

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MINUTES OF THE MEETING OF JUNE 25, 2009

**PRESENT**

JOHN WEINGART	)	CHAIRMAN
KURT ALSTED	)	COUNCIL MEMBERS
TRACY CARLUCCIO	)	
MIMI LETTS	)	
JANICE KOVACH	)	
DEBBIE PASQUARELLI	)	
JACK SCHRIER	)	
SCOTT WHITENACK	)	
BILL COGGER	)	
GLEN VETRANO	)	
TAHESHA WAY	)	
ERIK PETERSON	)	

**ABSENT**

ELIZABETH CALABRESE )

**CALL TO ORDER**

The Chairman of the Council, John Weingart, called the 85<sup>th</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 1:05 pm.

**ROLL CALL**

The members introduced themselves.

**OPEN PUBLIC MEETINGS ACT**

Chairman Weingart 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**

**APPROVAL OF MINUTES OF April 16, 2009**

The approval of the minutes was deferred to later in the meeting.

**CHAIRMAN'S REPORT**

Chairman Weingart gave a brief update on the appointment of new members to the Highlands Council and mentioned that there were 11 seats that required action.

*Ms. Way joined the meeting.*

Ms. Pasquarelli introduced her daughter who was attending the meeting.

Chairman Weingart introduced Rachel Weinrich, a Rutgers University student, who would be videotaping the proceedings today for a project at the university.

### **EXECUTIVE DIRECTORS REPORT**

Ms. Swan began her report with a presentation updating Plan Conformance, 2009 Plan Conformance Grants and Highlands TDR Program. She had a slide that illustrated the 74 of the 88 municipalities that have filed a Notice of Intent (NOI) to conform to the RMP explaining that these NOI's were nonbinding in the Planning Area, but allows those municipalities to work with the Highlands Council staff to assess the implications of Plan Conformance. She noted that 72 municipalities have applied for Initial Assessment grants and that 23 of those Initial Assessment Reports have been completed. These reports will be posted on our website upon completion. In addition, 73 municipalities of the 74 municipalities have filed a 2009 Plan Conformance Grant Application. That grant application allows them to work with us through the remainder of this year in order to meet the deadline of December 8, 2009 established by statute for Preservation Area lands to give us a conforming petition for Plan Conformance.

Ms. Swan continued with the Municipal Plan Conformance update for Module 1 noting 70 municipalities have submitted their data and 54 have received a Module 1 Report. For Module 2, 30 municipalities have submitted Module 2 data and she expects that the Module 2 Reports will be issued starting next week on a rolling basis. For Module 3 (Fair Share Plan), staff had two training sessions June 8<sup>th</sup> and June 11<sup>th</sup> for municipal officials and professionals. She mentioned the continuing work with COAH to ensure that our actions are consistent with their rules and regulations. Municipalities were sent a sample Environmental Resource Inventory for Module 4 and a revised Model Highlands Master Plan Element was posted on the website for Module 5. She noted that guidance was provided at the June 8<sup>th</sup> and 11<sup>th</sup> sessions on this Module 5 to attendees. She addressed the continuing work on Module 6 and Module 7.

She concluded this section by summarizing the committed dollars for Plan Conformance Grants: 73 municipalities have applied under the 2009 Plan Conformance Grants Programs for a total of \$3,650,000 and 72 municipalities and 4 counties have applied for a total of \$1,134,767 for Initial Assessment Grants. Additionally, the staff is also developing the model Environmental Resources Inventory and Highlands Master Plan Element for counties. A draft of the Highlands Master Plan Element has been provided to the County Planners for review and comment.

Executive Director Swan then gave an update of the Highlands TDR Programs beginning with an outline of the TDR Program Timeline, the status of the HDC Bank Operating Procedures and the long-term TDR Program Timeline. She mentioned that public comments on the revised drafts for the TDR Program Conservation Restrictions are due July 3, 2009 and that the Council may consider the conservations restrictions at its July 16, 2009 meeting. She also reviewed the Request for Qualifications that was posted on May 29, 2009 soliciting qualifications and supporting information from firms with expertise in all aspects of land use planning (particularly non-residential), including site development, site design and securing local approval. She explained that the purposes of the RFQ will be to find a firm that can assist the Council with HDC allocations, receiving zone credit determinations and redevelopment area planning and redevelopment area planning.

Chairman Weingart announced that the next meeting of the HDC Bank Board would be a work session on July 2 at 1 pm.

*Mr. Peterson joined the meeting.*

Ms. Swan continued with a summary of the grants under consideration for today's meeting. The Highlands Council initiated a grant application process for Initial Assessment (IA Grant) grants to municipalities within the seven Highlands Counties in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000. Council staff reviewed the grant applications and recommend grants for Council consideration.

## RESOLUTIONS

### I. **CONSIDERATION OF RESOLUTION – Approval of Certain Planning Assistance Grant to Pompton Lakes - (voting matter with public comment)**

The first IA grant request is from Pompton Lakes Borough requesting \$15,000. She noted that this is their first grant request. There was no public comment. *Mr. Schrier introduced a motion to approve. Ms. Kovach seconded it. Mr. Alstede and Ms. Calabrese were absent. All other members present voted to approve. The resolution was APPROVED.*

### II. **CONSIDERATION OF RESOLUTION – Approval of Certain Planning Assistance Grant to Passaic County - (voting matter with public comment)**

Ms. Swan introduced this IA Grant request of \$15,000 from Passaic County. Previously they had been awarded three CP3 grants:

- a. CP3 – Parcel Data, with a resolution date of 2/9/06, an execution date of 8/24/06 and all deliverables have been submitted for payment. A voucher has been sent for signature.
- b. CP3 – Prior Approval, with a resolution date of 2/9/06, an execution date of 8/24/06 and all deliverables have been submitted for payment. A voucher has been sent for signature.
- c. CP3 – Sewer & Water, with a resolution date of 2/9/06 and an execution date of 8/24/06. We are waiting on deliverables for this task.

*There was no public comment. Ms. Letts introduced a motion to approve this resolution. Mr. Vetrano seconded it. Ms. Way abstained. Mr. Alstede and Ms. Calabrese were absent. All other members present voted to approve. The resolution was APPROVED.*

Chairman Weingart agreed that the next two resolutions be considered together.

### III. **CONSIDERATION OF RESOLUTIONS – Approval of Sustainable Agriculture Grants to Sussex County (for Agritourism grant renewal) and (for Commercial Kitchen grant renewal)**

Ms. Swan noted that Sussex County has re-applied for two Sustainable Agriculture grants. She reviewed the grant activities to date.

