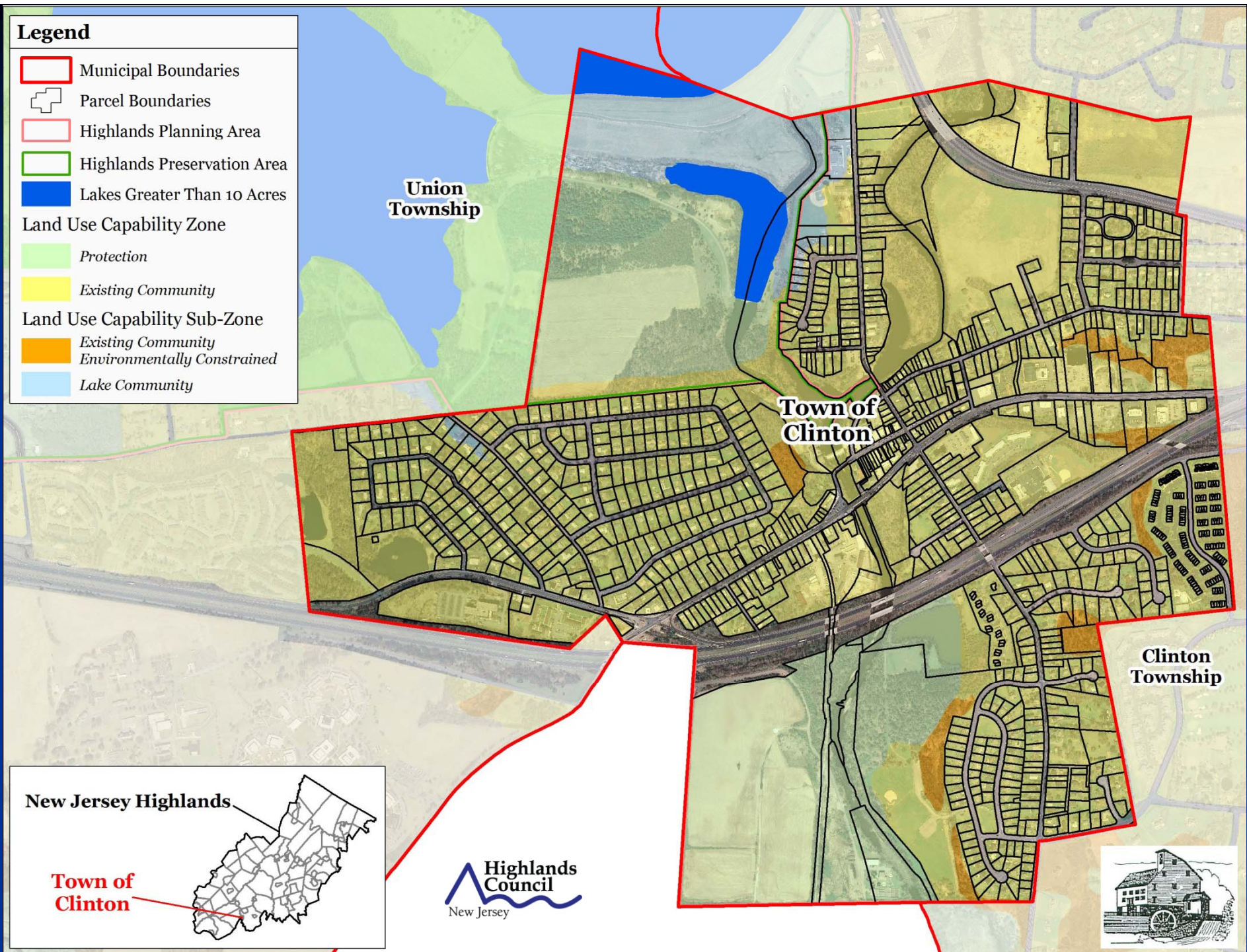
Town of Clinton

Background Statistics – Land Use

NJDEP Land Use/Land Cover (2005/2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	327.7	0.2	35.7%
Commercial (Retail)	84.8	0.1	9.3%
Industrial & Transportation & Utilities	34.5	8.4	4.7%
Agriculture (Crops & Plantations)	93.1	26.7	13.1%
Recreational Lands (Public & Private)	12.4	1.3	1.5%
Other Urban or Built-Up Land	33.1	21.4	5.9%
Subtotal Developed Lands	585.6	58.1	70.2%
Mixed Forest	72.3	38.4	12.1%
Shrub & Scrub	6.9	12.7	2.1%
Mixed Wetlands	66.9	5.5	7.9%
Barren Lands	9.8	0.0	1.1%
Surface Waters (Lakes, Ponds & Tributaries)	34.9	26.2	6.7%
Subtotal Natural Lands	190.8	82.9	29.8%
Total	776.4	141.0	100.0%

Legend

-  Municipal Boundaries
-  Parcel Boundaries
-  Highlands Planning Area
-  Highlands Preservation Area
-  Lakes Greater Than 10 Acres
- Land Use Capability Zone**
 -  Protection
 -  Existing Community
- Land Use Capability Sub-Zone**
 -  Existing Community Environmentally Constrained
 -  Lake Community

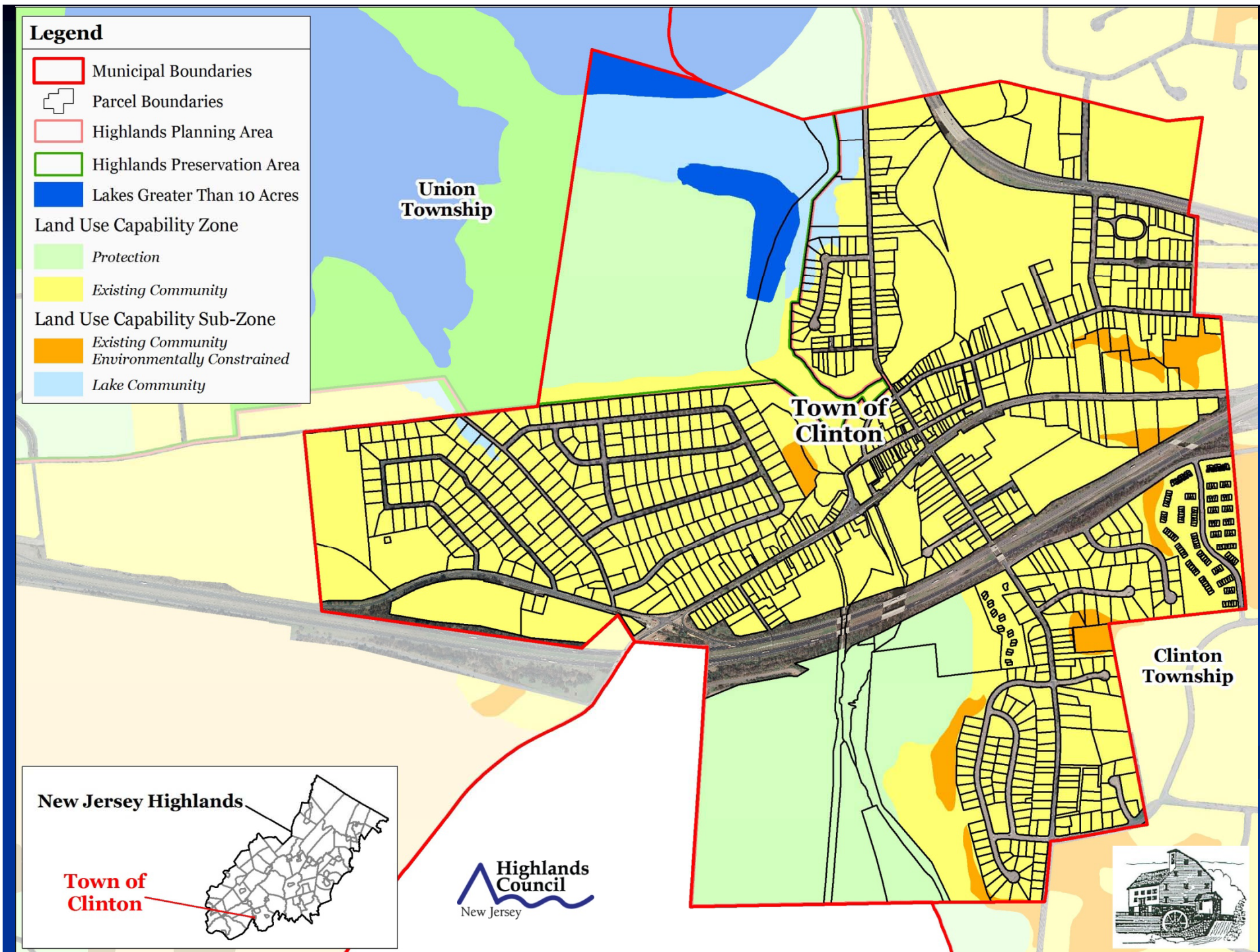


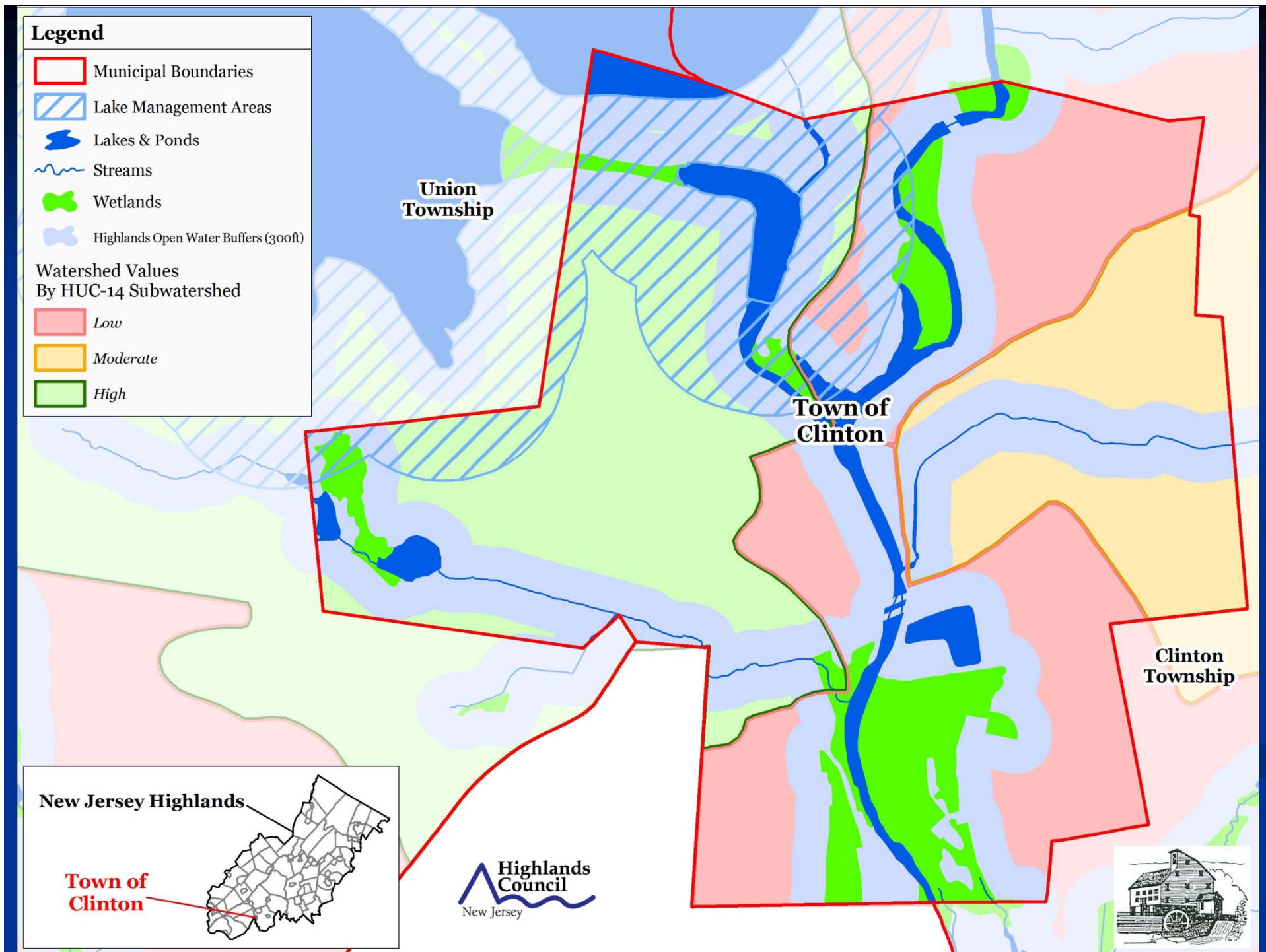
New Jersey Highlands

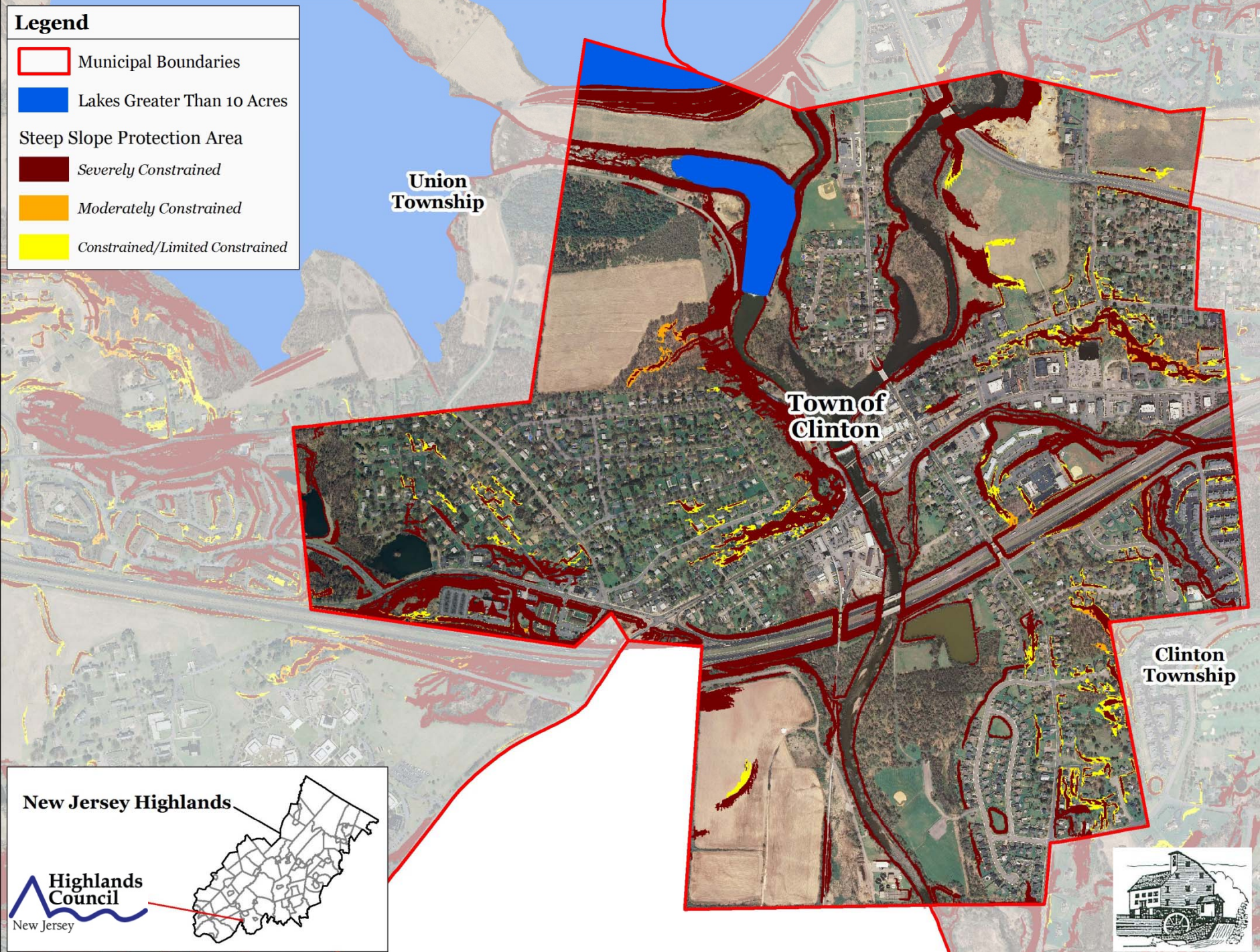
Town of Clinton

Highlands Council
New Jersey









Legend

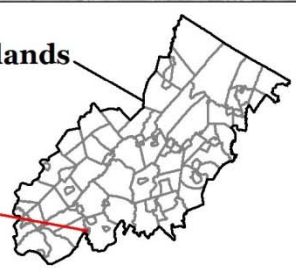
- Municipal Boundaries
- Lakes Greater Than 10 Acres
- Steep Slope Protection Area**
 - Severely Constrained
 - Moderately Constrained
 - Constrained/Limited Constrained