**Sussex County (Agritourism Renewal)** – The county is requesting \$50,000. Previously they had received a Sustainable Agriculture Grant (Agritourism) for \$50,000 with a

resolution date of 2/15/07 and an execution date of 9/17/07. Also, they had received a Sustainable Agriculture Grant (Commercial Kitchen) for \$10,000 with a resolution date of 2/15/07 and an execution date of 9/17/07. Elements of this grant include:

- Continued marketing program to better position and reinforce the region as an agritourism destination.
- Generation of print materials for region-wide distribution at events and farm-related venues.
- Development of a website specific to Highlands Agritourism
- Formal survey to identify consumers and demographics of Highlands Region that contribute to the support of agritourism projects.

**Sussex County (Commercial Kitchen Renewal)** – The county is requesting \$15,000 for this project. Previously they had received a Sustainable Agriculture Grant (Agritourism) for \$50,000 with a resolution date of 2/15/07 and an execution date of 9/17/07. Also, they had received a Sustainable Agriculture Grant (Commercial Kitchen) for \$10,000 with a resolution date of 2/15/07 and an execution date of 9/17/07. Elements of this grant include:

- Partnering farmers and students to create value added agricultural products through the use of the SC Technical School Kitchen
- Report on process that will include
  - Interviews with participating farmers
  - Inventory of products and how they were developed
  - Regulatory processes
  - Time frame and costs involved
  - Pitfalls of the process

*Mr. Alstede joined the meeting. Ms. Carluccio introduced a motion to approve both Sussex County resolutions. Mr. Cogger seconded it. Mr. Vetrano abstained. Ms. Calabrese was absent. All other members present voted to approve. The resolutions were APPROVED.*

Chairman Weingart suggested that the next three resolutions be considered together.

#### **IV. CONSIDERATION OF RESOLUTIONS – Approval of a Transfer of Development Rights Receiving Zone Feasibility Grants to Harmony Township, Borough Hopatcong, Oakland Borough – (voting matter with public comment)**

Chairman Weingart agreed that the next three Transfer of Development Rights Receiving Zone Feasibility Grants be considered together. The elements of this grant include:

- Identify TDR receiving zones
- Develop real estate assessment and description of physical characteristics of potential sites
- Devise 2 development scenarios for the potential receiving zone
- Determine water and wastewater utility capacity for the zone
- Submit Draft Phase 1 Report

Ms. Swan summarized the grant requests from the three municipalities and the grant activity to date as follows:

1. **Township of Harmony** – Requesting \$25,000. Previously they had been awarded:
  - a. A COAH 3<sup>rd</sup> Round Grant with a resolution date of 2/9/06 and an execution date of 4/20/06. A Fair Share plan was never received by Highlands Council and therefore the grant was not paid out.
  - b. An Initial Assessment Grant with a resolution date of 12/18/08, and an execution date of 1/19/09. We are currently awaiting a deliverable for this grant.
  - c. A 2009 Plan Conformance Grant with a resolution date of 12/18/09, an execution date of 2/19/09, and we are awaiting invoices for their Module 1 deliverable.
  
2. **Borough of Hopatcong** – Requesting \$25,000. Previously they had been awarded:
  - a. A COAH 3<sup>rd</sup> Round Grant with a resolution date of 10/6/05, an execution date of 12/9/05, and a payment date of 5/15/06 (\$7,500).
  - b. An Initial Assessment Grant with a resolution date of 5/22/08, and an execution date of 8/7/08. We are currently awaiting a deliverable for this grant.
  - c. A 2009 Plan Conformance Grant with a resolution date of 12/18/09, an execution date of 2/25/09, and we are awaiting invoices for their Module 1 deliverable.
  
3. **Borough of Oakland** – Requesting \$25,000. Previously they had been awarded:
  - a. An Initial Assessment Grant with a resolution date of 11/20/08, and an execution date of 2/2/09. We are currently awaiting a deliverable for this grant.
  - b. A 2009 Plan Conformance Grant with a resolution date of 12/18/09, an execution date of 3/16/09, and we are awaiting invoices for their Module 1 deliverable.

There was no public comment. *Mr. Whitenack introduced a motion to approve the three resolutions. Mr. Vetrano seconded it. Ms. Calabrese was absent. All other members present voted to approve the resolutions. The resolutions were APPROVED.*

**V. CONSIDERATION OF RESOLUTION – Approval of Designation of Highlands Redevelopment Area for Oak Ridge Road Associates, L.L.C.- – (voting matter with public comment)**

Chairman Weingart asked Ms. Swan to present the application from the Oak Ridge Road Associates in West Milford for a Highlands Redevelopment site designation and Ms. Swan noted that the applicant, Mr. Schwartz, was in the audience. She reminded the members that this project had been outlined at the last meeting. She began with a presentation summarizing the project details. She highlighted the fact that the applicant had been working with the Highlands Council staff for two years waiting for plan adoption and procedures for redevelopment to be adopted. She also indicated that Mayor Bieri had been advised of this project. The project area is Block 15901 lot 1 in West Milford and is a single parcel with a proposed Highlands Redevelopment Area covering a portion of the parcel.

Ms. Swan showed several slides of maps depicting the environmental features as well as showing the existing commercial facility. She noted that the request from the applicant involved the addition of parking as Mr. Schwartz had already lost one tenant because of inadequate parking. She continued the overview of the existing impervious surface and noted that the proposed redevelopment area is within the allowable redevelopment area guideline.

She concluded by offering a final slide summarizing the staff recommendation to approve the proposed Highlands Redevelopment Area designation with conditions as follows: the disturbance of the Highlands Open Water buffer be minimized to only affect the area necessary for the new parking lot, that the new parking lot be located such that it minimizes the creation of impervious surface within the Highlands Open Water Buffer, that the remainder of the property outside of the proposed Redevelopment Area be deed restricted, and that the stormwater regulations must be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. She finished by explaining that the expectation is that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques and a construction implementation plan that minimizes disturbance during and after construction.

There was some discussion among Council members with staff with respect to the submitted comments, how the calculations were determined for the parking area and whether the project would be exempt from stormwater regulations. Dr. Van Abs responded that the DEP would treat this application as construction of new impervious therefore making the project subject to stormwater regulations. The applicant responded to comments about the sizing of the septic system and indicated that he had installed a second septic system so that each tenant had its own system and that the systems were each rated for the total employees in the building thereby giving a conservative approach to capacity.

*Mr. Vetrano introduced a motion to approve this resolution. Mr. Whitenack seconded it.*

## **PUBLIC COMMENT ON THIS RESOLUTION**

### **Deborah Post, Chester Township**

Ms. Post indicated her displeasure with the amount of money that had been expended just to expand a parking lot.