**Union
Township**


**Town of
Clinton**

**Clinton
Township**



New Jersey Highlands

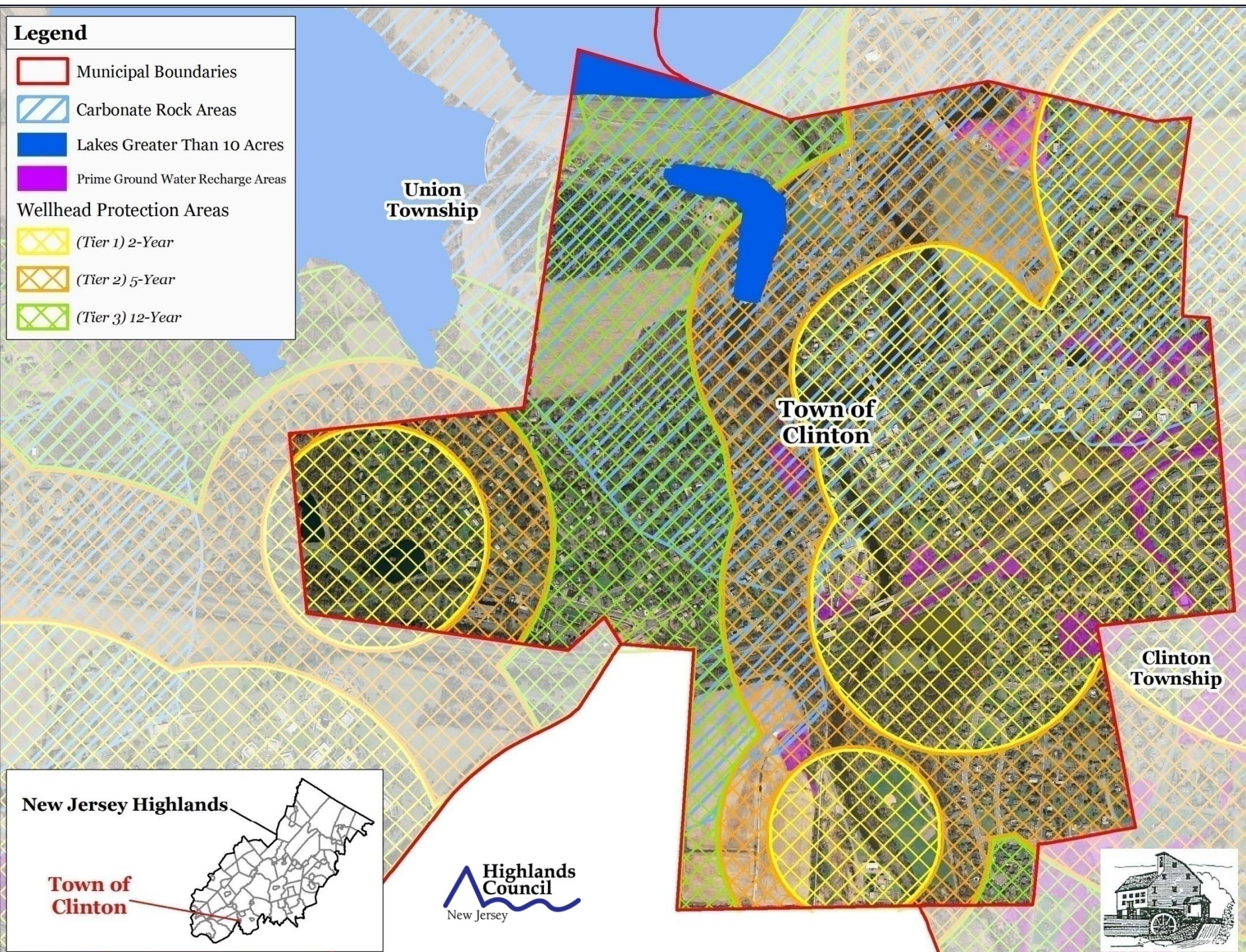


Legend

-  Municipal Boundaries
-  Carbonate Rock Areas
-  Lakes Greater Than 10 Acres
-  Prime Ground Water Recharge Areas

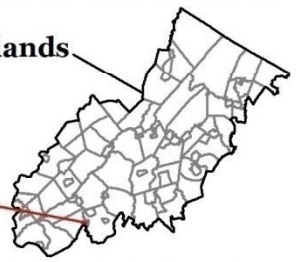
Wellhead Protection Areas

-  (Tier 1) 2-Year
-  (Tier 2) 5-Year
-  (Tier 3) 12-Year



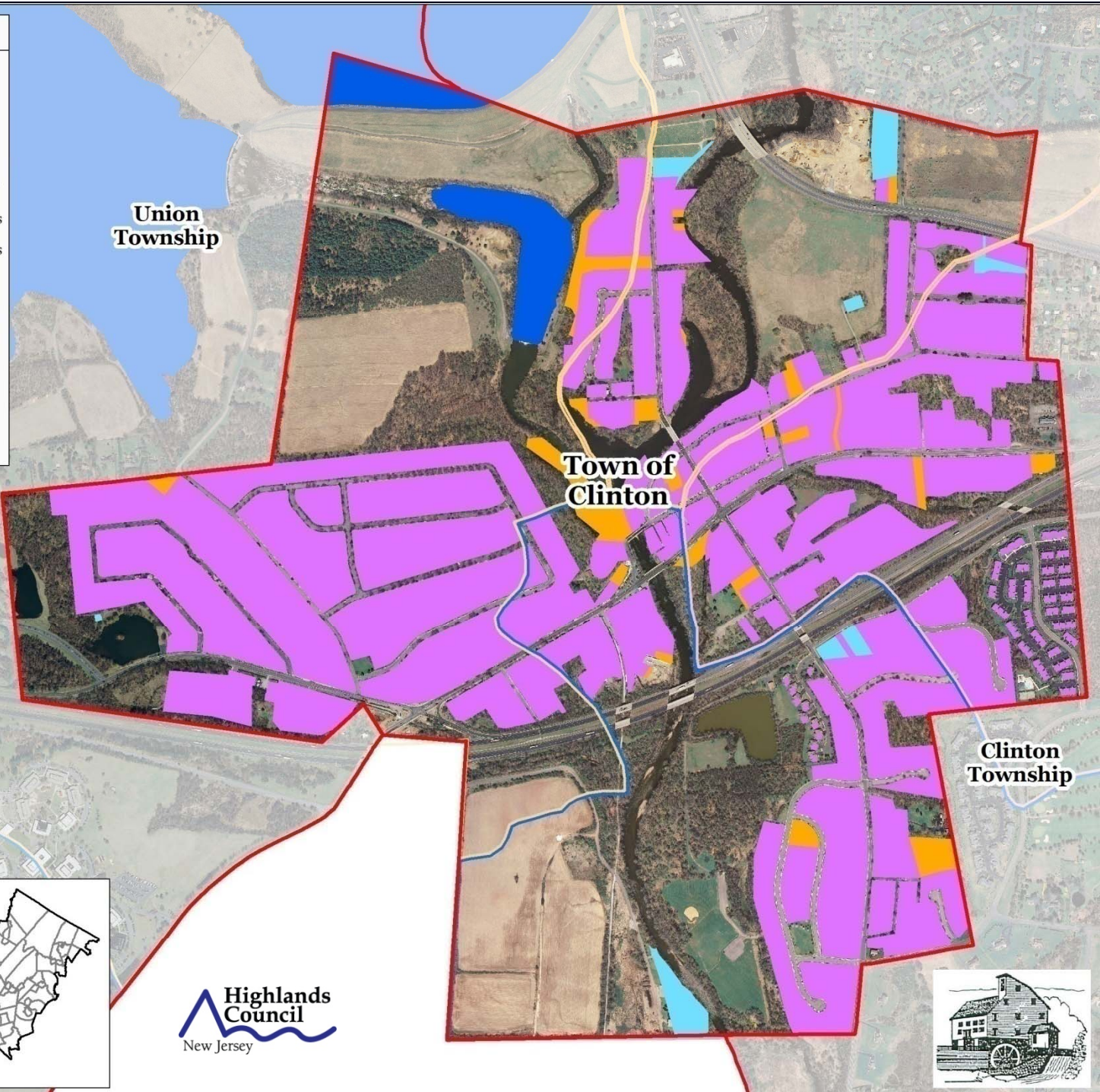
New Jersey Highlands

Town of Clinton

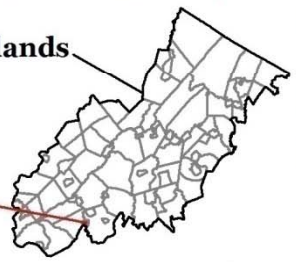


Legend

-  Municipal Boundaries
-  Lakes Greater Than 10 Acres
- Existing Area Served for:
 -  Public Community Water Systems
 -  Highlands Domestic Sewerage Facilities
 -  Highlands Domestic Sewerage Facilities and Public Community Water Systems
- Net Water Availability By HUC14 Subwatershed Million Gallons Per Day (MGD)
 -  0.10 - 0.39
 -  -0.99 - -0.10
 -  -7.10 - -1.00



New Jersey Highlands



Town of Clinton



Town of Clinton

Hunterdon County, New Jersey



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

12/7/09	Petition for Plan Conformance Submitted
3/16/10	Petition Deemed Administratively Complete
3/24/10	Petition Posted to Highlands Council Website
8/11/10	Draft Consistency Report Sent to Municipality
12/17/10	Final Draft Report Posted to Highlands Council Website
1/5/11	End of Public Comment Period (Start 12/17/10)
1/13/11	Final Report Posted to Highlands Council Website
1/20/11	Highlands Council Public Hearing

Highlands Municipal Build-Out Report – Modules 1 & 2

- The Report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities.
- The Highlands Municipal Build-Out Report for the Town of Clinton was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition.
- The Report is dated June 2009 and was posted to the Highlands Council website on July 15, 2009.
- Staff RMP Consistency Finding: CONSISTENT

Housing Plan – Module 3

- **Summary of Town of Clinton’s Fair Share Obligation**
 - **Rehabilitation Share:** 0 Units
 - **Prior Round Obligation:** 51 Units
 - **Growth Share Obligation:** 34 Units
- **Summary of Town of Clinton’s Fair Share Plan**
 - **Municipal Rehabilitation Program:** None.
 - **Prior Round Obligation:** Two 4-bedroom group homes, 8 bonus credits, 3 approved accessory apartments, and Alton Place proposed 203 unit inclusionary development (including 44 affordable units, 32 applied to prior round obligation, 12 to third round).
 - **Third Round Project/Sites:** Twin Pond proposed inclusionary development of 61 units (including 12 affordable units), 6 bonus credits, and 4 unit accessory apartment program.
- **Staff RMP Consistency Finding:** **CONSISTENT**

Environmental Resource Inventory

Module 4

- Describes & Illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality
- Town of Clinton's Submittal Based on Highlands Council Model Environmental Resource Inventory
 - ❖ All Applicable Narrative Portions Retained
 - ❖ All Applicable Exhibits Included
- Staff RMP Consistency Finding: CONSISTENT

Master Plan Highlands Element Module 5

- Incorporates RMP Goals & Objectives into local planning; provides basis for effectuation of RMP
- Town of Clinton's Submittal Based on Highlands Council Model
 - ❖ All Applicable Narrative Portions Retained
 - ❖ All Applicable Exhibits Provided
- Staff RMP Consistency Finding: CONSISTENT

Highlands Area Land Use Ordinance

Module 6

- Sets forth regulatory provisions that protect Highlands Resources and effectuate the policies, goals, and objectives of RMP at the local level.
- Town of Clinton's Submittal Based on Highlands Council Model
 - ❖ All Applicable Narrative Portions Retained
 - ❖ All Applicable Exhibits Provided by the Highlands Council (Parcel-Based)
- Staff RMP Consistency Finding: CONSISTENT

Municipal Petition for Plan Conformance

Module 7

- Consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment Report, List of Current Planning Documents, Highlands Implementation Plan & Schedule
- Town of Clinton's Submittals Based on Highlands Council Models
 - ❖ Resolutions (#1-Preservation Area, #2-Planning Area) Complete
 - ❖ Self-Assessment Report Accurate & Complete
 - ❖ Highlands Implementation Plan and Schedule Completed
- Staff RMP Consistency Finding: CONSISTENT

Town of Clinton's Petition for Plan Conformance Public Comments Received

- The public comment period for the Town of Clinton's Petition for Plan Conformance opened December 17, 2010, and closed January 5, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.
- Public comments received from: Kevin Walsh, Esq. on behalf of the Fair Share Housing Center; and Julia Somers, Executive Director on behalf of the New Jersey Highlands Coalition.

Town of Clinton's Petition for Plan Conformance Public Comments Received

- **Comment 1.** The Fair Share Housing Center submitted comments objecting to reliance on the Highlands Build-out numbers for calculating the Town's fair share obligation of affordable housing.
- **Summary of Response:** These comments specifically relate to matters that are pending before the Appellate Division in litigation filed by Fair Share Housing Center. The Petition should be approved conditioned upon achieving and retaining compliance with the Fair Housing Act. In addition, the response clarifies that the Build-out Report is based upon the Highlands Act and RMP Requirements.

Town of Clinton's Petition for Plan Conformance Public Comments Received

- **Comment 2:** The New Jersey Highlands Coalition supports the Highlands Council's approving the petition to conform to the RMP of the Town of Clinton. Following is a summary of additional specific comments (A detailed response has been provided, in the comment/response document.):
 1. Encourages the town to adopt the optional Historic, Cultural & Archaeological Resources ordinance.
 2. Supports the Town of Clinton pursuing a Center Designation, but would like to see more information.
 3. Supports the development and application of a Water Use & Conservation Management Plan, but believes that more information is necessary on the phasing, timing and funding for such a Plan, as well as goals and deliverables.

Town of Clinton's Petition for Plan Conformance Public Comments Received

■ Summary of Responses:

1. The Highlands Council encourages all municipalities to adopt a Historic, Cultural & Archaeological Resources ordinance. The Council will continue to encourage the Town to adopt a Historic, Cultural & Archaeological Resources ordinance as we work together on future Plan Conformance planning including the center designation proposal.
2. The Highlands Council encourages the Town to pursue a Highlands Center designation. Such a designation will require detailed planning analysis and will be subject to Highlands Council approval subsequent to public review and comment.
3. As with the Highlands Council's current pilot projects for the development of Water Use and Conservation Management Plans in various project areas around the Highlands Region, additional plans, such as the one identified for Clinton, will be based on the Goals, Policies and Objectives (Chapter 4) and "Highlands Restoration: Water Deficits" Program (Chapter 5) within the Regional Master Plan. Development of such plans is coordinated with the relevant municipalities and professionals, major water users, and the NJ Department of Environmental Protection.

Petition Disposition

Town of Clinton's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS

- Adoption of Ordinance Petitioning for Planning Area
- Adoption of Completed Final Environmental Resource Inventory
- Adoption of Completed Master Plan Highlands Element
- Completion and Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan

Petition Disposition

Town of Clinton's Petition for Plan Conformance

CONDITIONS (Continued)

- **Compliance with Fair Housing Act (COAH Certification).** This condition requires updates on COAH proceedings and Council review of any proposed changes to the Fair Share Plan and Housing Element.
- **Update/Development & Implementation of:**
 - Water Use & Conservation Management Plan
 - Stormwater Management Plan (updates only)
 - Habitat Conservation and Management Plan
 - Land Preservation & Stewardship Program
 - Septic System Management/Maintenance Plan
 - Right to Farm Ordinance
 - Sustainable Economic Development Plan
 - Stream Corridor Protection & Restoration Plan

Clinton's Petition for Plan Conformance

Previous Highlands Protection Fund Grants

- **Fair Share Planning Grant** for the development of a Housing Element and Fair Share Plan is complete and final.
- **Initial Assessment Grant** is complete and finalized.
- **Municipal Partnership Planning Pilot (MP3) Grant** for development of a water management plan, which is being used as the foundation (Phase 1) for the Water Use and Conservation Management Plans for which funding is allocated under Plan Conformance approval. Complete and approved.
- **Transfer of Development Rights Feasibility Study:** Complete report has been submitted.

Clinton's Petition for Plan Conformance

Future Highlands Protection Fund Grants

- **Highlands Implementation Plan and Schedule** – Grant funding is proposed for the following:
 - **Water Use and Conservation Management Plan** for nine HUC14 subwatersheds, based on prior work by the Town of Clinton under its MP3 grant.
 - **Stream Corridor Restoration Plan** to address local issues regarding development impacts to stream corridors and planning for restoration and mitigation projects, particularly for tributaries of the South Branch Raritan River, including Beaver Brook which has extensive flooding history. Funding will be made available to the Town upon approval of a scope of work.
 - **Highlands Center Designation**

Council Deliberation



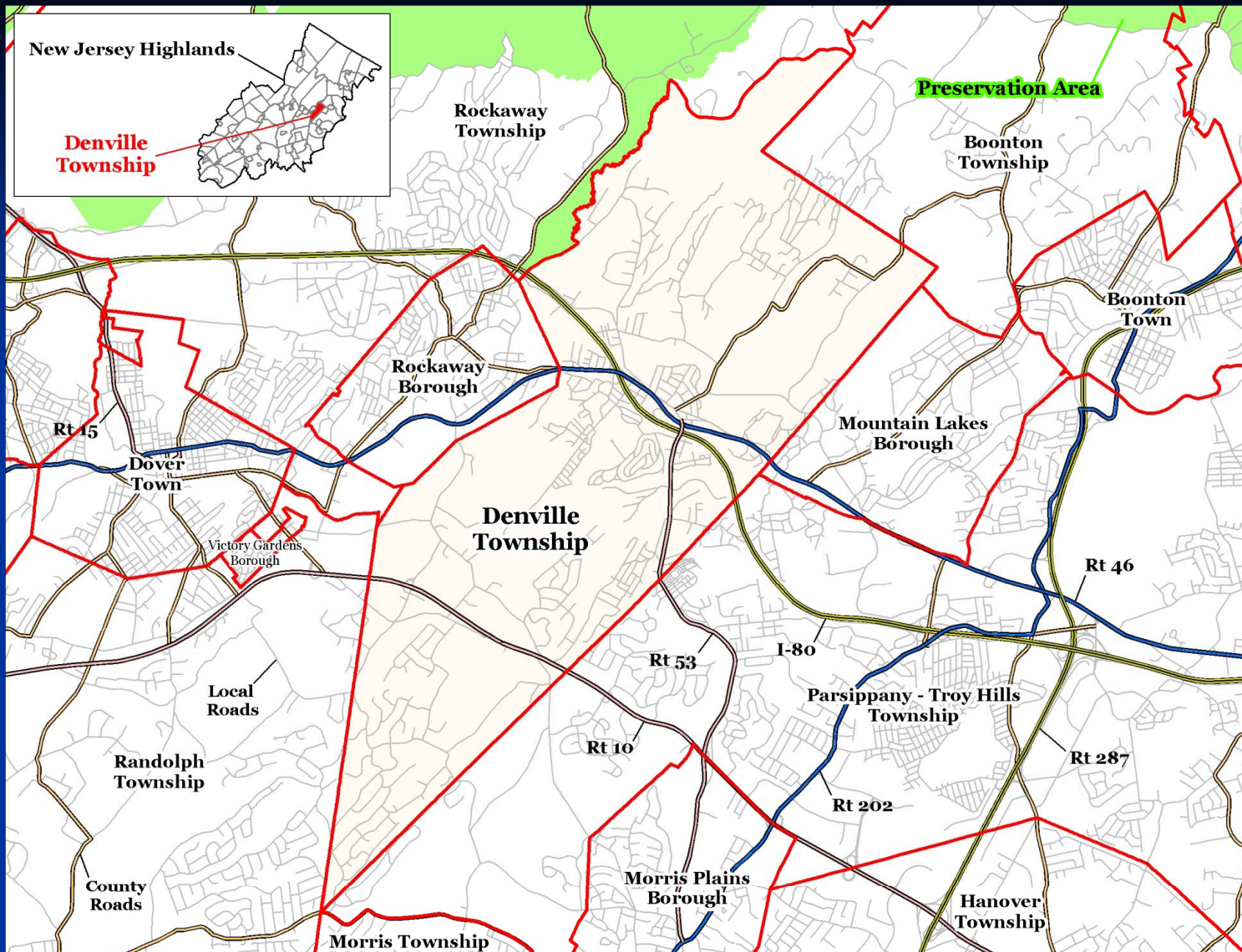
Town of Clinton

Public Hearing

Denville Township Petition for Plan Conformance

Introduction to Denville



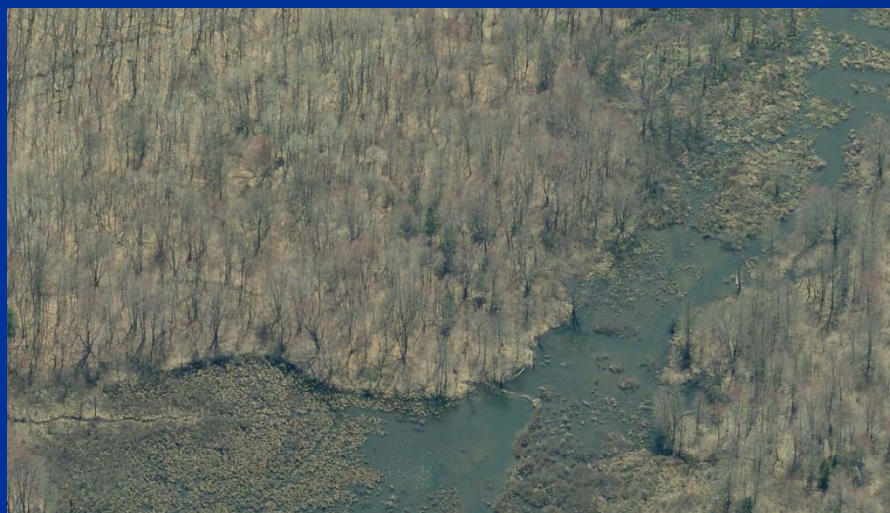


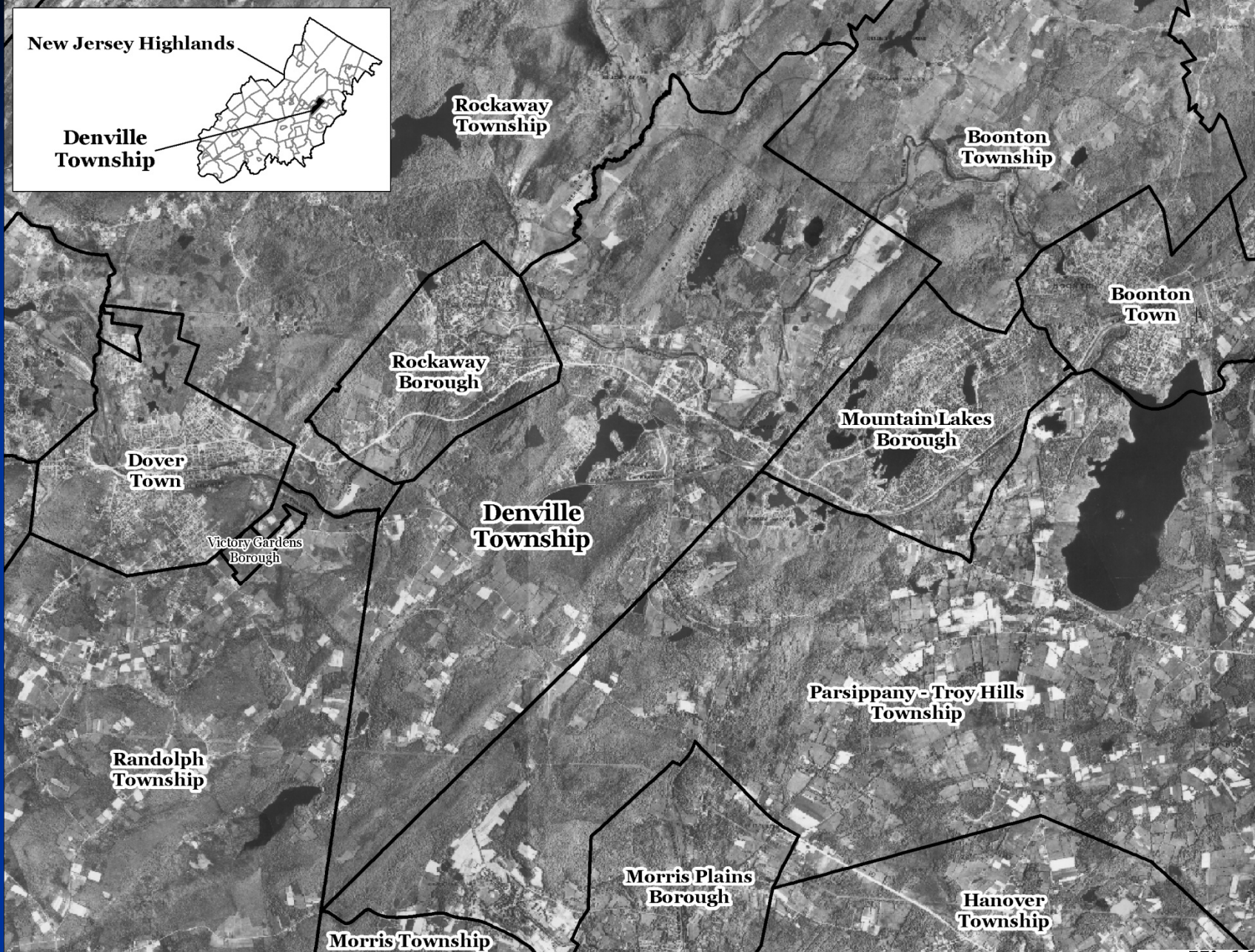
Denville Township

Denville

Background Statistics

- Incorporated: 1913
- Population (2000): 15,824
- Land Area: 8,151 acres /
12.75 sq. mi.
- Preserved Lands: 1,591 acres
- Wetlands: 681 acres
- Farmland: 148 acres
- Forest: 3,704 acres





Denville - 1930

Denville

Significant Highlands Statistics

- **Preservation Area Lands: 7 acres – 0.1%**
- **Planning Area Lands: 8,144 acres – 99.9%**

- **Existing Community Zone – 6,015 acres – 74%**
- **Protection Zone – 1,417 acres – 17% (Roads 9%)**

- **Highlands Open Water Protection – 4,068 acres – 50%**
- **Forest Resource Area – 3,113 acres – 38%**
- **Conservation Priority Areas – 591 acres – 7%**



Denville Township

Background Statistics – Land Use

NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	2,700.7	0.0	33.1%
Commercial (Retail)	362.2	0.0	4.4%
Industrial & Transportation & Utilities	365.2	0.0	4.5%
Agriculture (Crops & Plantations)	151.5	0.0	1.9%
Recreational Lands (Public & Private)	261.0	0.0	3.2%
Extractive Mining	4.6	0.0	0.1%
Other Urban or Built-Up Land	176.2	0.0	2.2%
Subtotal Developed Lands	4,021.4	0.0	49.3%
Mixed Forest	2,911.3	0.0	35.7%
Shrub & Scrub	42.6	0.0	0.5%
Mixed Wetlands	669.9	0.2	8.2%
Barren Lands	50.4	0.0	0.6%
Surface Waters (Lakes, Ponds & Tributaries)	448.7	6.9	5.6%
Subtotal Natural Lands	4,123.0	7.1	50.7%
Total	8,144.4	7.1	100.0%

Denville Township

Morris County, New Jersey



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

12/8/09	Petition for Plan Conformance Submitted
10/15/10	Petition Deemed Administratively Complete
10/19/10	Petition Posted to Highlands Council Website
NA	Draft Consistency Report Sent to Municipality
12/17/10	Final Draft Report Posted to Highlands Council Website
1/5/11	End of Public Comment Period (Start 12/17/10)
1/13/11	Final Report Posted to Highlands Council Website
1/20/11	Highlands Council Public Hearing

Highlands Municipal Build-Out Report – Modules 1 & 2

- The Report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities.
- The Highlands Municipal Build-Out Report for Denville was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition.
- The Report is dated September 2009 and was posted to the Highlands Council website on September 30, 2009.
- Staff RMP Consistency Finding: CONSISTENT

Housing Plan – Module 3

- **Summary of Denville’s Fair Share Obligation**
 - **Rehabilitation Share: 31 Units**
 - **Prior Round Obligation: 325 Units**
 - **Growth Share Obligation: 289 Units**
- **Summary of Denville Township’s Fair Share Plan**
 - **Municipal Rehabilitation Program** – None provided in the Township’s Fair Share Plan.
 - **Prior Round Obligation:** The 325-unit Prior Round Obligation will be addressed through 3 already constructed projects and a completed Regional Contribution Agreement. 356 Credits were supplied with the surplus units applied to the Township’s Third Round Obligation.
 - **Third Round Project/Sites:** The Township will meet its 289-unit Growth Share Obligation with surplus credits from the prior round, 22.5 credits from completed projects, 100 units plus 100 bonus credits from a municipally sponsored 100% affordable housing project, and 40 units from the implementation of a growth share ordinance.
- **Staff RMP Consistency Finding: CONSISTENT**

Modules 4, 5, 6, 7

- Waivers were granted for Modules 4, 5, 6 and 7 due to the unique circumstances of Denville Township's Petition for Plan Conformance for the 7 acres in the Preservation Area.
- The entirety of the Preservation Area in Denville Township is located between the center-line and the eastern banks and buffers of Beaver Brook, a Category One stream.
- The Preservation Area consists entirely of Highlands Open Waters or associated buffers that are regulated by the New Jersey Department of Environmental Protection under the Highlands Act, the Freshwater Wetlands Protection Act, and the Flood Hazard Area Control Act.
- The Highlands Council will continue to work with Denville Township through the Plan Conformance process. At any time the Township may reconsider and petition for the Planning Area portion of the Township.

Municipal Petition for Plan Conformance

Module 7

- Consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment Report, List of Current Planning Documents, Highlands Implementation Plan & Schedule
- Denville's Submittals Based on Highlands Council Models
 - ❖ Resolution for Preservation Area Complete
 - ❖ Self-Assessment Report Accurate & Complete
- Staff RMP Consistency Finding: CONSISTENT

Denville's Petition for Plan Conformance Public Comments Received

- The public comment period for Denville Township's Petition for Plan Conformance opened December 17, 2010, and closed January 5, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.
- No comments were received.

Denville's Petition for Plan Conformance

Previous Highlands Protection Fund Grants

- **Fair Share Planning Grant** for the development of a Housing Element and Fair Share Plan is complete and final.
- **Initial Assessment Grant** is complete and final.

Petition Disposition

Denville Township's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS

- **Compliance with Fair Housing Act (COAH Certification).** This condition requires updates on COAH proceedings and Council review of any proposed changes to the Fair Share Plan and Housing Element.
- **Adoption of Highlands Preservation Area Checklist Ordinance.**