*Ms. Carluccio and Ms. Pasquarelli voted no. Ms. Calabrese was absent. All other members present voted to approve. The resolution was APPROVED.*

## **VI. APPROVAL OF MINUTES OF April 16, 2009 – voting matter**

*Mr. Schrier introduced a motion to approve the minutes. Ms. Kovach seconded it. Ms. Calabrese was absent. Messrs. Cogger, Peterson, Vetrano and Ms. Way abstained. All other members present voted to approve. The minutes were APPROVED.*

*Ms. Carluccio and Ms. Letts left the meeting recusing themselves from the discussion and vote on the PSE&G resolution. Ms. Carluccio explained that this was due to her employment with the Delaware Riverkeeper Network and Ms. Letts explains that it was due to her position as a trustee with Morris Tomorrow.*

## **VII. CONSIDERATION OF RESOLUTION – PSE&G Susquehanna-Roseland 500-kV Transmission Line Highlands Act Exemption and Consistency Determination – (voting matter with public comment)**

Ms. Swan introduced the project with a presentation summarizing the history of the line, the affected areas in the Highlands Region, the proposed project upgrade and also the Highlands municipalities that the line crosses currently. She showed a summary map and reviewed the upgrade to 500 kV voltage in terms of the structures necessary for the upgrade.

She provided an overview of the determination of the need for the project, which will be determined by the New Jersey Board of Public Utilities (BPU). The application by PSE&G to BPU is based upon an analysis performed by PJM which operates the electric power grid in 13 states and the District of Columbia. PJM maintains that there is need for the project. BPU must determine that it is reasonably necessary for the service, convenience or welfare of the public. Ms. Swan reviewed the current hearing schedule that BPU is following indicating that it is anticipated that the end of hearings, both informal and formal, will be in December of 2009. Ms. Swan addressed the options available to the project should BPU issue approval, she indicated that the project will require one of the following: 1) a Highlands Act exemption determination - the Highlands Council and NJDEP coordinate on exemptions in the Preservation Area and the Council determines exemptions for the Planning area, 2) if the project is denied an exemption, the project will need to secure a Highlands Preservation Area Approval (HPAA) and seek a public health and safety waiver from NJDEP (this waiver only applies in the Preservation Area and would provide no protections to the Planning Area lands), or 3) alternatively the project may bypass the State of New Jersey and seek federal preemption from FERC. Ms. Swan mentioned that the last alternative of seeking federal preemption through FERC had not been discussed by PSE&G. Ms. Swan reviewed the alternatives analysis performed by PSE&G. There were three routes that were studied in the alternatives analysis. She summarized this discussion by indicating that the Alternative B (which is entirely within the existing right of way) was determined by PSE&G to have the least amount of environmental impact.

Ms. Swan then provided an overview of the exemption application submitted by PSE&G on September 5, 2008. The Highlands Act includes 17 exemptions and PSE&G submitted an application for exemption #11 for “the routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights of way, or systems, by a public utility, provided that the activity is consistent with the goals and purposes of this act.” The RMP in Objective 7F1f specifies that the Highlands Council assesses the project against the Highlands Act, the Regional Master Plan and NJDEP’s Preservation Area rules at N.J.A.C. 7:38 to determine whether the project is consistent with the goals and purposes of the Highlands Act and therefore should be deemed exempt.

The Highlands Council staff completed a consistency determination in December indicating that the application was inconsistent with the Highlands Act as measured by the RMP and provided a public comment period for a review of this determination. As a result of public comments and the initial staff recommendations, PSE&G worked with the Highlands Council staff to amend the application to address the inconsistencies. On May 19, 2009, PSE&G submitted an amended application (for both the Preservation Area and the Planning Area) and the application was amended with the inclusion of a Comprehensive Mitigation Plan. In response to the amended application, the Council staff prepared an amended draft consistency determination and an additional public comment period was afforded through June 12, 2009. In response to the second comment period, a

revised consistency determination (with track changes) and the two public comment response documents were posted to the Highlands Council website prior to this meeting.

Ms. Swan described the scope of the amended application and the Comprehensive Mitigation Plan (CMP). She highlighted the CMP's use of the RMP to measure consistency with the Highlands Act as well as the PMP's policies to avoid, minimize, or mitigate impacts on Highlands resources. The amended application included design changes including moving the switching station from an extremely environmentally sensitive site in Jefferson to a preferred site in Hopatcong Borough. These changes also reduce the number of towers by 11 over the site in Jefferson. In addition, advanced switching station design techniques (Gas Insulated Switching gear technology) will reduce the footprint of the switching station. PSE&G also will limit the temporary impacts by use of existing access roads. The CMP includes a framework for the development of specific plans to address the following issues: transmission right of way, avian management protection plan, critical habitat mitigation plan, wetlands and transition areas mitigation plan, stream and riparian habitat restoration plan, stormwater, soil erosion and sediment control plan, historic and archeological resources plan, Green Acres plan, forest management plan. These plans would be reviewed by Council and a performance bond, of at least \$4 million, would be posted to ensure implementation and completion of plans. Lastly, PSE&G proposes to make a financial contribution to the Highlands Council to create a Highlands Preservation and Stewardship Fund. The contribution of \$18,610,524 would support the acquisition and stewardship of over (at least) 2,500 acres of lands within the Highlands Region. The purpose of this funding was to ensure the continued economic activity in the form of agri-tourism, eco-tourism and heritage tourism in support of the Highlands Act.

Ms. Swan described that PSE&G's basis for the proposed contribution was in response to the Council's December analysis which mapped the impact of the project on: 1) the existing preserved open space, 2) the parcels considered high priority for preservation/acquisition and 3) the 7-mile area adjacent to the right-of way (based on the Vermont Public Service Department study). In response, PSE&G examined the following lands within the 7-mile area: Highlands Preserved Lands (69,695 acres); Special Environmental Zone (12,911 acres); Conservation Priority Areas (46,003 acres); and Agriculture Priority Areas (2,947 acres). To quantify the impacts upon existing preserved lands, eco-tourism and agri-tourism, the total acres was multiplied by \$7,500, which is the average of the cost of preserving land in the affected area from the Highlands Council technical documents in support of the RMP, and by an impact assessment multiplier based upon distance from project for a total of \$16,773,024. To mitigate the permanent Impacts associated with the switching facility, PSE&G calculated the contribution based on 145 Highlands Development Credits at a cost per acre of \$7,500 which amounted to \$1,087,500. With respect to the temporary Impacts from the existing access roads, PSE&G estimated 20 acres and calculated an amount based on a 5:1 mitigation ratio at a cost per acre of \$7,500 for a total of \$750,000.