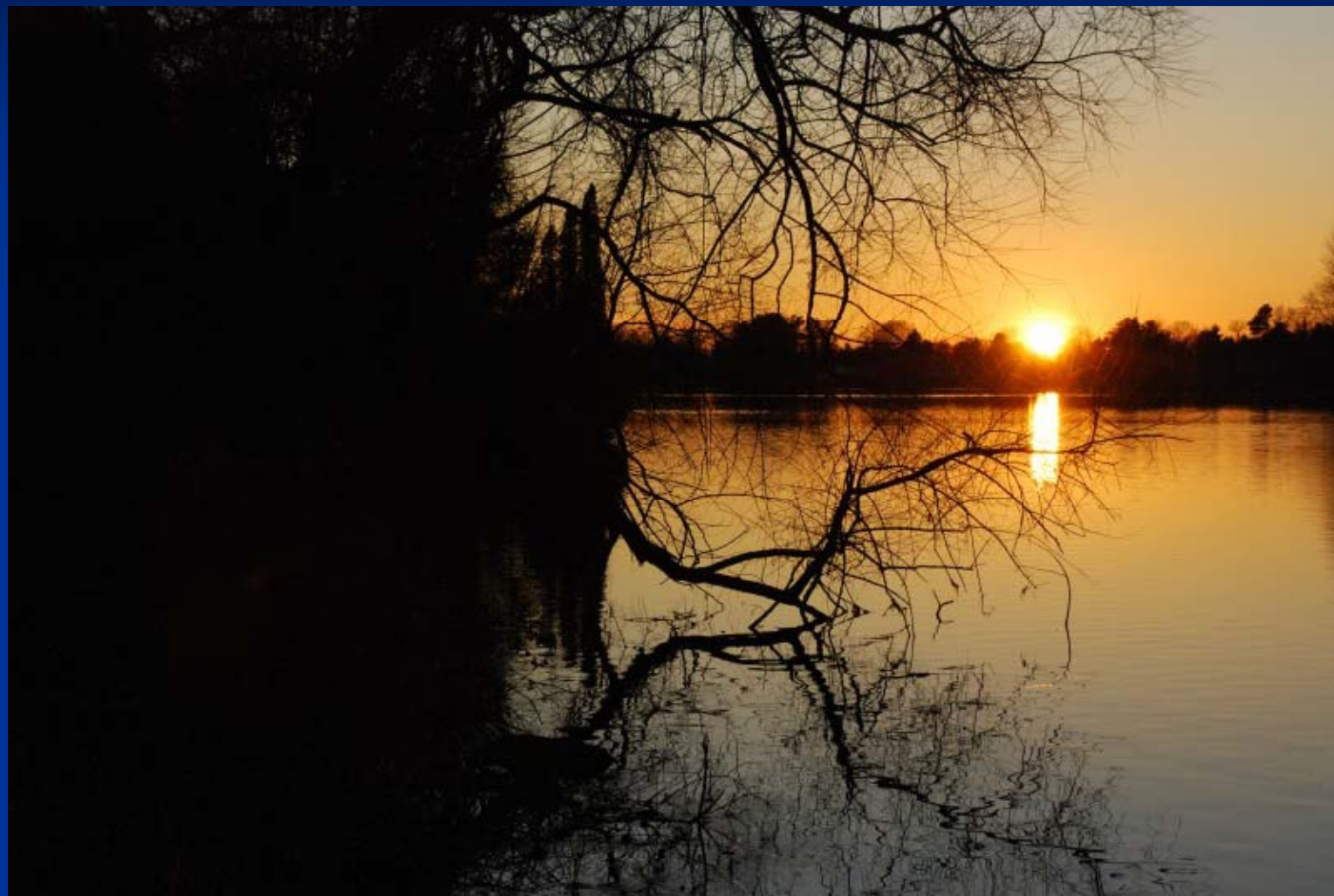
Council Deliberation

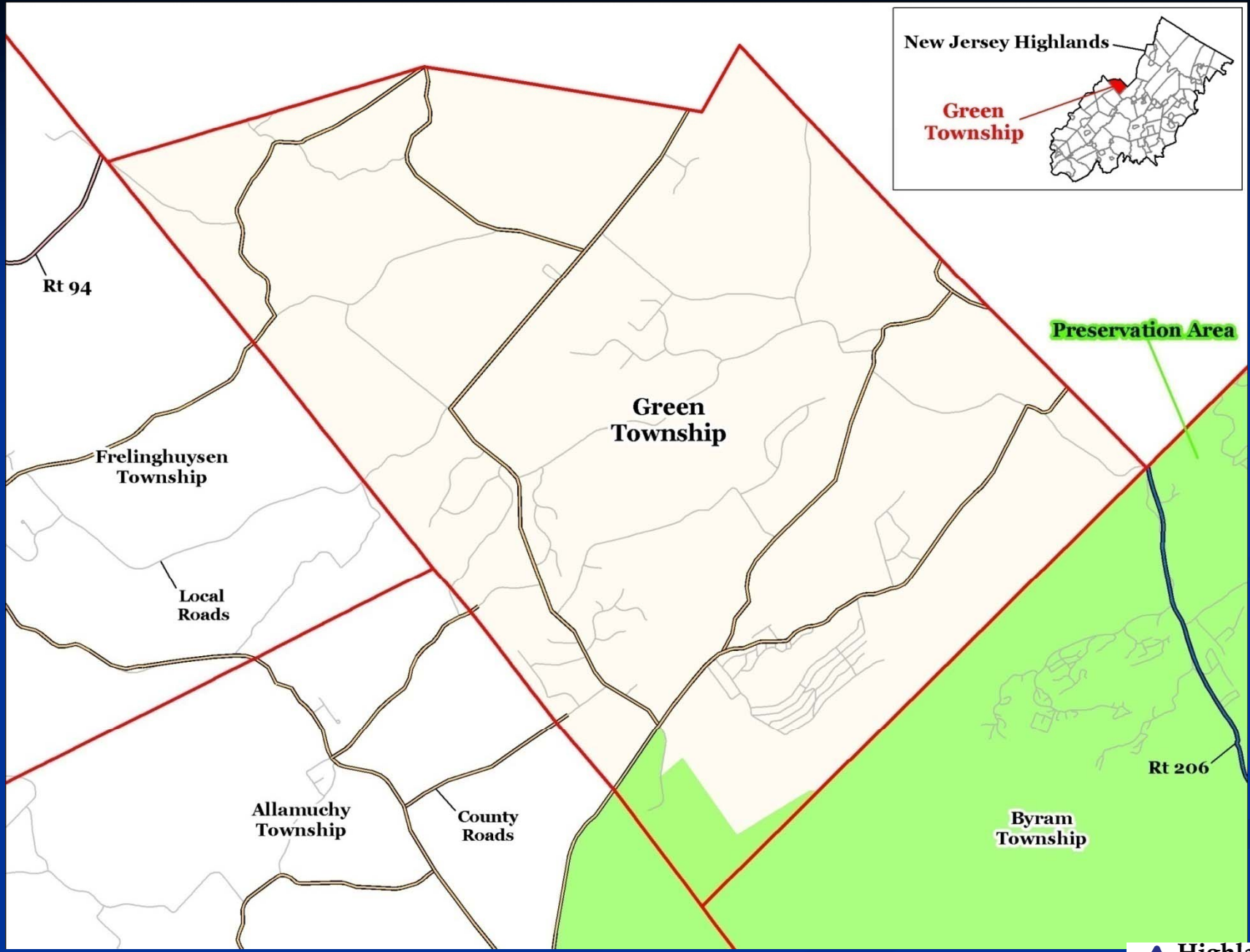


Denville Township

Public Hearing
Green Township
Petition for Plan Conformance

Introduction to Green Township





Green Township

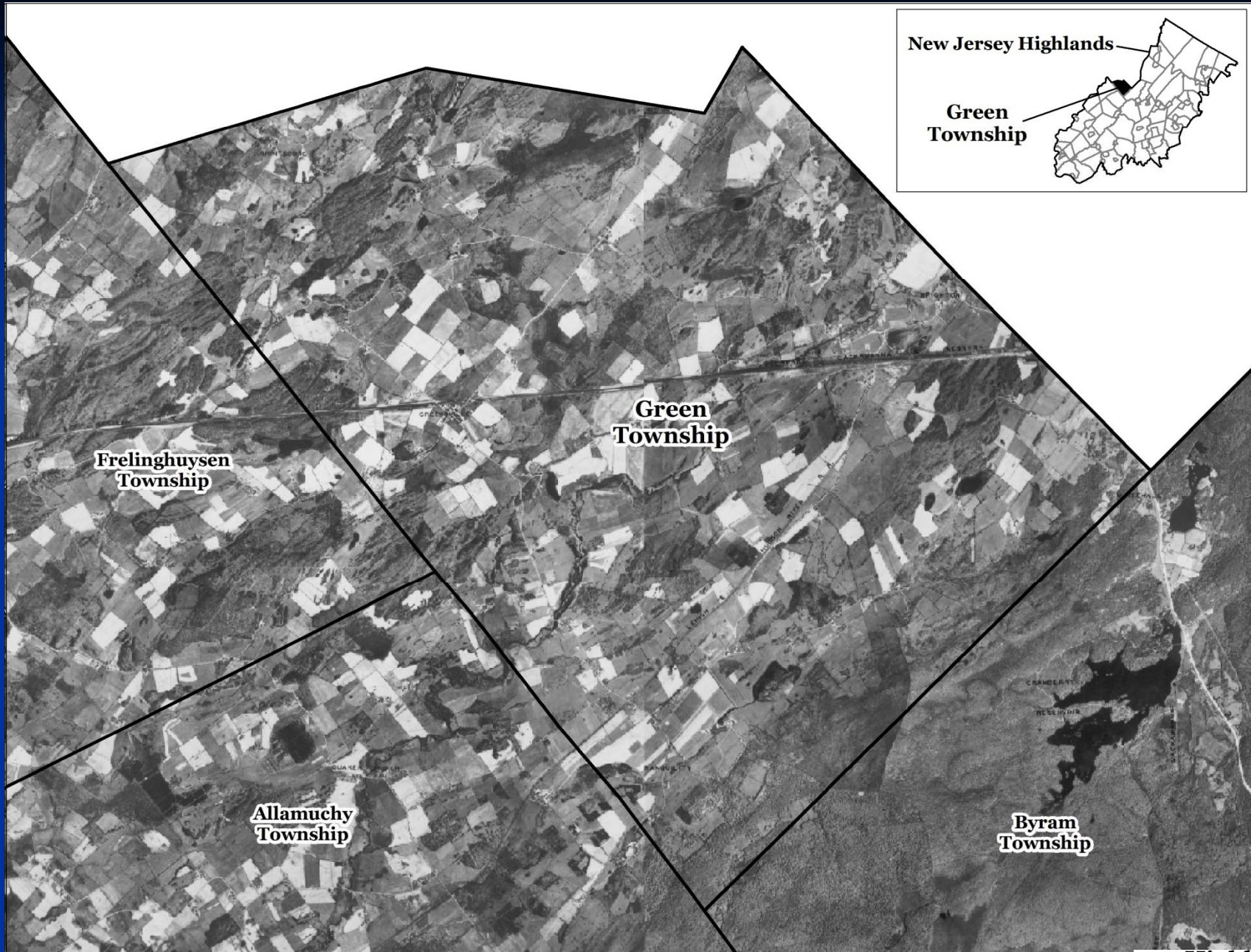
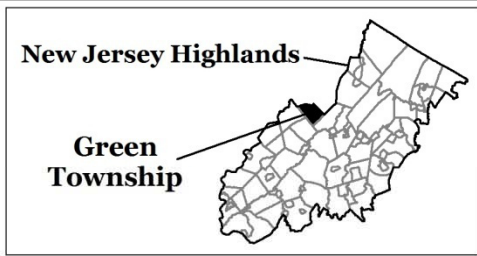


Green Township

Background Statistics

- Incorporated: 1824
- Population (2000): 3,220
- Land Area: 10,429 acres /
16.3 sq. mi.
- Preserved Lands: 2,171 acres
- Wetlands: 1,190 acres
- Farmland: 2,768 acres
- Forest: 5,315 acres





Green - 1930

Green Township

Significant Highlands Statistics

- Preservation Area Lands: 260 acres – 2.7%
- Planning Area Lands: 10,169 acres – 97.5%

- Existing Community Zone – 601 acres – 6%
- Conservation Zone – 5,412 acres – 52%
- Protection Zone – 4,100 acres – 39% (Roads 3%)

- Highlands Open Water Protection – 4,895 acres – 47%
- Forest Resource Area – 7,817 acres – 75%
- Conservation Priority Areas – 2,559 acres – 25%
- Agricultural Priority Areas – 3,907 acres – 38%



Green Township

Background Statistics – Land Use

NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	1,559.7	1.9	15.0%
Commercial (Retail)	32.8	0.0	0.3%
Industrial & Transportation & Utilities	88.2	0.1	0.8%
Agriculture (Crops & Plantations)	2,551.7	59.3	25.1%
Recreational Lands (Public & Private)	62.4	0.0	0.6%
Extractive Mining	6.5	0.0	0.1%
Other Urban or Built-Up Land	153.3	0.0	1.5%
Subtotal Developed Lands	4,454.7	61.3	43.4%
Mixed Forest	3,848.7	176.5	38.6%
Shrub & Scrub	434.5	1.4	4.2%
Mixed Wetlands	1,165.4	21.2	11.4%
Barren Lands	38.6	0.0	0.4%
Surface Waters (Lakes, Ponds & Tributaries)	212.6	0.0	2.0%
Subtotal Natural Lands	5,699.7	199.1	56.6%
Total	10,154.4	260.4	100.0%

Green Township

Sussex County, New Jersey



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

12/8/09	Petition for Plan Conformance Submitted
1/22/10	Petition Deemed Administratively Complete
2/1/10	Petition Posted to Highlands Council Website
NA	Draft Consistency Report Sent to Municipality
12/17/10	Final Draft Report Posted to Highlands Council Website
1/5/11	End of Public Comment Period (Start 12/17/10)
1/13/11	Final Report Posted to Highlands Council Website
1/20/11	Highlands Council Public Hearing

Highlands Municipal Build-Out Report – Modules 1 & 2

- The Report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities.
- The Highlands Municipal Build-Out Report for Green Township was completed by the Highlands Council for the Preservation Area only, all of which is owned by the State of New Jersey.
- The Report is dated September 2009 and was posted to the Highlands Council website on September 30, 2009.
- Staff RMP Consistency Finding: CONSISTENT

Housing Plan – Module 3

- **Summary of Green Township’s Fair Share Obligation**
 - **Rehabilitation Share:** 5 Units
 - **Prior Round Obligation:** 20 Units
 - **Growth Share Obligation:** 59 Units
- **Summary of Green Township’s Fair Share Plan**
 - **Municipal Rehabilitation Program:** Five unit rehabilitation program through partnership with County or surrounding municipalities.
 - **Prior Round Obligation:** Fourteen existing credits through an 11 unit Regional Contribution Agreement and an existing 3 bedroom group home. Six additional credits proposed via a 3 unit accessory apartment program and 3 bonus credits.
 - **Third Round Project/Sites:** The 59 unit obligation is proposed to be met through 5 family units to be developed as part of a 45 unit single family development, 2 excess RCA Credits, 13 bonus credits, 7 Accessory Apartments, 20 Market to Affordable Units, and 12 family rental units on a proposed Municipally owned site.
- **Note:** Green Township submitted a petition for substantive certification to COAH on December 31, 2008. On September 25, 2009 the Highlands Council provided to COAH a review of Green Township’s Fair Share Plan outlining issues that must be addressed to minimize any potential RMP consistency issues.

Modules 4, 5, 6, 7

- Waivers were granted for Modules 4, 5, 6 and 7 due to the unique circumstances of Green Township's Petition for Plan Conformance for the 260 acres in the Preservation Area all of which is owned by the State of New Jersey.
- The Highlands Council will continue to work with Green Township through the Plan Conformance process. At any time the Township may reconsider and petition for the Planning Area portion of the Township.

Green Township's Petition for Plan Conformance Public Comments Received

- The public comment period for Green Township's Petition for Plan Conformance opened December 17, 2010, and closed January 5, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.
- No comments were received.

Green's Petition for Plan Conformance

Previous Highlands Protection Fund Grants

- **Fair Share Planning Grant** for the development of a Housing Element and Fair Share Plan is complete and final.

Petition Disposition

Green Township's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH NO
CONDITIONS**

Council Deliberation



Green Township

Plan Conformance Update

Plan Conformance Grant Program: Following are the average amounts requested for reimbursement by municipalities that are participating in Plan Conformance grant activities. On average, reimbursement requests to date are within the base amounts established by the Highlands Council.

<u>Towns</u>	<u>Base Amount</u>	<u>Average</u>	<u>Number</u>
Module 1	\$15,000	\$13,588	71
Module 2	\$10,000	\$ 6,570	68
Module 3	\$ 7,500	\$13,168	53
Module 4	\$ 2,000	\$ 3,199	58
Module 5	\$ 2,500	\$ 6,065	49
Module 6	\$ 5,000	\$ 4,345	48
Module 7	<u>\$ 8,000</u>	<u>\$ 6,623</u>	43
Total	\$50,000	\$53,558	

Highlands Protection Fund Budget FY2011

- Since 2004, the Highlands Protection Fund has included State appropriations of \$4.4 million per year in the following accounts:
 - Incentive Planning Aid – \$2,650,000
 - Regional Master Plan Compliance Aid - \$1,750,000
- These appropriations were utilized to fund Plan Conformance grant programs between FY2005 and FY2010. As of the close of FY2010, a total of \$11,376,838 was encumbered for Highlands municipalities and counties.
- Of this, the Highlands Council has reimbursed a total of \$3,404,898.33 to date for those encumbrances. This leaves a balance of unexpended yet encumbered grant funds totaling \$7,971,939.67.

Highlands Protection Fund Budget FY2011

- FY2011 State appropriations included \$4.4 million; however \$2,217,648 was transferred to Watershed Moratorium Aid.
- This leaves a balance of Highlands Protection Fund allocations for FY2011 totaling \$2,182,352
- FY2011 Municipal Aid - \$2,214,500 in projected encumbrances
- FY2011 County Aid - \$164,500 in projected encumbrances
- FY2011 Allocations are projected based upon:
 - 25 Municipal Petitions
 - 2 County Petitions

Highlands Protection Fund Budget FY2011

- Funding in the budget will address:
 - Completion and Adoption of Plan Conformance Modules
 - Natural Resource Management Plans
 - Water Use & Conservation Management Planning
 - Habitat Conservation Management Planning
 - Stream & Lake Protection Planning
 - Wastewater Management Planning
 - Sustainable Economic Development Planning
 - Redevelopment/Center Designation Planning
 - Agritourism, Agricultural Retention & Farm Preservation Planning
 - Green Building/Env. Sustainability/ Alt. Energy Planning
 - County Facilities and Infrastructure Planning & Conservation Easement Inventory

Highlands Protection Fund Budget FY2011

- Water Use & Conservation Management Plans to prevent, reduce or eliminate deficits in Net Water Availability. Priority is placed on HUC14 subwatersheds with significant but not severe deficits, for which management plans are most likely to achieve significant reductions. **Range of Costs:** \$40,000 per HUC14 subwatershed, assuming Highlands Council lead on projects to achieve scale economies. The exception is for the Town of Clinton, where nine HUC14 subwatersheds will be addressed for \$110,000, based on prior planning work.
- Habitat Conservation & Management Plans to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects. Based on the total number of acres of critical habitat for entire municipality and the general risk of fragmentation based on the percentage of preserved lands. **Range of Costs:** \$5,000 to \$40,000 per municipality.

Highlands Protection Fund Budget FY2011

- Redevelopment Plan/ Center Designations for petitions to the Highlands Council for the designation of Highlands Redevelopment Areas and Highlands Centers that will significantly increase economic potential. **Range of Costs:** \$3,000 to \$20,000 per municipality, generally, with specific allocations up to \$53,000 to address complex Highlands Center Designations (e.g., Byram Township)
- Sustainable Economic Development Plans to improve the economic viability of municipalities with significant economic assets or development centers with limited growth capacity. Priority placed on municipalities with significant areas of dense development, for which continued economic vitality will provide major benefits for community character, municipal finances and business viability. **Range of Costs:** \$10,000 to \$21,000 per municipality

Highlands Protection Fund Budget FY2011

- Agricultural Retention Plans to develop approaches that will enhance the viability of agriculture as a business, and increase the profitability of agricultural enterprises while maintaining community character and protecting environmental resources. Allocation based on the total number of acres in active agriculture, per municipality (Preservation and Planning Areas, regardless of conformance status). **Range of Costs:** \$5,000 to \$20,000 per municipality.
- Stream Corridor Restoration/Protection Plans & Lake Management Plans to protect or restore streams and lakes, and to mitigate the impacts of future land uses on such water resources. Based on linear miles of streams and number of Highlands lakes. Priority for streams in Existing Community Zones. For lakes, emphasis is placed on lakes that are not reservoirs (managed by major water purveyors) or that do not have advanced management plans. **Range of Costs:** \$5,000 to \$60,000 per municipality.

Council Deliberation

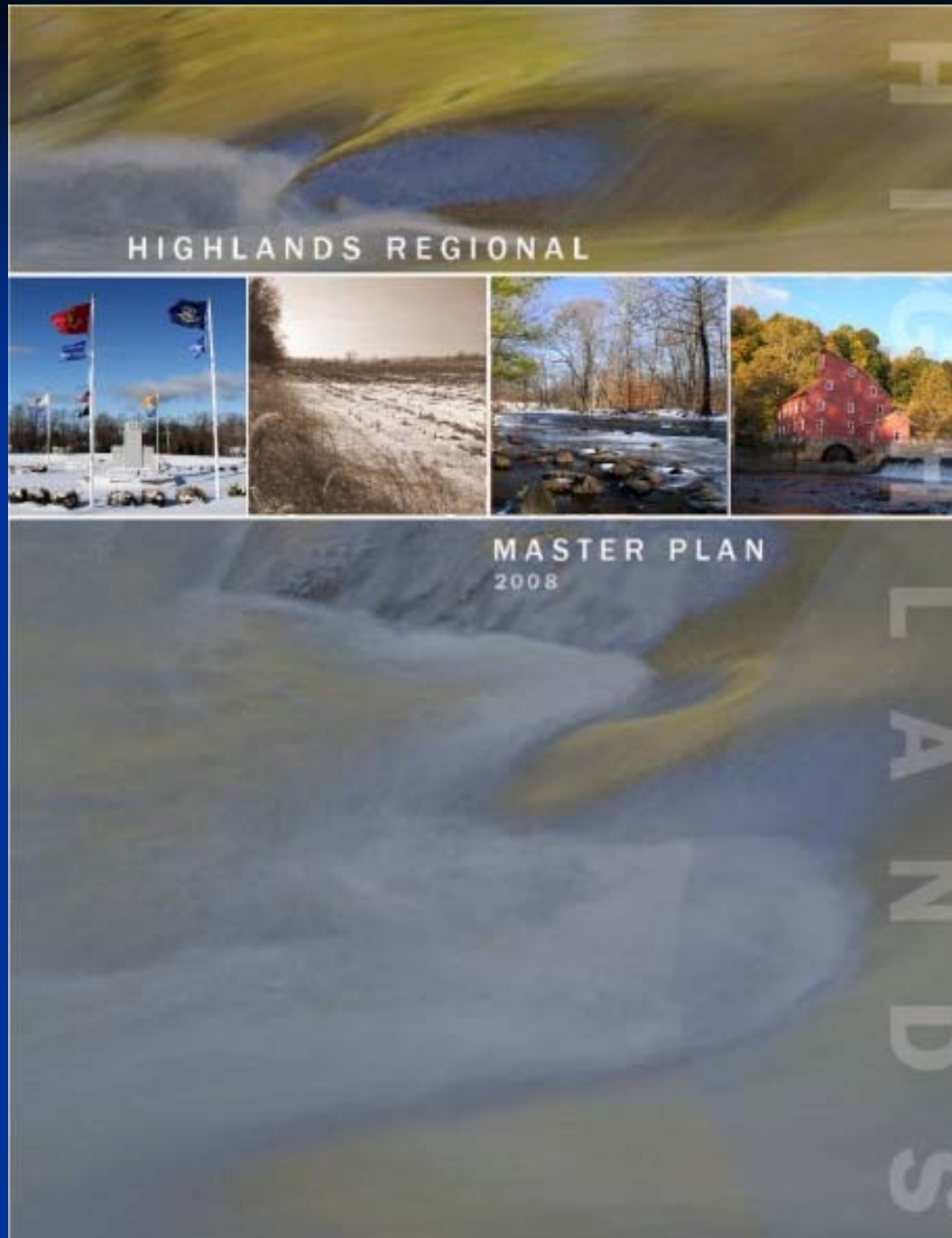
Highlands Protection Fund Budget FY2011

Resolution – Authority for Plan Conformance and Project Review

- The Highlands Council periodically reviews the delegation of authority for Plan Conformance and Highlands Project Review decisions.
- The Resolution for this delegation proposes to retain the prior delegation with one suggested amendment. This amendment proposes to delegate authority for Highlands Redevelopment Area Designations for those lands where the Highlands Council has approved that municipality's Petition for Plan Conformance. Staff would provide for a public comment period before approving any designation and provide that notice to Council members.
- “For Highlands Redevelopment Area Determinations, designate areas appropriate for redevelopment for those lands where a municipality has received approval of their Petition for Plan Conformance from the Highlands Council.”