Based upon the amended application and after review of all the public comments received, Ms. Swan advised the Highlands Council that the conclusion of the staff is to recommend that Council approve the Highlands Act exemption with conditions. Specifically, the staff found that the use of the existing right of way results in unavoidable inconsistencies but that the CMP mitigates those inconsistencies sufficiently that the project is found to be made consistent with the goals and purposes of the Highlands Act. She specified that the exemption determination should be conditioned upon an approval by BPU. Lastly, the determination would also be conditioned upon the subsequent approval of the detailed Comprehensive Mitigation Plans and the posting of a

performance bond. She also noted that these plans will be completed with the aid of NJDEP and other appropriate agencies to ensure that the plans are the best possible.

*Mr. Schrier introduced a motion to approve the resolution. Mr. Vetrano seconded it.* Chairman Weingart asked for Council members to ask any questions before he took public comment.

Mr. Vetrano asked if the monies offered for acquisition and stewardship could be leveraged with other funding. Ms. Swan responded that those funds could be used for leverage to acquire additional property working with Highlands counties, municipalities and nonprofit land conservation groups. Ms. Pasquarelli asked about the process and timeline and mentioned the quick turnaround by staff of the amended application and consistency determination. Ms. Swan specified that the Council staff had worked closely with PSE&G on the basis of the original consistency determination. Mr. Schrier clarified that the Council's expectation is that staff will work with any applicant to point out inconsistencies and make recommendations to improve any application. There were additional questions about the enforcement of the mitigation plans raised by Ms. Pasquarelli. Ms. Swan indicated that the Council would review and approve the plans and Mr. Borden mentioned that the draft resolution authorized the Executive Director to sign any agreements necessary to implement these determinations. The discussion turned to the proposed performance bond of \$4 million and it was clarified that this amount was unrelated to the \$18.6 million dollars for acquisition and stewardship. Chairman Weingart reiterated that the \$18.6 million was to be used only for acquisition and stewardship and not operating expenses.

Mr. Borden clarified the standard of review as set forth in the Highlands Act in response to questions as whether the project is consistent with the goals and purposes of the Act. He specified that the exemption requires that the project be consistent with the goals and purposes of the Act and does not require that the project comply with the RMP. Ms. Swan specified that the application as originally submitted to the NJDEP was not designed to meet the RMP and that the BPU determination is based on need for the project as opposed to the environmental impacts.

Mr. Alstede expressed his concern that if the Council did not make a decision that the funds being offered for acquisition and stewardship from PSE&G would be lost and therefore any opportunity for funding for Highlands landowners would be gone. Ms. Way questioned the timing of the Council taking action before the BPU decision and there was some discussion of the process having to begin in order to meet the timeline that would be required to meet demand if need is determined.

Chairman Weingart opened the matter for public comments and reviewed the three minute limitation to public comments.

## **PUBLIC COMMENT**

### **Louis LaSalle, St. Barnabas Medical Center**

Mr. LaSalle spoke in support of the need of reliable electricity for the hospital. He introduced his associated Mr. Robert Mulcahy, AVP of Facilities for St. Barnabas who also spoke to the need for electricity for healthcare, particularly with the aging population and increased demand for healthcare.

### **George Petty, Trail maintainer NY/NJ Trail Conference**

Mr. Petty described his activities as a naturalist and leader of wildflower hikes. He spoke to the wildflowers that have taken 100 years to develop and did not believe that their removal could be mitigated successfully. He asked for consideration of this while the project was in construction.

**Chip Hallock, President and CEO Newark Regional Business Partnership**

He spoke in support of the PSE&G project and the proposed mitigation plan. He asked the Council not to let the same lack of planning with mass transit, water and sewer prevail in this case and encouraged the Council to take affirmative action on this project. He complimented PSE&G's approach to the project balancing protection, land and water.

**Grace Sica, Outreach Coordinator NJ Chapter Sierra Club**

Ms. Sica spoke on behalf of her organization that does not support this project. It is the Sierra Club's belief that the Hopatcong switching station should be handled as an independent application. She also discussed the mitigation plan and criticized its tenet of buying undeveloped property to mitigate the negative effects. She questioned the Council's ability to use the \$18.6 million and thought the Council's acceptance of those monies was a conflict of interest. She provided a written statement for the record.

**Chip Gerrity, President/Business Manager Local Union 94, International Brotherhood of Electrical Workers Affiliated with AFL-CIO**

He spoke on behalf of the organization in support of the project noting that it would provide about 1,000 jobs and that job creation was important with 9% unemployment currently.

**Mr. Jay Laubengeyer, Asst. State Dir. Nature Conservancy**

He spoke to PSE&G's work in the Delaware River estuary project and that they had lived up to their commitments and noted that there was no better corporate partner. He also complimented PSE&G for its innovative approach.

**Kenneth Rosenfeld, Longwood Lake Cabin Owners Assn.**

He discussed the fact that the energy was coming from coal fired plants and that pollution from those plants would not be mitigated by this plan. He believes that the additional electricity is for New York City and not New Jersey and spoke about the ratepayers being the payers not the shareholders. He also does not believe that this is a green plan or a smart grid and that the assumptions used for this plan are based on old growth projections. He also spoke to the lack of maintenance and that PSE&G had not addressed trespassing, fencing or access.

**Deborah Post, Chester Township**

She believes that the wildflowers can flourish within the easements and also mentioned that the exemption process is so costly that the little guy cannot afford it.

**Elvin Montero, Director of Communications Chemistry Council**

He spoke in support of the project, he referred to the job loss of 3,000 this year and said that it was not often that the Chemistry Council and PSE&G were on the same side, but he wants to keep jobs in New Jersey. He also supports reliable affordable electricity. He provided a written statement for the record.

**Pam Hersh, VP of Government and Community Affairs, Princeton Healthcare System**

She supports the project and emphasized the need for a reliable source of electricity and thus the importance of such an upgrade. She mentioned PSE&G's sense of commitment to the community that she had experienced in her dealings with the organization. She provided her comments in writing for the record.

**Julia Somers, New Jersey Highlands Coalition**

She spoke against the project and expressed concern for what she characterized as inappropriate and unacceptable mitigation. She did not believe that the public had had ample opportunity to review the amended plans and objected to the summarized comments that the Council had received instead of the actual comments. She expressed concern about the contribution of monies to the Council. She submitted written comments.

**Paul Boudreau, President, Morris County Chamber of Commerce**

His organization of 700 members supports the project. He spoke to how his organization is trying to attract business to the state and if businesses are not confident of reliable well priced power they will not make a commitment to New Jersey. He submitted a written statement.

**Eliot Ruga, New Jersey Highlands Coalition**

He expressed his concern over his belief that the public was denied access to documentation and objected to the lack of maps in the amended application that he felt made evaluation difficult particularly with respect to the location of the switching station in Hopatcong. He submitted written comments for the record.

**Matthew Lolly, Andover Township**

He gave his opinion that the project should not go forward as he believes that the additional power is not necessary. He indicated that the National Park Service has concerns about the project and that the Highlands should be appreciated for its beauty.

**John Galandak, President Commerce and Industry Association of New Jersey**

Representing 850 members, he supported the PSE&G project and believes that the economic benefits of additional jobs and well priced electricity will bring short term and long term benefits to the regional economy. He provided a written statement.

**Rachel Weinrich, Rutgers University**

She supports conserving energy and mentioned a conservation project in Austin Texas that she thought provided a good model to save natural resources and be more energy efficient.

**Tom Hill, Stop the Lines**

He does not support the PSE&G project and spoke to the issues of mitigation for old growth trees that would be removed to support the installation of the new towers. He also expressed concern for the ratepayers paying for the \$18.6 million contribution not the corporation and questioned how the Council could administer those funds as it could not own land. He thanked Ms. Pasquarelli for her questions on consistency.

**Sheila Gaynor, Hardwick, NJ**

She expressed concern for the high rates of cancer in New Jersey and recommended that the lines be put underground so as not to affect human health. She does not support the project.

**Eric Stiles, New Jersey Audubon Society**

He spoke on behalf of his organization in support of the methodology of the applicant exhausting options for avoiding harm and then moving on pursuing available options for minimization and then mitigating all remaining impacts based on “no net loss” of value or function. He indicated that his organization used this framework for review and had spent over 100 hours reviewing the plan. He supports mitigation being as close to the site as possible and the funds being used for acquisition and stewardship. He spoke in support of the mitigation plan as proposed and restricting the funds so that they could not be used for balancing the state budget. He provided written comments.

**Scott Olson, Byram Resident**

He does not support the application and expressed his concern that the comments had been summarized for council members. He characterized the positive comments as being from former PSE&G employees. He does not believe that the Highlands should be for sale and he does not agree that there is sufficient authority for the Council to accept funds from PSE&G. He provided a written statement.

**Marion Harris, Morris County Trust for Historic Preservation**

She congratulated the staff for the quality of their analysis and although her organization had signed on to the comments of the NJ Highlands Coalition she supports the 7 mile radius of mitigation. She asked how the process of the federal review under section 106 and state review would interact with the Highlands Council reviews.

**Lydia Butler, Rockaway**

She expressed concern for the impact of construction of the towers on the water supply in the region – private wells in the area and the old dam at the Split Rock Reservoir. She does not think that PSE&G is a good steward and cited its subcontractors leaving brush that had been cleared without finishing the work.

**Wilma Frey, NJ Conservation Foundation**

She indicated her organization’s opposition to the project. She emphasized that the amended application remained overwhelmingly inconsistent. She spoke to the lack of transparency and that no GIS shape files had been provided for evaluation. She also objected to the payment of funds that she thought eroded the integrity of the council.

**John Richardson, Fredon Township**

He asked that the Council table any action until the BPU took action.

**Kevin Duffy, Hardwick Township**

He urged the Council not to take action on this application as Mayor of Hardwick and indicated that his municipality had filed for intervenor status with BPU and asked for a ground (field examination). He spoke to the plan being incomplete and believes that it suggests impropriety for the Council to accept financial payment.

**Dr. Emile Devito, New Jersey Conservation Foundation**

He provided maps that he had prepared and spoke to the plan ignoring the nocturnal migrant birds. He felt that PSE&G had a good plan in the Delaware Bay and that this plan lowers the bar. He did not support the additional access road construction as it would create 965 acres of forest fragmentation not 20 acres in his opinion. He provided a map showing his analysis.

**Sylvia Ramos, Hardwick Township**

She owns property adjacent to PSE&G and believes that the Hopatcong Switching station should be a major highlands development project. She wants the project tabled until the public is better informed and noted that she was just organizing a neighborhood group.

**Russell Butler, Rockaway Township**

He believes that this project will permanently scar the Highlands and he has a right of way through his property. He took issue with the project and mentioned that when the lines were originally built in the 20's they were constructed by hand and presented in an entirely different scope. He asked, and hopes for, a field investigation.

**Helen Heinrich**

She spoke on her own behalf saying that agriculture needs power and it is the #2 cost to farmers. She supported the addition of the 7 mile area of mitigation and thought that the concept of PSE&G offering a financial contribution to do public project was appropriate and advocated further regulation of the land.

**End of Public Comment**

Mr. Schrier read the last two paragraphs of the resolution:

**NOW, THEREFORE, BE IT RESOLVED** the Highlands Council hereby finds that the revised Project constitutes "routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights of way, or systems, by a public utility" and that the proposed Project in both the Planning Area and Preservation Area "is consistent with the goals and purposes" of the Highlands Act;

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Highlands Council that the Executive Director is hereby authorized, consistent with the Council's deliberations, to: 1) issue a final RMP Consistency Determination for this Project, 2) issue a Highlands Act exemption determination with appropriate conditions; and 3) enter into any agreements necessary to implement these determinations.

Ms. Pasquarelli commented on her concerns over this project including her opinion the contribution for acquisition and stewardship was inappropriate; that the plan was overwhelmingly inconsistent that other bodies should evaluate the project, and that there had been too much delegation to staff. She also believes that the Hopatcong switching station should be considered as a separate project. She advocated for review after BPU takes action.

Mr. Whitenack spoke to the importance of quality electricity and sufficient to meet demand. He noted that the industrial base has been leaving New Jersey and that the requirements of commercial clients are much greater today than in the past because of the increased use of electronics. He cited a

recent NY Times article on infrastructure and he believes the need for additional electricity is already here.

Mr. Alstede asked if other agencies had commented and specified that New Jersey Transit had submitted comments in support of the project.

Ms. Kovach noted that as part of the Sustainable Economic Development section of the RMP that job creation and retention are a part of the Council's review. Mr. Schrier also commented that when the Highlands Act was passed the exemptions were contemplated to allow flexibility for Council actions in the future and that those exemptions were deliberately non specific as no one could forecast what the specifics might be.

Mr. Vetrano complimented the staff and agreed that it was their role to work with PSE&G. He expressed his concern about comments made from his side of the Council table that he believed were baseless and malicious. He acknowledged that the determination of need falls with BPU, but he also noted that when these lines were built in the 20's that the population of Sussex County was 30,000 and that the numbers today show the growth of the area and the need for more power. He supports the project and believes that it will benefit New Jersey in being competitive for business.

*The vote was taken by roll call by Chairman Weingart. Ms. Calabrese was absent. Ms. Carluccio and Ms. Letts were also absent as they had recused themselves. The following members voted to approve: Alstede, Cogger, Kovach, Peterson, Schrier, Vetrano, Whitenack, and Weingart. Ms. Pasquarelli and Ms. Way voted no. The resolution was APPROVED.*

The Chairman asked for a motion to adjourn and the meeting was adjourned at 4:32 pm.