Council Deliberation

Resolution – Authority for Plan Conformance and Project Review



Highlands Council Meeting

January 20, 2011



RESOLUTION 2011-1
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF MOUNT OLIVE, MORRIS COUNTY

WHEREAS, the New Jersey Highlands Region (Highlands Region) is an area of over 859,358 acres that consists of 88 municipalities in parts of seven counties – Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren; and

WHEREAS, the New Jersey Legislature found that the Highlands Region is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the population of the State of New Jersey, and also contains other exceptional natural resources such as clean air, contiguous forest lands, agricultural lands, wetlands, pristine watersheds, and habitat for fauna and flora, as well as sites of historic significance and recreational opportunities; and

WHEREAS, the Legislature found that the Highlands Region also provides a desirable quality of life and place where people live and work, that it is important to ensure the economic viability of Highlands communities and that residential, commercial, and industrial development, redevelopment, and economic growth in certain appropriate areas of the Highlands are also in the best interests of all the citizens of the State, providing innumerable social, cultural, and economic benefits and opportunities; and

WHEREAS, the Legislature found that the Highlands Region contains agricultural lands in active production and that these lands are important resources of the State that should be preserved, that the agricultural industry in the Region is a vital component of the economy, welfare, and cultural landscape of the Garden State and that maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible; and

WHEREAS, the Legislature found that the pace of development in the Highlands Region has dramatically increased, that the Region, because of its proximity to rapidly expanding suburban areas, is at serious risk of being fragmented and consumed by unplanned development and that the existing land use and environmental regulation system cannot protect the water and natural resources of the Highlands against the environmental impacts of sprawl development; and

WHEREAS, deeming protection of the Highlands Region an issue of State level importance, the Legislature enacted the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), to establish a regional approach to land use planning for the Highlands Region to replace the uncoordinated land use decisions of 88 municipalities, seven counties and a myriad of private landowners; and

WHEREAS, the Highlands Act delineates two areas in the Highlands Region: a Preservation Area, containing approximately 415,000 acres, and a Planning Area, containing approximately 445,000 acres; and

WHEREAS, the Legislature created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council) to advance a new regional approach to land use planning and to prepare a Regional Master Plan to protect and

RESOLUTION 2011-1
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF MOUNT OLIVE, MORRIS COUNTY

enhance the significant values of the Highlands resources throughout the entire Highlands Region; and

WHEREAS, the Preservation Area is an area with exceptional natural resource value that should be subject to stringent water and natural resource protection standards, policies, planning and regulation; and

WHEREAS, the Planning Area is the area outside of the Preservation Area that should likewise be part of a comprehensive planning approach that serves to protect the water and other significant resources of the entire Highlands Region while also accommodating appropriate patterns of development, redevelopment and economic growth; and

WHEREAS, the Legislature found that such a new regional approach to land use planning shall be complemented by increased standards more protective of the environment established by the New Jersey Department of Environmental Protection (NJDEP) for development in the Preservation Area of the Highlands; and

WHEREAS, the Legislature found that this comprehensive approach should be guided, in heart, mind, and spirit, by an abiding and generously given commitment to protecting the incomparable water resources and natural beauty of the New Jersey Highlands so as to preserve them intact, in trust, forever for the pleasure, enjoyment, and use of future generations while also providing every conceivable opportunity for appropriate economic growth and development to advance the quality of life of the residents of the Highlands Region and the entire State; and

WHEREAS, Sections 8 and 10 of the Highlands Act mandate that the Highlands Council prepare and adopt the Regional Master Plan with the goal of protecting and enhancing the significant values of the resources in the Highlands Region; and

WHEREAS, Section 10 of the Highlands Act establishes goals for the Regional Master Plan for both the Preservation Area and Planning Area, including to protect, restore, and enhance the quality and quantity of the waters of the Highlands, to preserve environmentally sensitive lands, to preserve lands needed for recreation and conservation, to promote brownfield remediation and redevelopment, to preserve farmland, historic sites and other historic resources, to preserve outdoor recreation opportunities, to promote water resource conservation, and to promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities; and

WHEREAS, the Highlands Act establishes development goals in the Preservation Area, to prohibit or limit, to the maximum extent possible, construction or development which is incompatible with the Preservation Area; and

WHEREAS, the Highlands Act establishes development goals in the Planning Area, 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,

RESOLUTION 2011-1
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF MOUNT OLIVE, MORRIS COUNTY

redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to 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 individual and cumulative adverse impacts; and

WHEREAS, Sections 11 and 12 of the Highlands Act specifically require that the Regional Master Plan be comprised of (a) a Resource Assessment that seeks to determine the amount and type of human development and activity that can be sustained by the Highlands Region's ecosystem while maintaining the Region's overall ecological values; (b) a Financial Component that details the costs of implementing the Regional Master Plan, and details the sources of revenue for covering those costs; (c) a Local Participation Component that provides for the maximum feasible local government and public input; (d) a Coordination and Consistency Component that details the ways in which local, State, and federal programs and policies may be best coordinated to promote the goals, purposes, policies, and provisions of the Regional Master Plan; (e) a Transportation Component that provides a plan for transportation system preservation; (f) a Smart Growth Component that assesses opportunities for appropriate development, redevelopment, economic growth and a transfer of development rights program, and includes a Land Use Capability Map; (g) a Land Use Capability Map for the Preservation Area and a comprehensive statement of policies for the development and use of land in the Preservation Area; and (h) a statement of policies, including a preservation zone element that identifies zones within the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights and minimum standards governing municipal and county master planning and development regulations; and

WHEREAS, after a careful analysis of the best available scientific and planning data and consultation with State, federal and local agencies pursuant to the Highlands Act, the Highlands Council adopted Resolution 2008-27 approving the Regional Master Plan on July 17, 2008 and, pursuant to the Highlands Act requirement for gubernatorial review, the Regional Master Plan thereafter became effective on September 8, 2008; and

WHEREAS, the Highlands Act creates a bifurcated system for municipal conformance with the Regional Master Plan – mandatory Plan Conformance for any portion of a municipality located wholly or partially in the Preservation Area and voluntary Plan Conformance for the municipalities with lands wholly in the Planning Area or for any portion of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan within 15 months of adoption thereof, or December 8, 2009; and

RESOLUTION 2011-1
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF MOUNT OLIVE, MORRIS COUNTY

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

WHEREAS, pursuant to Sections 14 and 15 of the Highlands Act, the Highlands Council shall approve, reject, or approve with conditions the revised plan and development regulations, as it deems appropriate, after public hearing, within 60 days after the date of submission thereof; and

WHEREAS, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, the Highlands Council approval of Resolution 2008-27 adopting the Regional Master Plan included the adoption of the Highlands Plan Conformance Guidelines that outlines the procedures, schedule, planning assistance, and benefits available for the submission of a Petition for Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides a process for Basic Plan Conformance requiring the submission of plans and regulations that are immediately necessary to ensure protection of the Highlands resources and resource areas with more complex tasks to be completed in accordance with an Implementation Plan and Schedule as a condition of Plan Conformance; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

WHEREAS, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to \$100,000 allocation for each individual municipality for Basic Plan Conformance; and

WHEREAS, the Bylaws of the Highlands Council authorizes the Executive Director, as chief administrative officer, to approve contracts and issue payments up to \$25,000; and

RESOLUTION 2011-1
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF MOUNT OLIVE, MORRIS COUNTY

WHEREAS, as directed, the Executive Director developed the Plan Conformance Grant Program, a program that splits Plan Conformance into the following seven steps or modules for administering the authorized grant funding: (1) and (2) Highlands municipal build-out analysis and report; (3) housing element and fair share plan; (4) Highlands environmental resource inventory; (5) master plan Highlands element; (6) Highlands Area land use ordinance; and (7) municipal Petition for Plan Conformance; and

WHEREAS, in the Township of Mount Olive 15,865 acres are in the Preservation Area and 4,131 acres are in the Planning Area; and

WHEREAS, on December 8, 2009, Mount Olive Township submitted a Petition for Plan Conformance including a resolution for all lands lying in the Preservation Area; and

WHEREAS, on February 2, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on February 9, 2010, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, on August 12, 2010, the Executive Director provided Mount Olive Township with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

WHEREAS, the Executive Director provided Mount Olive Township with a deliberative municipal response period allowing Mount Olive Township to review and respond to the Draft Consistency Review and Recommendations Report; and

WHEREAS, on December 17, 2010, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before January 5, 2011; and

WHEREAS, on January 13, 2011, the Executive Director posted the Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule on the Highlands Council website which addressed issues raised during the public comment period; and

WHEREAS, on January 20, 2011, the Highlands Council held a public hearing on Mount Olive Township's Petition for Plan Conformance and provided an opportunity for public comment; and

WHEREAS, the Highlands Council accepts the recommendation of the Executive Director as stated in the Final Consistency Review and Recommendations Report; and

RESOLUTION 2011-1
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF MOUNT OLIVE, MORRIS COUNTY

WHEREAS, according to the Highlands Act and the Plan Conformance Guidelines, Mount Olive Township's compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Implementation Plan and Schedule, the Highlands Plan Conformance Guidelines and the Highlands Act shall maintain Mount Olive Township's status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides that no amendment to any master plan or development regulations applicable to the development and use of land in the Preservation Area of Mount Olive Township shall be effective until Mount Olive Township has submitted such amendment to the Highlands Council and such amendment has been found by the Council to be in conformance with the Regional Master Plan, or the Executive Director has notified Mount Olive Township that such amendment does not affect the Highlands Council's prior finding of Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides that following the receipt of any amendment to Mount Olive Township's master plan or development regulations, the Executive Director is required to determine whether or not the amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations with the Regional Master Plan, and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines no such substantive issue is raised with respect to an amendment, the Executive Director shall certify such fact and notify the Clerk of Mount Olive Township and the Highlands Council, and shall provide notice on the Highlands Council website, and such amendment shall thereupon take effect in accordance with its terms and applicable law; and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines that an amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations to the Regional Master Plan, the amended municipal master plan or development regulations shall be reviewed in accordance with the Plan Conformance Guidelines; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves Mount Olive Township's Petition for Plan Conformance with conditions as set forth in the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

RESOLUTION 2011-1

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE TOWNSHIP OF MOUNT OLIVE, MORRIS COUNTY


BE IT FURTHER RESOLVED that the Executive Director is authorized to make any amendments and publicly release the Final Consistency Review and Recommendations Report, Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

BE IT FURTHER RESOLVED, that Mount Olive Township is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines, so long as Mount Olive Township remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

BE IT FURTHER RESOLVED, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor Mount Olive Township's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of January, 2011.



 Jack J. Schrier, Acting Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Cogger	✓		✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach		✓	✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			



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Mount Olive Township

The Highlands Council voted unanimously on January 20, 2011, to approve Mount Olive Township's Petition for Plan Conformance.

- [Highlands Council Resolution](#) (pdf)
- [Mount Olive Presentation](#) (pdf)
- [Press Release](#) (pdf)
- [Pictures](#) (pdf)
- [Public Hearing: January 20, 2011](#)
- [Mount Olive Township Movie](#)
- [Petition Documents Approved by Highlands Council](#) (70 MB zip)

Note: To download all files, right-click on the [Petition Documents Approved by Highlands Council zip file](#) and select "Save Target As..." to save it to your computer.

- [1 - Highlands Council Resolution 2011-1 Approval of Mount Olive Township's Petition for Plan Conformance](#) (608 KB pdf) (posted 3/7/11)
- [1a - Highlands Final Consistency Review and Recommendations Report](#) (467 KB pdf) (posted 3/7/11)
- [1b - Highlands Implementation Plan and Schedule](#) (175 KB pdf) (posted 3/7/11)
- [2 - Highlands Municipal Build-Out Report](#) (2.47 MB pdf) (posted previously)
- [3 - Adopted Housing Element and Fair Share Plan](#) (115 KB pdf) (posted previously)
- [4 - Highlands Environmental Resource Inventory](#) (34 MB pdf) (posted 3/7/11)
- [5 - Highlands Master Plan Element](#) (642 KB pdf) (posted 3/7/11)
- [5a - Highlands Master Plan Element Exhibits](#) (15 MB pdf) (posted 3/7/11)
- [6 - Highlands Area Land Use Ordinance](#) (929 KB pdf) (posted 3/7/11)
- [6a - Highlands Area Land Use Ordinance Exhibits](#) (26 MB pdf) (posted 3/7/11)

Petition for Public Comment

The documents below include all edits made prior to the Highlands Council consideration of Mount Olive Township's Petition for Plan Conformance at its January 20, 2011 meeting.

- Final Posting Prior to Public Hearing:
 - [1 - Final Consistency Review and Recommendations Report](#) (462 KB pdf)
 - [2 - Public Comments/Highlands Council Responses](#) (77 KB pdf)
 - [3 - Final Highlands Implementation Plan and Schedule](#) (177 KB pdf)

Petition Posting for Public Comment (Public Comment Period: Dec. 17, 2010 - Jan. 5, 2011)

A public hearing for Mount Olive Township's Petition for Plan Conformance is scheduled for the Highlands Council meeting of January 20, 2011. [Public notice for this hearing.](#)

The following documents constitute the municipality's final submission to the Highlands Council and include the Final Draft Consistency Review and Recommendations Report prepared by Highlands Council staff for Highlands Council consideration of the full Petition.

Note: To download all files, right-click on the "Petition Posting for Public Comment" zip file and select "Save Target As..." to save it to your computer.

- [Petition Posting for Public Comment](#) (29 MB zip)
 - [1 - Final Draft Consistency Review & Recommendations Report](#) (423 KB pdf)

Final Housing Plan Submittals:

 - [2 - Adopted Housing Element and Fair Share Plan](#) (110 KB pdf)

Remaining Documents:

 - [3 - Highlands ERI DRAFT December 2010](#) (6.2 MB pdf)
 - [4 - Master Plan Highlands Element DRAFT December 2010](#) (946 KB pdf)
 - [5 - Highlands Ordinance DRAFT December 2010](#) (1.2 MB pdf)
 - [5a - Highlands Area Land Use Ordinance Exhibits](#) (25 MB pdf)
 - [6 - Highlands Implementation Plan & Schedule](#) (176 KB pdf)

Previously Posted Documents

Note: For faster downloads, right-click on a file and select "Save Target As..." to save it to your computer.