**TRUE COPY**

#### 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: 7/23/09

Name: Paula M. Dees  
Paula M. Dees Executive Assistant

<u>Vote on the Approval of these Minutes</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Calabrese					✓	
Councilmember Carluccio			✓			
Councilmember Cogger	✓		✓			
Councilmember Francis			✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Peterson			✓			
Councilmember Schrier			✓			
Councilmember Vetrano		✓	✓			
Councilmember Way						✓
Councilmember Whitenack			✓			
Councilmember Weingart			✓			

June 25, 2008

### **I. Public Access to Files and Public Notice**

The public has been denied access to critical documentation submitted by the applicant to the Highlands Council, thus preventing the public from any meaningful opportunity to evaluate the revised project and to offer informed comments prior to a final Consistency Determination by the Council. We object to the inadequate release of public information on the proposed changes to the project outlined in the Comprehensive Mitigation Plan.

The initial Highlands Consistency Determination, dated January 22, 2008 was released with a supplement of maps providing a visual depiction of the project's impacts upon Highlands resources. The amended application and subsequently revised Highlands Consistency Determination released for public comment on May 21, 2009 did not include any maps or depictions of the proposed changes, notably the new switching station, and location or maps of the revised access road locations. Failure to provide the public with this information has made it difficult for the public and impacted communities to contemplate what revisions have been proposed and to provide meaningful comments. Additionally, it is impossible for the public to determine whether or not PSE&G has truly worked to avoid or minimize project impacts.

Therefore, the revised Highlands Council Consistency Determination public comment period must be extended at least 15 business days beyond the date that such maps become available to the public. To date, no maps, aeriels, narrative descriptions of the access road location or affected Highlands resources concerning the Hopatcong Switching Station site have been available for the public in digital format. Nor was there any public notice given, indicating that these materials would be available for review at the Highlands Council's offices. This is inconsistent with the Highlands Council's project review process to date. Block and lots cannot truly capture the project's impacts nor do they show the site specific project design and locations of impacts. The public has been prevented from determining the extent of impacts to any specific resources. Since PSE&G has not amended its application before the New Jersey Board of Public

Utilities, there has not been any expert testimony about the Hopatcong site available anywhere. The public has been shut out of the process and meaningful public comment on the revised switching station site is entirely not possible.

The May 21, 2009 Updated Public Notice did not include any notification regarding the availability of site maps at the Highlands Council offices. If the information was available for public inspection, the public was not adequately noticed of this fact. The Council may be in violation of its own rules regarding public notice.

## **II. Inconsistency with the Highlands Act**

Despite the lack of details provided regarding the Hopatcong Switching Station site and any proposed changes to access road locations, it remains our position that the proposed PSE&G Susquehanna-Roseland 500-kv Transmission Line is inconsistent with the goals and purposes of the Highlands Act because of considerable, intentional impacts to the Highlands Region. PSE&G has not proposed any route for the transmission line that avoids the Highlands Region and/or the Highlands Preservation Area and did not provide non-transmission avoidance alternatives or any financial costs or challenges related to alternatives that would bypass the Highlands Region all together, thus the goal of avoiding the Highlands most critical lands has not been reached or even explored by PSE&G.

### **Elliott Ruga**

New Jersey Highlands Coalition  
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**For Immediate Release**

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## CHEMISTRY COUNCIL OF NEW JERSEY URGES SUPPORT FOR THE PSE&G TRANSMISSION LINE PROJECT

My name is Elvin Montero, director of communications and issues management for the Chemistry Council of New Jersey (CCNJ). The CCNJ represents more than 80 employers in the chemical, pharmaceutical, consumer products, petroleum refining, and flavors & fragrances industry sectors.

The Chemistry Council has submitted letters of support for the PSE&G Transmission Line Project to the Council and other regulatory bodies. I am here today on behalf of the CCNJ and its members, to further demonstrate how important the approval of this project is to the economic viability of our membership.

The high cost of energy continues to put our members at an economic disadvantage and the more than 63,000 jobs they provide at risk. With New Jersey's industrial ratepayers paying among the highest electricity rates in the nation, the eighth highest to be exact, which translates into 60% above the national average, you can appreciate why an energy intensive industry, such as the business of chemistry – which uses energy to power our manufacturing facilities and as a raw material or feedstock to create many energy-saving materials – would seek to support viable projects that can potentially reduce energy costs in our state while increasing reliability.

A reliable flow of electricity is critically important. If that reliability is threatened, businesses will suffer and investors are likely to flee the region for safer havens. At a time when NJ manufacturing jobs are already threatened – 3,000 jobs were lost in the chemistry sector in the last year alone – this is an additional risk we should not take. Instead, by investing this money now, PSE&G will be creating jobs and generating revenue for government and businesses.

It is not often that CCNJ and PSE&G are on the same side of an issue. In fact, a quick Google search would reveal just the opposite. But this project, we feel, is definitely needed, and we trust that PSE&G will do all in its power and what is technically feasible to ensure that this project has minimal impact to the environmental surroundings. This much needed upgrade will help all electric rate payers, and help keep jobs in New Jersey.

Members of the Highlands Council and esteemed guests, the Chemistry Council of New Jersey and the chemistry industry believes that access to a reliable, affordable supply of energy is vital to chemical makers, the future of the New Jersey/US manufacturing base and the health of the New Jersey/US economy as a whole. This is why we are here today in person to further voice our support for this project, and to urge your vote of support for the project.

The Chemistry Council of New Jersey (CCNJ), founded in 1955, is the premier trade and advocacy organization representing the interests of more than 85 New Jersey manufacturers in the business of chemistry. Our membership consists of large and small companies that are part of New Jersey's chemical, pharmaceutical, consumer packaged goods, petroleum, flavor & fragrances and precious metals industries. The CCNJ is committed to a better quality of life through science.

####



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### Testimony Dated June 25, 2009

Dear New Jersey Highlands Council Members:

Good afternoon. My name is Eric Stiles, Vice President for Conservation and Stewardship of New Jersey Audubon Society. Since 1897, NJ Audubon Society, which is not affiliated with National Audubon Society, has been safeguarding the wildlife and nature of New Jersey. NJAS has a two-fold mission – stewarding the nature of today for the people of tomorrow and reconnecting people and nature. Today, I am testifying solely on behalf of the Society and its 24,000 members on stewarding the rich natural heritage of the NJ Highlands for future generations.

I understand and appreciate the matter before you is rather weighty. The first mitigation proposal being considered is both enormous in both scope and importance. This is the Council's opportunity to get the matter right and show your mettle.

Let me be clear that the issue as to whether or not the additional electricity capacity is needed is beyond the scope of these remarks. We defer to others in this matter and understand that this determination will be made before the New Jersey Board of Public Utilities. NJ Audubon is also not testifying regarding the utility upgrade exemption pursuant to the Highlands Act and RMP.

Throughout the development of the Council's Regional Master Plan, NJ Audubon and others persistently (and some might suggest relentlessly) pushed the mantra of avoidance, then minimization and then finally mitigation as a hierarchy for project review. Furthermore, I stressed the importance of no net loss of value. More simply put, we strongly advocated that an applicant should have to first exhaust options for avoiding harm, then move on pursuing available options for minimization and then finally all remaining impacts must be mitigated based on "no net loss" of value or function.

It is through this framework that NJ Audubon Society reviewed the project. Our staff, including myself, Troy Ettl (NJAS Director of Stewardship) and Dr. David Mizrahi (NJAS Vice President for Research), have spent hundreds of hours scrutinizing the transmission line plans. Our comments are restricted to the direct natural resource impacts of the line itself.

Now back to our assessment. First and foremost, NJ Audubon provided substantial feedback on the three powerline route alternatives considered by PSEG. Clearly, the Susquehanna to Roseland powerline route, by using a right-of-way in existence since the 1920's, avoids the



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drastic impacts posed by the two other routes. Co-location of utilities on existing disturbed areas and heavily managed sites is always the preferred option for avoiding direct impacts.

Throughout the project planning process, PSE&G has demonstrated a commitment to minimizing impacts. Relocation of the switching station to Hopatcong from Jefferson will greatly reduce natural resource impacts. Furthermore, NJ Audubon strongly supports further investigation of plans to relocate the transmission line running the high quality Troy Meadows wetlands complex. If done properly, relocation of this line has the potential to result in a significant net gain for the ecological integrity and natural resources of Troy Meadows. Finally, NJAS supports the proposed plans to minimize access road impacts as outlined in the plan, including through use of helicopters.

Once impacts have been avoided and minimized, all remaining impacts are required to be mitigated. NJAS strongly supports the mitigation plan submitted by PSEG as being biologically sound and holistic. Furthermore, it is our strong opinion that, with some minor modifications, the mitigation plan (once properly implemented) would result in a net gain to the impacted natural resources. Our comments on the mitigation plan are divided into two sections. The first address issues central to the NJ Highlands Council and the second the plan itself.

While the proposed mitigation plan provides a strong framework and platform, NJAS believes emphatically that the NJ Highlands Council must itself adopt the following measures to ensure successful implementation of the mitigation plan and avoid setting dangerous precedents for future mitigation plans:

1. The council should appoint a technical oversight committee for the Mitigation Plan. This committee would be comprised of resource experts consistent with the technical areas of impact and not a stakeholder group. This committee's function would be to make a finding that any proposed mitigation activity achieves the "no net loss" standard for the impacted resource.
2. To the maximum extent practicable, the mitigation remedy should be as close as possible to the site of impact. NJ Audubon feels that much of the mitigation can occur on or immediately adjacent to the right-of-way.
3. To the penny, one hundred percent of the "Contribution to the Highlands" should be utilized solely and exclusively for "the purposes of acquiring critical lands, supporting preservation, conservation and stewardship activities, and generally enhancing the Highlands region related to the project". Under no circumstances should any of the



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funds be utilized for any operational or capital costs associated with the NJ Highlands Council proper including staff. This is both important from a substantive and perception matter. While the substance is self-evident, using these funds as revenue for staff would set an extremely dangerous precedent. It could appear that the Council was accepting a plan in a rush for revenue rather than based on the application's merits.

4. The funds must be set aside in a truly restricted account which cannot be swept into the general government coffers. In this time of incredibly scarce resources, we cannot allow the interest of balancing the books of state government to simply co-opt these monies. Again, this action would erode the fundamental integrity of this project and process.

Below are our comments specific to the proposed mitigation plan.

1. Transmission ROW Vegetation Management Plan
  - a. It is our assessment that implementation of this component will result in a net improvement to the vegetation and plant communities along the powerline ROW.
  - b. This plan includes some innovative and laudable components ranging from proactive invasive species control to far-reaching opportunities for actually improving and creating critical habitat for rare, threatened and endangered plant and wildlife species.
  - c. This section could be further improved through greater emphasis on scrub-shrub habitat and associated obligate wildlife species over native grasses and grassland habitat.
  - d. Special attention is needed to the issue/ threat of overabundant deer browse which if not addressed would compromise the vegetation management and restoration results.
  - e. This and subsequent sections should consider requiring that all construction equipment be steam-cleaned before going onsite to prevent spread of invasive plant seeds or material like garlic mustard, Japanese stiltgrass and Japanese knotweed.
2. Avian Management Protection Plan



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- a. NJ Audubon concurs that the plan follows the best practices guidelines for powerline right of way management. Avian impacts from the powerline ROW can be characterized by 1) Collision, 2) Electrocution, 3) Killing of parents and nestlings/fledglings. While addressing the first two is important, clearly the largest anticipated impacts would occur through the unintended mortality associated with ROW maintenance. The plan should include examination of seasonal restrictions of maintenance activities and not just in critical habitat. Again, this is another great example of achieving a net gain.
3. Critical Habitat/Endangered Species Mitigation Plan
  - a. This plan provides a thorough framework for addressing the critical habitat impacts. Specifically, it calls for "no net loss in terms of quality, quantity, type and function...".
  - b. The plan could be further strengthened by focusing on stewardship activities in concert with land acquisition to improve habitat conditions. For example, we know from the work of Dr. Howard Reinert and Robert Zappalorti that creation of forest thinnings is incredibly important for gravid female rattlesnakes who oftentimes seek sunny areas adjacent to roads where they encounter heightened mortality. Furthermore, properly sited wood turtle nesting habitat can help increase productivity. Finally, the plan should examine improving conditions for the Silver-bordered fritillary through active stewardship for improving its habitat including through invasive plant control and management for its host plant and nectar sources.
4. Wetlands and Wetlands Transition Areas Mitigation Plan
  - a. PSEG should have a major emphasis on enhancing wetlands under the lines rather than creating new ones. The number of wetlands under the lines is extensive and they are harboring a suite of great species. They are in desperate need of invasive plant control and, in some cases, control of plant succession.
5. Stream and Riparian Habitat Restoration Plan
  - a. NJAS strongly supports this component. In particular, we appreciate the close attention to managing deer related impacts which are pervasive in the Highlands. We also encourage that linkages to this component be made in the first three mitigation components. For example, stream habitat restoration should be folded into the ROW vegetation management plan.