- [Administrative Completeness Letter](#) (446 KB pdf)
- [Municipal Petition for Plan Conformance](#) (28 MB zip)
 - [Petition Cover Letter](#) (45 KB pdf)
 - [Petition Submittal Checklist](#) (71 KB pdf)
 - [Preservation Area Resolution](#) (57 KB pdf)
 - [Record of Public Involvement](#) (2.4 MB pdf)
 - [Current List of Planning/Regulatory Documents](#) (12 KB pdf)
 - Modules 1 and 2: See **Highlands Municipal Build-Out Report** below
 - Module 3:

- [Affordable Housing Summary](#) (7 KB pdf)
- [Module 4 Highlands ERI](#) (4.3 MB pdf)
- [Module 5 Master Plan Highlands Element](#) (12 MB pdf)
- [Module 6 Highlands Land Use Ordinance](#) (9.7 MB pdf)
- Module 7:
 - [Municipal Self-Assessment Report](#) (135 KB pdf)
 - [Municipal Self-Assessment Checklist](#) (75 KB pdf)
 - [Implementation Plan and Schedule](#) (72 KB pdf)
- Municipal Resolution: [Notice of Intent](#) (pdf)
- Municipal Resolution: [COAH extension](#) (pdf)
- [Initial Assessment Grant Report](#) (pdf)
- [Highlands Municipal Build Out Report](#) (pdf)
 - [Supporting files](#) (44 MB zip)



RESOLUTION 2011-2
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF HIGH BRIDGE, HUNTERDON COUNTY

WHEREAS, the New Jersey Highlands Region (Highlands Region) is an area of over 859,358 acres that consists of 88 municipalities in parts of seven counties – Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren; and

WHEREAS, the New Jersey Legislature found that the Highlands Region is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the population of the State of New Jersey, and also contains other exceptional natural resources such as clean air, contiguous forest lands, agricultural lands, wetlands, pristine watersheds, and habitat for fauna and flora, as well as sites of historic significance and recreational opportunities; and

WHEREAS, the Legislature found that the Highlands Region also provides a desirable quality of life and place where people live and work, that it is important to ensure the economic viability of Highlands communities and that residential, commercial, and industrial development, redevelopment, and economic growth in certain appropriate areas of the Highlands are also in the best interests of all the citizens of the State, providing innumerable social, cultural, and economic benefits and opportunities; and

WHEREAS, the Legislature found that the Highlands Region contains agricultural lands in active production and that these lands are important resources of the State that should be preserved, that the agricultural industry in the Region is a vital component of the economy, welfare, and cultural landscape of the Garden State and that maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible; and

WHEREAS, the Legislature found that the pace of development in the Highlands Region has dramatically increased, that the Region, because of its proximity to rapidly expanding suburban areas, is at serious risk of being fragmented and consumed by unplanned development and that the existing land use and environmental regulation system cannot protect the water and natural resources of the Highlands against the environmental impacts of sprawl development; and

WHEREAS, deeming protection of the Highlands Region an issue of State level importance, the Legislature enacted the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), to establish a regional approach to land use planning for the Highlands Region to replace the uncoordinated land use decisions of 88 municipalities, seven counties and a myriad of private landowners; and

WHEREAS, the Highlands Act delineates two areas in the Highlands Region: a Preservation Area, containing approximately 415,000 acres, and a Planning Area, containing approximately 445,000 acres; and

WHEREAS, the Legislature created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council) to advance a new regional approach to land use planning and to prepare a Regional Master Plan to protect and enhance the significant values of the Highlands resources throughout the entire Highlands Region; and

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APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
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WHEREAS, the Preservation Area is an area with exceptional natural resource value that should be subject to stringent water and natural resource protection standards, policies, planning and regulation; and

WHEREAS, the Planning Area is the area outside of the Preservation Area that should likewise be part of a comprehensive planning approach that serves to protect the water and other significant resources of the entire Highlands Region while also accommodating appropriate patterns of development, redevelopment and economic growth; and

WHEREAS, the Legislature found that such a new regional approach to land use planning shall be complemented by increased standards more protective of the environment established by the New Jersey Department of Environmental Protection (NJDEP) for development in the Preservation Area of the Highlands; and

WHEREAS, the Legislature found that this comprehensive approach should be guided, in heart, mind, and spirit, by an abiding and generously given commitment to protecting the incomparable water resources and natural beauty of the New Jersey Highlands so as to preserve them intact, in trust, forever for the pleasure, enjoyment, and use of future generations while also providing every conceivable opportunity for appropriate economic growth and development to advance the quality of life of the residents of the Highlands Region and the entire State; and

WHEREAS, Sections 8 and 10 of the Highlands Act mandate that the Highlands Council prepare and adopt the Regional Master Plan with the goal of protecting and enhancing the significant values of the resources in the Highlands Region; and

WHEREAS, Section 10 of the Highlands Act establishes goals for the Regional Master Plan for both the Preservation Area and Planning Area, including to protect, restore, and enhance the quality and quantity of the waters of the Highlands, to preserve environmentally sensitive lands, to preserve lands needed for recreation and conservation, to promote brownfield remediation and redevelopment, to preserve farmland, historic sites and other historic resources, to preserve outdoor recreation opportunities, to promote water resource conservation, and to promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities; and

WHEREAS, the Highlands Act establishes development goals in the Preservation Area, to prohibit or limit, to the maximum extent possible, construction or development which is incompatible with the Preservation Area; and

WHEREAS, the Highlands Act establishes development goals in the Planning Area, 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 to 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 individual and cumulative adverse impacts; and

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APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
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WHEREAS, Sections 11 and 12 of the Highlands Act specifically require that the Regional Master Plan be comprised of (a) a Resource Assessment that seeks to determine the amount and type of human development and activity that can be sustained by the Highlands Region's ecosystem while maintaining the Region's overall ecological values; (b) a Financial Component that details the costs of implementing the Regional Master Plan, and details the sources of revenue for covering those costs; (c) a Local Participation Component that provides for the maximum feasible local government and public input; (d) a Coordination and Consistency Component that details the ways in which local, State, and federal programs and policies may be best coordinated to promote the goals, purposes, policies, and provisions of the Regional Master Plan; (e) a Transportation Component that provides a plan for transportation system preservation; (f) a Smart Growth Component that assesses opportunities for appropriate development, redevelopment, economic growth and a transfer of development rights program, and includes a Land Use Capability Map; (g) a Land Use Capability Map for the Preservation Area and a comprehensive statement of policies for the development and use of land in the Preservation Area; and (h) a statement of policies, including a preservation zone element that identifies zones within the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights and minimum standards governing municipal and county master planning and development regulations; and

WHEREAS, after a careful analysis of the best available scientific and planning data and consultation with State, federal and local agencies pursuant to the Highlands Act, the Highlands Council adopted Resolution 2008-27 approving the Regional Master Plan on July 17, 2008 and, pursuant to the Highlands Act requirement for gubernatorial review, the Regional Master Plan thereafter became effective on September 8, 2008; and

WHEREAS, the Highlands Act creates a bifurcated system for municipal conformance with the Regional Master Plan – mandatory Plan Conformance for any portion of a municipality located wholly or partially in the Preservation Area and voluntary Plan Conformance for the municipalities with lands wholly in the Planning Area or for any portion of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan within 15 months of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
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WHEREAS, pursuant to Sections 14 and 15 of the Highlands Act, the Highlands Council shall approve, reject, or approve with conditions the revised plan and development regulations, as it deems appropriate, after public hearing, within 60 days after the date of submission thereof; and

WHEREAS, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, the Highlands Council approval of Resolution 2008-27 adopting the Regional Master Plan included the adoption of the Highlands Plan Conformance Guidelines that outlines the procedures, schedule, planning assistance, and benefits available for the submission of a Petition for Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides a process for Basic Plan Conformance requiring the submission of plans and regulations that are immediately necessary to ensure protection of the Highlands resources and resource areas with more complex tasks to be completed in accordance with an Implementation Plan and Schedule as a condition of Plan Conformance; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

WHEREAS, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to \$100,000 allocation for each individual municipality for Basic Plan Conformance; and

WHEREAS, the Bylaws of the Highlands Council authorizes the Executive Director, as chief administrative officer, to approve contracts and issue payments up to \$25,000; and

WHEREAS, as directed, the Executive Director developed the Plan Conformance Grant Program, a program that splits Plan Conformance into the following seven steps or modules for administering the authorized grant funding: (1) and (2) Highlands municipal build-out analysis and report; (3) housing element and fair share plan; (4) Highlands environmental resource inventory; (5) master plan Highlands element; (6) Highlands Area land use ordinance; and (7) municipal Petition for Plan Conformance; and

WHEREAS, in the Borough of High Bridge there are no lands in the Preservation Area and 1,558 acres are in the Planning Area; and

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APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
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WHEREAS, the Borough of High Bridge submitted a Petition for Plan Conformance including an ordinance published on December 24, 2009 for all lands lying in the Planning Area; and

WHEREAS, on July 7, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on July 15, 2010, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, the Borough of High Bridge waived a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

WHEREAS, the Borough of High Bridge waived its deliberative municipal response period allowing High Bridge Borough to review and respond to a Draft Consistency Review and Recommendations Report; and

WHEREAS, on December 17, 2010, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before January 5, 2011; and

WHEREAS, on January 14, 2011, the Executive Director posted the Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule on the Highlands Council website which addressed issues raised during the public comment period; and

WHEREAS, on January 20, 2011, the Highlands Council held a public hearing on High Bridge Borough's Petition for Plan Conformance and provided an opportunity for public comment; and

WHEREAS, the Highlands Council accepts the recommendation of the Executive Director as stated in the Final Consistency Review and Recommendations Report; and

WHEREAS, according to the Highlands Act and the Plan Conformance Guidelines, High Bridge Borough's compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Implementation Plan and Schedule, the Highlands Plan Conformance Guidelines and the Highlands Act shall maintain High Bridge Borough's status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by the Borough of High Bridge of its master plan and development regulations as required by the Municipal Land Use Law, or until one (1) year after the

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Highlands Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

WHEREAS, the Plan Conformance Guidelines provides that no amendment to any master plan or development regulations applicable to the development and use of land in the Borough of High Bridge shall be effective until the Borough has submitted such amendment to the Highlands Council and such amendment has been found by the Council to be in conformance with the Regional Master Plan, or the Executive Director has notified the Borough that such amendment does not affect the Highlands Council's prior finding of Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides that following the receipt of any amendment to High Bridge Borough's master plan or development regulations, the Executive Director is required to determine whether or not the amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations with the Regional Master Plan, and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines no such substantive issue is raised with respect to an amendment, the Executive Director shall certify such fact and notify the Clerk of the Borough of High Bridge and the Highlands Council, and shall provide notice on the Highlands Council website, and such amendment shall thereupon take effect in accordance with its terms and applicable law; and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines that an amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations to the Regional Master Plan, the amended municipal master plan or development regulations shall be reviewed in accordance with the Plan Conformance Guidelines; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves High Bridge Borough's Petition for Plan Conformance with conditions as set forth in the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to make any amendments and publically release the Final Consistency Review and Recommendations Report, Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement

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consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

BE IT FURTHER RESOLVED, that High Bridge Borough is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines, so long as High Bridge Borough remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

BE IT FURTHER RESOLVED, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor High Bridge Borough's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of January, 2011.



 Jack J. Schrier, Acting Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio		✓	✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach	✓		✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			



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High Bridge Borough

High Bridge Borough in Hunterdon County has 1,555 acres in the Planning Area of the Highlands Region (where conformance is entirely voluntary). The municipality submitted a Petition for Plan Conformance that was approved by the Highlands Council on January 20, 2011. This page contains links to documents related to the Borough's conformance with the Highlands Regional Master Plan.

Note: For faster downloads, right-click on a file and select "Save Target As..." to save it to your computer.

Conformance Documents Adopted by the Municipality

This section contains documents adopted by High Bridge to effectuate the Borough's conformance with the Highlands Regional Master Plan.

- [Highlands Planning Area Petition Ordinance](#) (746 KB pdf)
- [Highlands Environmental Resource Inventory](#) (4.8 MB pdf)
- [Highlands Master Plan Reexamination Report](#) (23.2 MB pdf)
- [Highlands Master Plan Element](#) (6.78 MB pdf)
- [Highlands Area Land Use Ordinance](#) (8.3 MB pdf)
- [Sustainable Economic Development Plan](#) (4.2 MB pdf)
- [Land Use Plan Element](#) (10 MB pdf)

Petition for Plan Conformance

High Bridge Borough's Petition for Plan Conformance was unanimously approved by the Highlands Council on January 20, 2011.

Council Approved Documents

- All documents listed below as one compressed file: [Petition Documents Approved by Highlands Council](#) (65 MB zip)
- Individual files:
 - [Highlands Council Resolution 2011-2 Approval of High Bridge Borough's Petition for Plan Conformance](#) (458 KB pdf)
 - [Highlands Final Consistency Review and Recommendations Report](#) (277 KB pdf) (posted 3/9/11)
 - [Highlands Implementation Plan and Schedule](#) (170 KB pdf)
 - [Highlands Municipal Build-Out Report](#) (2.29 MB pdf)
 - [Adopted Housing Element and Fair Share Plan](#) (4.13 MB pdf)
 - [Highlands Environmental Resource Inventory](#) (27 MB pdf)
 - [Highlands Master Plan Element](#) (26 MB pdf)
 - [Highlands Area Land Use Ordinance](#) (623 KB pdf)
 - [Highlands Area Land Use Ordinance Exhibits](#) (6.09 MB pdf)

Materials from Public Hearing

- [Meeting Agenda](#)
- [High Bridge Presentation](#) (pdf)
- [Pictures](#) (pdf)
- [High Bridge Movie](#)
- [Press Release](#) (pdf)

Archived Plan Conformance Documents

The PDF archive below contains links to all previously posted documents related to High Bridge Borough's Plan Conformance process prior to Highlands Council approval on January 20, 2011. **PLEASE NOTE:** The documents above are the most recent and any documents accessed through the archive are provided for reference only.

- [High Bridge Borough Archived Plan Conformance Documents](#) (138 KB pdf)



RESOLUTION 2011-3
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWN OF CLINTON, HUNTERDON COUNTY

WHEREAS, the New Jersey Highlands Region (Highlands Region) is an area of over 859,358 acres that consists of 88 municipalities in parts of seven counties – Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren; and

WHEREAS, the New Jersey Legislature found that the Highlands Region is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the population of the State of New Jersey, and also contains other exceptional natural resources such as clean air, contiguous forest lands, agricultural lands, wetlands, pristine watersheds, and habitat for fauna and flora, as well as sites of historic significance and recreational opportunities; and

WHEREAS, the Legislature found that the Highlands Region also provides a desirable quality of life and place where people live and work, that it is important to ensure the economic viability of Highlands communities and that residential, commercial, and industrial development, redevelopment, and economic growth in certain appropriate areas of the Highlands are also in the best interests of all the citizens of the State, providing innumerable social, cultural, and economic benefits and opportunities; and

WHEREAS, the Legislature found that the Highlands Region contains agricultural lands in active production and that these lands are important resources of the State that should be preserved, that the agricultural industry in the Region is a vital component of the economy, welfare, and cultural landscape of the Garden State and that maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible; and

WHEREAS, the Legislature found that the pace of development in the Highlands Region has dramatically increased, that the Region, because of its proximity to rapidly expanding suburban areas, is at serious risk of being fragmented and consumed by unplanned development and that the existing land use and environmental regulation system cannot protect the water and natural resources of the Highlands against the environmental impacts of sprawl development; and

WHEREAS, deeming protection of the Highlands Region an issue of State level importance, the Legislature enacted the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), to establish a regional approach to land use planning for the Highlands Region to replace the uncoordinated land use decisions of 88 municipalities, seven counties and a myriad of private landowners; and

WHEREAS, the Highlands Act delineates two areas in the Highlands Region: a Preservation Area, containing approximately 415,000 acres, and a Planning Area, containing approximately 445,000 acres; and

WHEREAS, the Legislature created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council) to advance a new regional approach to land use planning and to prepare a Regional Master Plan to protect and enhance the significant values of the Highlands resources throughout the entire Highlands Region; and

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WHEREAS, the Preservation Area is an area with exceptional natural resource value that should be subject to stringent water and natural resource protection standards, policies, planning and regulation; and

WHEREAS, the Planning Area is the area outside of the Preservation Area that should likewise be part of a comprehensive planning approach that serves to protect the water and other significant resources of the entire Highlands Region while also accommodating appropriate patterns of development, redevelopment and economic growth; and

WHEREAS, the Legislature found that such a new regional approach to land use planning shall be complemented by increased standards more protective of the environment established by the New Jersey Department of Environmental Protection (NJDEP) for development in the Preservation Area of the Highlands; and

WHEREAS, the Legislature found that this comprehensive approach should be guided, in heart, mind, and spirit, by an abiding and generously given commitment to protecting the incomparable water resources and natural beauty of the New Jersey Highlands so as to preserve them intact, in trust, forever for the pleasure, enjoyment, and use of future generations while also providing every conceivable opportunity for appropriate economic growth and development to advance the quality of life of the residents of the Highlands Region and the entire State; and

WHEREAS, Sections 8 and 10 of the Highlands Act mandate that the Highlands Council prepare and adopt the Regional Master Plan with the goal of protecting and enhancing the significant values of the resources in the Highlands Region; and

WHEREAS, Section 10 of the Highlands Act establishes goals for the Regional Master Plan for both the Preservation Area and Planning Area, including to protect, restore, and enhance the quality and quantity of the waters of the Highlands, to preserve environmentally sensitive lands, to preserve lands needed for recreation and conservation, to promote brownfield remediation and redevelopment, to preserve farmland, historic sites and other historic resources, to preserve outdoor recreation opportunities, to promote water resource conservation, and to promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities; and

WHEREAS, the Highlands Act establishes development goals in the Preservation Area, to prohibit or limit, to the maximum extent possible, construction or development which is incompatible with the Preservation Area; and

WHEREAS, the Highlands Act establishes development goals in the Planning Area, 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 to 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 individual and cumulative adverse impacts; and

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WHEREAS, Sections 11 and 12 of the Highlands Act specifically require that the Regional Master Plan be comprised of (a) a Resource Assessment that seeks to determine the amount and type of human development and activity that can be sustained by the Highlands Region's ecosystem while maintaining the Region's overall ecological values; (b) a Financial Component that details the costs of implementing the Regional Master Plan, and details the sources of revenue for covering those costs; (c) a Local Participation Component that provides for the maximum feasible local government and public input; (d) a Coordination and Consistency Component that details the ways in which local, State, and federal programs and policies may be best coordinated to promote the goals, purposes, policies, and provisions of the Regional Master Plan; (e) a Transportation Component that provides a plan for transportation system preservation; (f) a Smart Growth Component that assesses opportunities for appropriate development, redevelopment, economic growth and a transfer of development rights program, and includes a Land Use Capability Map; (g) a Land Use Capability Map for the Preservation Area and a comprehensive statement of policies for the development and use of land in the Preservation Area; and (h) a statement of policies, including a preservation zone element that identifies zones within the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights and minimum standards governing municipal and county master planning and development regulations; and

WHEREAS, after a careful analysis of the best available scientific and planning data and consultation with State, federal and local agencies pursuant to the Highlands Act, the Highlands Council adopted Resolution 2008-27 approving the Regional Master Plan on July 17, 2008 and, pursuant to the Highlands Act requirement for gubernatorial review, the Regional Master Plan thereafter became effective on September 8, 2008; and

WHEREAS, the Highlands Act creates a bifurcated system for municipal conformance with the Regional Master Plan – mandatory Plan Conformance for any portion of a municipality located wholly or partially in the Preservation Area and voluntary Plan Conformance for the municipalities with lands wholly in the Planning Area or for any portion of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan within 15 months of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

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WHEREAS, pursuant to Sections 14 and 15 of the Highlands Act, the Highlands Council shall approve, reject, or approve with conditions the revised plan and development regulations, as it deems appropriate, after public hearing, within 60 days after the date of submission thereof; and

WHEREAS, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, the Highlands Council approval of Resolution 2008-27 adopting the Regional Master Plan included the adoption of the Highlands Plan Conformance Guidelines that outlines the procedures, schedule, planning assistance, and benefits available for the submission of a Petition for Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides a process for Basic Plan Conformance requiring the submission of plans and regulations that are immediately necessary to ensure protection of the Highlands resources and resource areas with more complex tasks to be completed in accordance with an Implementation Plan and Schedule as a condition of Plan Conformance; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

WHEREAS, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to \$100,000 allocation for each individual municipality for Basic Plan Conformance; and

WHEREAS, the Bylaws of the Highlands Council authorizes the Executive Director, as chief administrative officer, to approve contracts and issue payments up to \$25,000; and

WHEREAS, as directed, the Executive Director developed the Plan Conformance Grant Program, a program that splits Plan Conformance into the following seven steps or modules for administering the authorized grant funding: (1) and (2) Highlands municipal build-out analysis and report; (3) housing element and fair share plan; (4) Highlands environmental resource inventory; (5) master plan Highlands element; (6) Highlands Area land use ordinance; and (7) municipal Petition for Plan Conformance; and

WHEREAS, in the Town of Clinton 141 acres are in the Preservation Area and 781 acres are in the Planning Area; and

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WHEREAS, on December 7, 2009, the Town of Clinton submitted a Petition for Plan Conformance including one resolution for all lands lying in the Preservation Area and all lands lying in the Planning Area; and

WHEREAS, on March 16, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on March 24, 2010, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, on August 11, 2010, the Executive Director provided the Town of Clinton with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

WHEREAS, the Executive Director provided the Town of Clinton with a deliberative municipal response period allowing the Town of Clinton to review and respond to the Draft Consistency Review and Recommendations Report; and

WHEREAS, on December 17, 2010, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before January 5, 2011; and

WHEREAS, on January 13, 2011, the Executive Director posted the Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule on the Highlands Council website which addressed issues raised during the public comment period; and

WHEREAS, on January 20, 2011, the Highlands Council held a public hearing on the Town of Clinton's Petition for Plan Conformance and provided an opportunity for public comment; and

WHEREAS, the Highlands Council accepts the recommendation of the Executive Director as stated in the Final Consistency Review and Recommendations Report; and

WHEREAS, according to the Highlands Act and the Plan Conformance Guidelines, the Town of Clinton's compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Implementation Plan and Schedule, the Highlands Plan Conformance Guidelines and the Highlands Act shall maintain the Town of Clinton's status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by the Town of Clinton of its master plan and development

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regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

WHEREAS, the Plan Conformance Guidelines provides that no amendment to any master plan or development regulations applicable to the development and use of land in the Town of Clinton shall be effective until the Town of Clinton has submitted such amendment to the Highlands Council and such amendment has been found by the Council to be in conformance with the Regional Master Plan, or the Executive Director has notified the Town of Clinton that such amendment does not affect the Highlands Council's prior finding of Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides that following the receipt of any amendment to the Town of Clinton's master plan or development regulations, the Executive Director is required to determine whether or not the amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations with the Regional Master Plan, and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines no such substantive issue is raised with respect to an amendment, the Executive Director shall certify such fact and notify the Clerk of the Town of Clinton and the Highlands Council, and shall provide notice on the Highlands Council website, and such amendment shall thereupon take effect in accordance with its terms and applicable law; and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines that an amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations to the Regional Master Plan, the amended municipal master plan or development regulations shall be reviewed in accordance with the Plan Conformance Guidelines; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves the Town of Clinton's Petition for Plan Conformance with conditions as set forth in the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to make any amendments and publicly release the Final Consistency Review and Recommendations Report, Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
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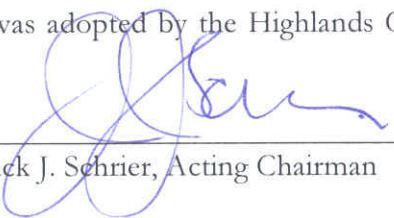
consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

BE IT FURTHER RESOLVED, that the Town of Clinton is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines, so long as the Town of Clinton remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

BE IT FURTHER RESOLVED, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor the Town of Clinton's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of January, 2011.



 Jack J. Schrier, Acting Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio	✓		✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway		✓	✓			
Councilmember Kovach					✓	
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			



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Clinton Town

The Highlands Council voted unanimously on January 20, 2010, to approve the Town of Clinton's Petition for Plan Conformance.

- [Highlands Council Resolution](#) (pdf)
- [Town of Clinton Presentation](#) (pdf)
- [Press Release](#) (pdf)
- [Pictures](#) (pdf)
- [Public Hearing: January 20, 2011](#)
- [Town of Clinton Movie](#)
- [Petition Documents Approved by Highlands Council](#) (50 MB zip)

Note: To download all files, right-click on the [Petition Documents Approved by Highlands Council zip file](#) and select "Save Target As..." to save it to your computer.

- [1 - Highlands Council Resolution 2011-3 Approval of Town of Clinton's Petition for Plan Conformance](#) (458 KB pdf) (posted previously)
- [1a - Highlands Final Consistency Review and Recommendations Report](#) (289 KB pdf) (posted 3/7/11)
- [1b - Highlands Implementation Plan and Schedule](#) (186 KB pdf) (posted 3/7/11)
- [2 - Highlands Municipal Build-Out Report](#) (1.61 MB pdf) (posted previously)
- [3 - Adopted Housing Element and Fair Share Plan](#) (5.06 MB pdf) (posted previously)
- [4 - Highlands Environmental Resource Inventory](#) (21 MB pdf) (posted previously)
- [5 - Highlands Master Plan Element](#) (18 MB pdf) (posted previously)
- [6 - Highlands Area Land Use Ordinance](#) (626 KB pdf) (posted previously)
- [6a - Highlands Area Land Use Ordinance Exhibits](#) (4.14 MB pdf) (posted previously)

Petition for Public Comment

The documents below include all edits made prior to the Highlands Council consideration of the Town of Clinton's Petition for Plan Conformance, which was held at its January 20, 2011 meeting.

- [Final Posting Prior to Public Hearing](#) (19 MB zip)
 - [1 - Final Consistency Review and Recommendations Report](#) (309 KB pdf)
 - [2 - Public Comments/Highlands Council Responses](#) (104 KB pdf)
 - [3 - Highlands Area Land Use Ordinance, January 2011](#) (644 KB pdf)
 - [3a - Highlands Area Land Use Ordinance Exhibits, January 2011](#) (38 MB pdf)
 - [4 - Highlands Implementation Plan and Schedule, January 2011](#) (192 KB pdf)

Petition Posting for Public Comment (Public Comment Period: Dec. 17, 2010 - Jan. 5, 2011)

A public hearing for the Town of Clinton's Petition for Plan Conformance is scheduled for the Highlands Council meeting of January 20, 2011. [Public notice for this hearing.](#)

The following documents constitute the municipality's final submission to the Highlands Council and include the Final Draft Consistency Review and Recommendations Report prepared by Highlands Council staff for Highlands Council consideration of the full Petition.

Note: To download all files, right-click on the "Petition Posting for Public Comment" zip file and select "Save Target As..." to save it to your computer.

- [Petition Posting for Public Comment](#) (62 MB zip)
 - [1 - Final Draft Consistency Review & Recommendations Report](#) (282 KB pdf)

Final Housing Plan Submittals:

 - [2 - Adopted Housing Element and Fair Share Plan](#) (5 MB pdf)
 - [2a - Adopted Housing Element and Fair Share Plan Appendices](#) (11 MB pdf)

Remaining Documents:

 - [3 - Highlands ERI DRAFT December 2010](#) (21.5 MB pdf)
 - [4 - Master Plan Highlands Element DRAFT December 2010](#) (18 MB pdf)
 - [5 - Highlands Area Land Use Ordinance DRAFT December 2010](#) (789 KB pdf)
 - [5a - Highlands Area Land Use Ordinance Exhibits](#) (6 MB pdf)
 - [6 - Highlands Implementation Plan & Schedule](#) (191 KB pdf)

Previously Posted Documents

Note: For faster downloads, right-click on a file and select "Save Target As..." to save it to your computer. To most efficiently download all municipal petition documents, save the [Municipal Petition for Plan Conformance zip file](#) to your computer.

- Administrative Completeness Letter:
 - [Completeness Letter dated March 16, 2010](#) (434 KB pdf)
 - [Completeness Letter dated February 8, 2010](#) (823 KB pdf)
- [Highlands Council Response Letter dated March 15, 2010 re Municipal RMP Update and/or Map Adjustment Request\(s\)](#) (936 KB pdf)


Municipal Petition for Plan Conformance (20 MB zip)

- [Petition Cover Letter](#) (106 KB pdf)
- [Petition Submittal Checklist](#) (75 KB pdf)
- [Combined Preservation Area and Planning Area Resolution dated February 23, 2010](#) (111 KB pdf)
- [Combined Preservation Area and Planning Area Resolution dated October 13, 2009](#) (614 KB pdf)
- [General Correspondence - Letter from Lisa Specca, Clarke Caton Hintz](#) (44 KB pdf)
- [General Correspondence - Letter from Cecilia Covino, Town Clerk](#) (134 KB pdf)
- [General Correspondence - Letter from Carl Hintz, Clarke Caton Hintz](#) (36 KB pdf)
- [Record of Public Involvement](#) (165 KB pdf)
- [Current List of Planning/Regulatory Documents](#) (23 KB pdf)
- Modules 1 and 2: See **Highlands Municipal Build-Out Report** below
- Module 3:
 - [Affordable Housing Summary](#) (504 KB pdf)
 - [Prior Round Sites Consistency Reports](#) (6.5 MB pdf)
- [Module 4 Highlands ERI](#) (8.5 MB pdf)
- [Module 5 Master Plan Highlands Element](#) (670 KB pdf)
- [Module 6 Highlands Land Use Ordinance](#) (1.2 MB pdf)
- Module 7:
 - [Municipal Self-Assessment Report](#) (208 KB pdf)
 - [Municipal Self-Assessment Checklist](#) (82 KB pdf)
 - [Implementation Plan and Schedule](#) (87 KB pdf)
- [RMP Updates](#) (2.5 MB pdf)

- Municipal Resolution: [Notice of Intent](#) (pdf)
- Municipal Resolution: [COAH extension](#) (pdf)

- [Initial Assessment Grant Report](#) (pdf)

- [Highlands Municipal Build-Out Report](#) (pdf)
 - [Supporting Documents](#) (41 MB zip)

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RESOLUTION 2011-4
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF DENVILLE, MORRIS COUNTY

WHEREAS, the New Jersey Highlands Region (Highlands Region) is an area of over 859,358 acres that consists of 88 municipalities in parts of seven counties – Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren; and

WHEREAS, the New Jersey Legislature found that the Highlands Region is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the population of the State of New Jersey, and also contains other exceptional natural resources such as clean air, contiguous forest lands, agricultural lands, wetlands, pristine watersheds, and habitat for fauna and flora, as well as sites of historic significance and recreational opportunities; and

WHEREAS, the Legislature found that the Highlands Region also provides a desirable quality of life and place where people live and work, that it is important to ensure the economic viability of Highlands communities and that residential, commercial, and industrial development, redevelopment, and economic growth in certain appropriate areas of the Highlands are also in the best interests of all the citizens of the State, providing innumerable social, cultural, and economic benefits and opportunities; and

WHEREAS, the Legislature found that the Highlands Region contains agricultural lands in active production and that these lands are important resources of the State that should be preserved, that the agricultural industry in the Region is a vital component of the economy, welfare, and cultural landscape of the Garden State and that maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible; and

WHEREAS, the Legislature found that the pace of development in the Highlands Region has dramatically increased, that the Region, because of its proximity to rapidly expanding suburban areas, is at serious risk of being fragmented and consumed by unplanned development and that the existing land use and environmental regulation system cannot protect the water and natural resources of the Highlands against the environmental impacts of sprawl development; and

WHEREAS, deeming protection of the Highlands Region an issue of State level importance, the Legislature enacted the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), to establish a regional approach to land use planning for the Highlands Region to replace the uncoordinated land use decisions of 88 municipalities, seven counties and a myriad of private landowners; and

WHEREAS, the Highlands Act delineates two areas in the Highlands Region: a Preservation Area, containing approximately 415,000 acres, and a Planning Area, containing approximately 445,000 acres; and

WHEREAS, the Legislature created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council) to advance a new regional approach to land use planning and to prepare a Regional Master Plan to protect and enhance the significant values of the Highlands resources throughout the entire Highlands Region; and

RESOLUTION 2011-4
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
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WHEREAS, the Preservation Area is an area with exceptional natural resource value that should be subject to stringent water and natural resource protection standards, policies, planning and regulation; and

WHEREAS, the Planning Area is the area outside of the Preservation Area that should likewise be part of a comprehensive planning approach that serves to protect the water and other significant resources of the entire Highlands Region while also accommodating appropriate patterns of development, redevelopment and economic growth; and

WHEREAS, the Legislature found that such a new regional approach to land use planning shall be complemented by increased standards more protective of the environment established by the New Jersey Department of Environmental Protection (NJDEP) for development in the Preservation Area of the Highlands; and

WHEREAS, the Legislature found that this comprehensive approach should be guided, in heart, mind, and spirit, by an abiding and generously given commitment to protecting the incomparable water resources and natural beauty of the New Jersey Highlands so as to preserve them intact, in trust, forever for the pleasure, enjoyment, and use of future generations while also providing every conceivable opportunity for appropriate economic growth and development to advance the quality of life of the residents of the Highlands Region and the entire State; and

WHEREAS, Sections 8 and 10 of the Highlands Act mandate that the Highlands Council prepare and adopt the Regional Master Plan with the goal of protecting and enhancing the significant values of the resources in the Highlands Region; and

WHEREAS, Section 10 of the Highlands Act establishes goals for the Regional Master Plan for both the Preservation Area and Planning Area, including to protect, restore, and enhance the quality and quantity of the waters of the Highlands, to preserve environmentally sensitive lands, to preserve lands needed for recreation and conservation, to promote brownfield remediation and redevelopment, to preserve farmland, historic sites and other historic resources, to preserve outdoor recreation opportunities, to promote water resource conservation, and to promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities; and

WHEREAS, the Highlands Act establishes development goals in the Preservation Area, to prohibit or limit, to the maximum extent possible, construction or development which is incompatible with the Preservation Area; and

WHEREAS, the Highlands Act establishes development goals in the Planning Area, 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 to 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 individual and cumulative adverse impacts; and

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
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WHEREAS, Sections 11 and 12 of the Highlands Act specifically require that the Regional Master Plan be comprised of (a) a Resource Assessment that seeks to determine the amount and type of human development and activity that can be sustained by the Highlands Region's ecosystem while maintaining the Region's overall ecological values; (b) a Financial Component that details the costs of implementing the Regional Master Plan, and details the sources of revenue for covering those costs; (c) a Local Participation Component that provides for the maximum feasible local government and public input; (d) a Coordination and Consistency Component that details the ways in which local, State, and federal programs and policies may be best coordinated to promote the goals, purposes, policies, and provisions of the Regional Master Plan; (e) a Transportation Component that provides a plan for transportation system preservation; (f) a Smart Growth Component that assesses opportunities for appropriate development, redevelopment, economic growth and a transfer of development rights program, and includes a Land Use Capability Map; (g) a Land Use Capability Map for the Preservation Area and a comprehensive statement of policies for the development and use of land in the Preservation Area; and (h) a statement of policies, including a preservation zone element that identifies zones within the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights and minimum standards governing municipal and county master planning and development regulations; and

WHEREAS, after a careful analysis of the best available scientific and planning data and consultation with State, federal and local agencies pursuant to the Highlands Act, the Highlands Council adopted Resolution 2008-27 approving the Regional Master Plan on July 17, 2008 and, pursuant to the Highlands Act requirement for gubernatorial review, the Regional Master Plan thereafter became effective on September 8, 2008; and

WHEREAS, the Highlands Act creates a bifurcated system for municipal conformance with the Regional Master Plan – mandatory Plan Conformance for any portion of a municipality located wholly or partially in the Preservation Area and voluntary Plan Conformance for the municipalities with lands wholly in the Planning Area or for any portion of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan within 15 months of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

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WHEREAS, pursuant to Sections 14 and 15 of the Highlands Act, the Highlands Council shall approve, reject, or approve with conditions the revised plan and development regulations, as it deems appropriate, after public hearing, within 60 days after the date of submission thereof; and

WHEREAS, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, the Highlands Council approval of Resolution 2008-27 adopting the Regional Master Plan included the adoption of the Highlands Plan Conformance Guidelines that outlines the procedures, schedule, planning assistance, and benefits available for the submission of a Petition for Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides a process for Basic Plan Conformance requiring the submission of plans and regulations that are immediately necessary to ensure protection of the Highlands resources and resource areas with more complex tasks to be completed in accordance with an Implementation Plan and Schedule as a condition of Plan Conformance; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

WHEREAS, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to \$100,000 allocation for each individual municipality for Basic Plan Conformance; and

WHEREAS, the Bylaws of the Highlands Council authorizes the Executive Director, as chief administrative officer, to approve contracts and issue payments up to \$25,000; and

WHEREAS, as directed, the Executive Director developed the Plan Conformance Grant Program, a program that splits Plan Conformance into the following seven steps or modules for administering the authorized grant funding: (1) and (2) Highlands municipal build-out analysis and report; (3) housing element and fair share plan; (4) Highlands environmental resource inventory; (5) master plan Highlands element; (6) Highlands Area land use ordinance; and (7) municipal Petition for Plan Conformance; and

WHEREAS, in the Township of Denville 7 acres are in the Preservation Area and 8,155 acres are in the Planning Area; and

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WHEREAS, on December 8, 2009, Denville Township submitted a Petition for Plan Conformance including a resolution for all lands lying in the Preservation Area and all lands lying in the Planning Area which was modified by a Petition for Plan Conformance submitted on February 18, 2010 for only those lands lying in the Preservation Area; and

WHEREAS, the entirety of the Preservation Area in Denville Township is located between the center-line and the eastern banks of Beaver Brook, a Category One stream and as such, consisting entirely of State open waters or associated buffers that are stringently regulated by the New Jersey Department of Environmental Protection under the Highlands Act, the Freshwater Wetlands Protection Act, and the Flood Hazard Area Control Act; and

WHEREAS, on October 15, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on October 19, 2010, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, Denville Township waived a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

WHEREAS, Denville Township waived a deliberative municipal response period allowing Denville Township to review and respond to the Draft Consistency Review and Recommendations Report; and

WHEREAS, on December 17, 2010, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before January 5, 2011; and

WHEREAS on January 13, 2011, as no issues were raised during the public comment period, the Executive Director posted the Final Consistency Review and Recommendations Report on the Highlands Council website; and

WHEREAS, on January 20, 2011, the Highlands Council held a public hearing on Denville Township's Petition for Plan Conformance and provided an opportunity for public comment; and

WHEREAS, the Highlands Council accepts the recommendation of the Executive Director as stated in the Final Consistency Review and Recommendations Report; and

WHEREAS, according to the Highlands Act and the Plan Conformance Guidelines, Denville Township's compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Plan Conformance Guidelines and the Highlands Act shall maintain Denville

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Township's status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides that no amendment to any master plan or development regulations applicable to the development and use of land in the Preservation Area of Denville Township shall be effective until Denville Township has submitted such amendment to the Highlands Council and such amendment has been found by the Council to be in conformance with the Regional Master Plan, or the Executive Director has notified Denville Township that such amendment does not affect the Highlands Council's prior finding of Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides that following the receipt of any amendment to Denville Township's master plan or development regulations, the Executive Director is required to determine whether or not the amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations with the Regional Master Plan, and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines no such substantive issue is raised with respect to an amendment, the Executive Director shall certify such fact and notify the Clerk of Denville Township and the Highlands Council, and shall provide notice on the Highlands Council website, and such amendment shall thereupon take effect in accordance with its terms and applicable law; and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines that an amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations to the Regional Master Plan, the amended municipal master plan or development regulations shall be reviewed in accordance with the Plan Conformance Guidelines; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves Denville Township's Petition for Plan Conformance with conditions as set forth in the Final Consistency Review and Recommendations Report; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to make any amendments and publicly release the Final Consistency Review and Recommendations Report, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report on behalf of the Council; and

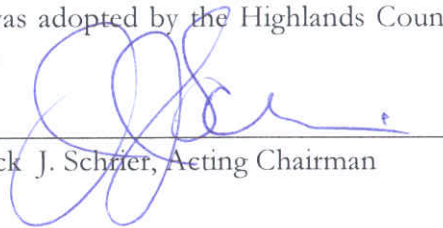
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BE IT FURTHER RESOLVED, that Denville Township is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines, so long as Denville Township remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

BE IT FURTHER RESOLVED, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor Denville Township's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of January 20, 2011.



 Jack J. Schrier, Acting Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio	✓		✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach		✓	✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			



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Denville Township

The Highlands Council voted unanimously on January 20, 2010, to approve Denville Township's Petition for Plan Conformance.

Note: For faster downloads, right-click on a file and select "Save Target As..." to save it to your computer.

- [Highlands Council Resolution](#) (pdf)
- [Denville Presentation](#) (pdf)
- [Press Release](#) (pdf)
- [Public Hearing: January 20, 2011](#)
- [Highlands Council Approved Documents](#) (3.2 MB zip):

Note: To download all files, right-click on the [Highlands Council Approved Documents zip file](#) and select "Save Target As..." to save it to your computer.

- [1 - Highlands Council Resolution 2011-4 Approval of Denville Township's Petition for Plan Conformance](#) (583 KB pdf) (posted previously)
- [1a - Highlands Final Consistency Review and Recommendations Report](#) (323 KB pdf) (posted 3/1/11)
- [2 - Highlands Municipal Build-Out Report](#) (1.1 MB pdf) (posted previously)
- [3 - Adopted Housing Element and Fair Share Plan](#) (918 KB pdf) (posted previously)
- [4 - Draft Preservation Area Checklist Ordinance](#) (95 KB pdf) (posted 3/1/11)

Petition Posting for Public Comment

Final Posting Prior to Public Hearing:

The document below includes all edits made prior to the Highlands Council consideration of Denville Township's Petition for Plan Conformance which was held at its January 20, 2011 meeting.

- Final Posting Prior to Public Hearing:
 - [1 - Final Consistency Review and Recommendations Report](#) (249 KB pdf)

Petition Posting for Public Comment (Public Comment Period: Dec. 17, 2010 - Jan. 5, 2011)

A public hearing for Denville Township's Petition for Plan Conformance is scheduled for the Highlands Council meeting of January 20, 2011. [Public notice for this hearing.](#)

The following documents constitute the municipality's final submission to the Highlands Council and include the Final Draft Consistency Review and Recommendations Report prepared by Highlands Council staff for Highlands Council consideration of the full Petition.

Note: To download all files, right-click on the "Petition Posting for Public Comment" zip file and select "Save Target As..." to save it to your computer.

- [Petition Posting for Public Comment](#) (2 MB zip)
 - [1 - Final Draft Consistency Review & Recommendations Report](#) (284 KB pdf)

Final Housing Plan Submittals:

- [2 - Adopted Housing Element and Fair Share Plan](#) (918 KB pdf)

Remaining Documents:

- [3 - Draft Preservation Area Checklist Ordinance](#) (95 KB pdf)

Previously Posted Documents

Note: For faster downloads, right-click on a file and select "Save Target As..." to save it to your computer. To most efficiently download all municipal petition documents, save the [Municipal Petition for Plan Conformance](#) zip file to your computer.

- [Administrative Completeness Letter \(with Submission Waivers\)](#) (1.8 MB pdf)
- [Municipal Petition for Plan Conformance](#) (33 MB zip)
 - [Petition Cover Letter](#) (1.3 MB pdf)
 - [Combined Preservation Area and Planning Area Resolution](#) (713 KB pdf)
 - [Resolution Removing Planning Area from Petition for Plan Conformance](#) (341 KB pdf)
 - [Record of Public Involvement](#) (143 KB pdf)
 - Modules 1 and 2: See [Highlands Municipal Build-Out Report](#) below
 - Module 3:
 - [Housing Element and Fair Share Plan \(Adopted May 26, 2010\)](#) (918 KB pdf)
 - [Module 4 Highlands ERI](#) (12.2 MB pdf)
 - [Module 5 Master Plan Highlands Element](#) (11.8 MB pdf)
 - [Module 6 Highlands Land Use Ordinance](#) (9.6 MB pdf)
 - Module 7:
 - [Municipal Self-Assessment Report](#) (61 KB pdf)
 - [Implementation Plan and Schedule](#) (149 KB pdf)
- Municipal Resolution: [Notice of Intent](#) (pdf)

- [Initial Assessment Grant Report](#) (pdf)
- [Highlands Municipal Build-Out Report](#) (pdf)
 - [Supporting files](#) (34 MB zip)



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New Jersey Highlands Council

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Green Township

The Highlands Council voted unanimously on January 20, 2010, to approve Green Township's Petition for Plan Conformance.

- [Highlands Council Resolution](#) (pdf)
- [Green Township Presentation](#) (pdf)
- [Press Release](#) (pdf)
- [Public Hearing: January 20, 2011](#)
- [Highlands Council Approved Documents](#) (691 KB zip):

Note: To download all files, right-click on the [Highlands Council Approved Documents zip file](#) and select "Save Target As..." to save it to your computer.

- [1 - Highlands Council Resolution 2011-5 Approval of Green Township's Petition for Plan Conformance](#) (538 KB pdf) (posted previously)
- [1a - Highlands Final Consistency Review and Recommendations Report](#) (169 KB pdf) (posted 3/9/11)
- [2 - Highlands Municipal Build-Out Report](#) (145 KB pdf) (posted previously)

Petition for Public Comment

The document below includes all edits made prior to the Highlands council consideration of Green Township's Petition for Plan Conformance at its January 20, 2011 meeting.

- Final Posting Prior to Public Hearing:
 - [1 - Final Consistency Review and Recommendations Report](#) (147 KB pdf)

Petition Posting for Public Comment (Public Comment Period: Dec. 17, 2010 - Jan. 5, 2011)

A public hearing for Green Township's Petition for Plan Conformance is scheduled for the Highlands Council's 10 a.m. meeting on January 20, 2011. The [public notice for this hearing](#) includes information on how to submit public comments.

The Final Consistency Review and Recommendations Report prepared by Highlands Council staff for Highlands Council consideration of the Petition may be found at the link below:

- [1 - Final Consistency Review & Recommendations Report](#) (226 KB pdf)

Previously Posted Documents

Note: For faster downloads, right-click on a file and select "Save Target As..." to save it to your computer.

- [Administrative Completeness Letter](#) (550 KB pdf)
- [Municipal Petition for Plan Conformance](#) (1 MB zip)
 - [Petition Cover Letter](#) (55 KB pdf)
 - [Petition Submittal Checklist](#) (78 KB pdf)
 - [Preservation Area Resolution](#) (1.1 MB pdf)
 - Modules 1 and 2: See **Highlands Municipal Build-Out Report** below
 - Supporting Materials:
 - [Highlands Council Letter Regarding Plan Conformance Waivers](#) (pdf)
- Municipal Resolution: [Notice of Intent](#) (pdf)
- [Highlands Municipal Build-Out Report](#) (pdf)



RESOLUTION 2011-6

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE FISCAL YEAR 2011 HIGHLANDS PROTECTION FUND BUDGET

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 6.g of the Highlands Act authorizes the Highlands Council to conduct its business as needed to effectuate the purposes of the enabling legislation; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program from funding created by the Highlands Protection Fund to reimburse municipalities and counties for reasonable expenses associated with Plan Conformance; and

WHEREAS, to satisfy its duties, responsibilities and obligations under the Highlands Act, the Council desires to prepare a Highlands Protection Fund Budget for Fiscal Year 2011; and

WHEREAS, the Budget and Finance Committee has reviewed a proposed Highlands Protection Fund Budget for Fiscal Year 2011; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves the attached Highlands Protection Fund Budget for Fiscal Year 2011; and

BE IT FURTHER RESOLVED that the Budget and Finance Committee shall review the budget periodically and recommend adjustments to the Council, as appropriate.

RESOLUTION 2011-6

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE FISCAL YEAR 2011 HIGHLANDS PROTECTION FUND BUDGET

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of January, 2011.



 Jack J. Schrier, Acting Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach	✓		✓			
Councilmember Letts			✓			
Councilmember Richko		✓	✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			

HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
HIGHLANDS PROTECTION FUND BUDGET FY2011

Revenues:

Highlands Protection Fund Grants - Balance of Unexpended FY2010 Encumbrances	\$	7,971,939.67
State of New Jersey FY2011 Appropriation - Highlands Protection Fund		
Incentive Planning Aid	\$	2,650,000.00
Regional Master Plan Compliance Aid	\$	1,750,000.00
State of New Jersey FY2011 Appropriation - Transfer to Watershed Moratorium Aid	\$	(2,217,648.00)
Total Revenues	\$	10,154,291.67

Expenditures:

Municipal Plan Conformance Grants - Projected FY2011 Encumbrances	\$	2,214,500.00
County Plan Conformance Grants - Projected FY2011 Encumbrances	\$	164,500.00
Highlands Protection Fund Grants - Projected Closure of Unexpended FY2010 Encumbrances	\$	(672,420.00)
Highlands Protection Fund Grants - Actual Expenditures for FY2010 Encumbrances	\$	973,418.39
Highlands Protection Fund Grants - Projected Expenditures for FY2010 Encumbrances	\$	1,000,000.00
Highlands Protection Fund Grants - Projected Balance of Encumbrances	\$	6,474,293.28
Total Highlands Protection Fund Grant Encumbrances	\$	10,154,291.67

Approved by the Highlands Council January 20, 2011

RESOLUTION 2011-7
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, the Highlands Act created the Highlands Council as a regional planning and protection entity, to develop, adopt and periodically revise a Regional Master Plan, with a primary goal of protecting and enhancing the significant values of the resources of the Highlands Region; and

WHEREAS, the Highlands Council adopted the Regional Master Plan (RMP) on July 17, 2008 and, as a result of Executive Order 114 (2008), the RMP has an effective date of September 8, 2009; and

WHEREAS, Section 14 of the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, each municipality located wholly or partially in the Preservation Area shall submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the RMP (Plan Conformance); and

WHEREAS, Section 15 of the Highlands Act states that for any municipality located wholly in the Planning Area or for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the RMP; and

WHEREAS, the Highlands Council prepared and distributed to the Highlands municipalities and counties Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

WHEREAS, Section 13 of the Highlands Act requires the Highlands Council to create a regional transfer of development rights (TDR) program for the Highlands Region which includes a program for voluntary TDR receiving zones for any municipality within the seven Highlands Counties and sending zones for the preservation of lands to protect Highlands resources; and

WHEREAS, Section 11.a.4 of the Highlands Act requires a coordination and consistency component which details the ways in which local, State, and federal programs and policies may best be coordinated to promote the goals, purposes, policies, and provisions of the RMP; and

WHEREAS, Section 11.h and 9 of the Highlands Act requires the identification of areas appropriate for redevelopment and the setting of appropriate density standards for redevelopment; any area identified for possible redevelopment shall be either a brownfield site designated by the Department of Environmental Protection or a site at which at least 70% of the area thereof is covered with impervious surface (Highlands Redevelopment Areas); and

RESOLUTION 2011-7
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

WHEREAS, Sections 38 through 82 of the Highlands Act amends numerous statutes of State agencies to specifically require coordinated action to implement the RMP and requires consultation between the Highlands Council and State agencies to ensure that the RMP is considered prior to State agency action; and

WHEREAS, Sections 16 and 17 of the Highlands Act respectively authorize the Highlands Council to review capital or other project proposed to be undertaken by any State entity or local government unit and to review a final local government unit approval, rejection, or approval with conditions; and

WHEREAS, the Highlands Council desires to establish a process to implement the Highlands Act and the RMP in an orderly fashion through Plan Conformance and Highlands Project Review and to ensure that the Highlands Council retains authority to review and approve certain matters and to delegate authority to the Executive Director to review and approve others matters; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council shall hereby take the following actions to implement the Highlands Regional Master Plan:

1. For municipal and county Plan Conformance, review and issue final determinations on all Petitions for Plan Conformance including, but not limited to, any related conditions, grant allocations, resource management plans, Map Adjustments in accordance with the Regional Master Plan and the Plan Conformance Guidelines;
2. For the Highlands TDR Program, designate voluntary TDR Receiving Zones based upon municipal petitions and review and, where direct Council action is recommended by the Executive Director, issue HDC Allocation Determinations and execute any related documents and deeds of easement;
3. For Highlands Redevelopment Area Designations, designate areas appropriate for redevelopment unless as authorized below;
4. For federal, State, and regional agency coordination, review and issue determinations on all requests for consultation, coordination, recommendation or consistency determinations where direct Council action is recommended by the Executive Director;
5. For Highlands Act exemption determinations, review and issue exemption determinations where direct Council action is recommended by the Executive Director; and
6. For the adoption of any master plan, development regulation, or other regulation by a local government unit not in Plan Conformance, development applications submitted to and approved by local government units, the call-up of local government unit approvals, and capital and other projects of State entities and local government units, review and issue comments or determinations on these matters on a case-by-case basis where the Highlands Council determines that Council action is required.

RESOLUTION 2011-7
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

THEREFORE, BE IT FURTHER RESOLVED by the Highlands Council that the Executive Director is hereby delegated the authority to take the following final agency actions on behalf of the Council:

1. For municipal and county Plan Conformance, provide recommendations and take actions pursuant to the Plan Conformance Guidelines and review and issue determinations on all requests for an RMP Update to verify updated, relevant factual information;
2. For the Highlands TDR Program, review and issue HDC Allocation Determinations and execute any related documents and deeds of easement;
3. For federal, State, and regional agency coordination, review and issue determinations on all requests for consultation, coordination, recommendation or consistency determinations;
4. For Highlands Act exemption determinations, review and issue exemption determinations;
5. For the adoption of any master plan, development regulation, or other regulation by a local government unit not in Plan Conformance, development applications submitted to and approved by local government units, the call-up of local government unit approvals, and capital and other projects of State entities and local government units, review and issue comments or determinations on these matters unless Council review is required by the Council;
6. For all of the above, the Executive Director may make a recommendation, based upon the potential impact on Highlands resources, that final agency action be taken by the Highlands Council; and
7. For all of the above, the Executive Director shall provide reports to the Highlands Council of all actions and determinations on a regular basis.

THEREFORE, BE IT FURTHER RESOLVED by the Highlands Council shall reassess this Resolution on or before July 1, 2011 and every six months thereafter or may, at any time, determine that a reassessment should take place.

RESOLUTION 2011-7
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 20th day of January, 2011.



 Jack J. Schrier, Acting Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede				✓		
Councilmember Carluccio			✓			
Councilmember Cogger		✓	✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach	✓		✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			