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6. Stormwater, Soil Erosion and Sediment Control Plan
  - a. No comment as this is not our area of expertise.
7. Historic and Archaeological Resources Plan
  - a. No comment as this is not our area of expertise and is not related to our mission.
8. Green Acres Plan
  - a. We support these recommendations.
9. Forest Management Plan
  - a. We support these recommendations. As mentioned in previous sections, we recommend additional language to address eradication of any invasive plant species such as Japanese stiltgrass and garlic mustard which are often associated with linear disturbances.





Commerce and Industry Association of New Jersey

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TO: Commissioner Weingart and Members of the New Jersey Highlands Council  
FROM: John Galandak, President

DATE: Thursday, June 25, 2009

SUBJECT: CIANJ Support for Upgrade to Susquehanna-Roseland Transmission Line

---

Commissioner Weingart, I thank you for the opportunity to share CIANJ's insights into the proposed PSE&G upgrade to the Susquehanna-Roseland transmission line. On behalf of the members of CIANJ, who pay some of the highest electric rates in the nation, we urge the speedy approval of these upgrades to help increase reliability while bringing short and long-term benefits to the regional economy.

New Jersey businesses will need a reliable source of electricity at a reasonable rate in order to sustain themselves and grow profits in the future. Each dollar spent on higher rates or time lost due to a brownout or blackout means fewer resources to hire employees, improve products and service customers. That is why CIANJ members find some of PJM's findings so disturbing.

As this panel is aware, PJM, an independent group tasked with ensuring grid reliability, warns that without this upgrade, the region risks brownouts and blackouts beginning as early as 2012. While the state legislature and governor have outlined goals for generating energy through renewable resources, the technology to provide a baseload does not yet exist. Furthermore, statute sets the goals for 2020, eight years after PJM warns of power disruptions to the region. In California, a rolling blackout of 20 hours was predicted to reduce Gross State Product by 1.7%.<sup>1</sup> New Jersey cannot afford to risk the same type of loss.

Given the need to increase reliability and capacity, we applaud PSE&G's proposal specifically because it provides the increased power through a minimally invasive plan. The proposal under consideration is constrained to the current right of way, meaning it will minimize disruption of the daily lives of neighbors and businesses. Furthermore, moving the switching station significantly shrinks the project's footprint. This change in plan was made in response to environmental concerns that were raised and symbolizes the way PSE&G operates its businesses. At PSE&G there is a culture of concern about the environment that places a premium on environmental quality and manifests itself by including a consideration of environmental impact in its decision making. Furthermore, PSE&G is committed to doing all it can to help New Jersey achieve the goals set forth in its Energy Master plan that includes a significant reduction in greenhouse gases through a variety of approaches including energy conservation and the development of sources of renewable energy.

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<sup>1</sup> AUS Consultants. (2001). *Impact of a Continuing Electricity Crisis on the California Economy*. Moorestown, NJ

greenhouse gases through a variety of approaches including energy conservation and the development of sources of renewable energy.

Finally, our Association wishes to stress the economic benefits derived from construction of the project. A study conducted by Rutgers University this year found the project will create 4,000 job years in the near-term.<sup>2</sup> That is especially beneficial given the state of New Jersey's economy and the loss of more than 145,000 private-sector jobs since January 2008. In the long-term, the project will relieve stress on the grid. Congestion has been a key factor in driving New Jersey's electric rates well above the national average. That relief, in turn, will lead to rates that will be lower than what they would be without the upgrade, saving New Jersey residents and businesses \$60 million by 2013.

Based on the need to increase reliability and baseload, the short and long-term economic benefits of an upgrade, PSE&G's sensitivity and commitment to environmental quality, and the risks posed by doing nothing, CIANJ strongly urges you to approve PSE&G's proposal.

Thank you for your consideration.

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<sup>2</sup> Seneca, J. et al (May 2009). *Economic Impacts of Upgrading PSE&G's Susquehanna-Roseland Transmission System*. Rutgers Edward J. Boustein School of Planning and Public Policy

Thank you for this opportunity to speak to you today. I am Julia Somers, Executive Director of the New Jersey Highlands Coalition. On behalf of our members, we vigorously oppose a finding of consistency for the PSE&G Susquehanna-Roseland 500-kv Transmission Line. My colleague, Elliott Ruga will speak on behalf of the Coalition also, touching on different issues from those I raise here.

We have earlier submitted comments on this project and wish to amend them as follows:

#### **IV. Inappropriate and Unacceptable Comprehensive Mitigation Plan**

The New Jersey Highlands Coalition is opposed to the Comprehensive Mitigation Plan submitted by PSEG and respectfully requests that the Highlands Council reject this plan or any future mitigation plan which includes a payment of any type to the Highlands Council. We believe that such a payment cannot help but create a public appearance that approvals from the Highlands Council are for sale – that the Council will consider accepting what in essence could be considered to be a bribe. After all the work you have done leading up to today, this is very sad.

The Comprehensive Mitigation Plan calls for the development of a series of resource specific mitigation plans. Absent the development of these plans, it remains uncertain as to whether or not these plans will actually be able to provide the level of mitigation appropriate to compensate the Region for the resources that will be adversely impacted. PSE&G's failure to provide these plans in advance of your consideration of this proposal is not appropriate and will exclude the public from the opportunity to truly comment on the mitigation proposal.

We believe the public has been denied access to critical documentation submitted by the applicant to the Highlands Council, thus preventing the public from having any meaningful opportunity to evaluate the revised project and to offer informed comments prior to a final Consistency Determination resolution by the Council. We object to the inadequate release of public information on the proposed changes to the project outlined in the Comprehensive Mitigation Plan.

Further, we are very concerned that Council members have been given only a small selection of comments provided by the public whose comments have not been fully represented. For instance, we know little has been given you about our recommendation that the Hopatcong Switching Station be treated as a Major Highlands development. This is the Act's definition of a Major Highlands Development:

**"Major Highlands development"** means, except as otherwise provided pursuant to subsection a. of section 30 of this act, (1) any non-residential development in the preservation area; (2) any residential development in the preservation area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more; (3) any activity undertaken or engaged in the preservation area that is not a development but results in the ultimate disturbance of one quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or (4) any capital or other project of a State entity or local government unit in the preservation area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.

The Switching Station, which will be built outside the right of way, will create over five acres of impervious cover in an area currently forested, with t&e species habitat. Just because PSE&G says it

is part of the project does not make it an “upgrade,” which is how your staff define it. I’m sorry, but that’s simply making a nonsense of your Regional Master Plan.

In closing, I would like to say again that this proposed finding of consistency will unnecessarily erode the public support for, and integrity of, the Council. The proposed Highlands Mitigation Fund will establish the perception that future developers can make financial contributions to the Highlands Council in exchange for their necessary approvals and we are unalterably opposed to it.

Thank you.

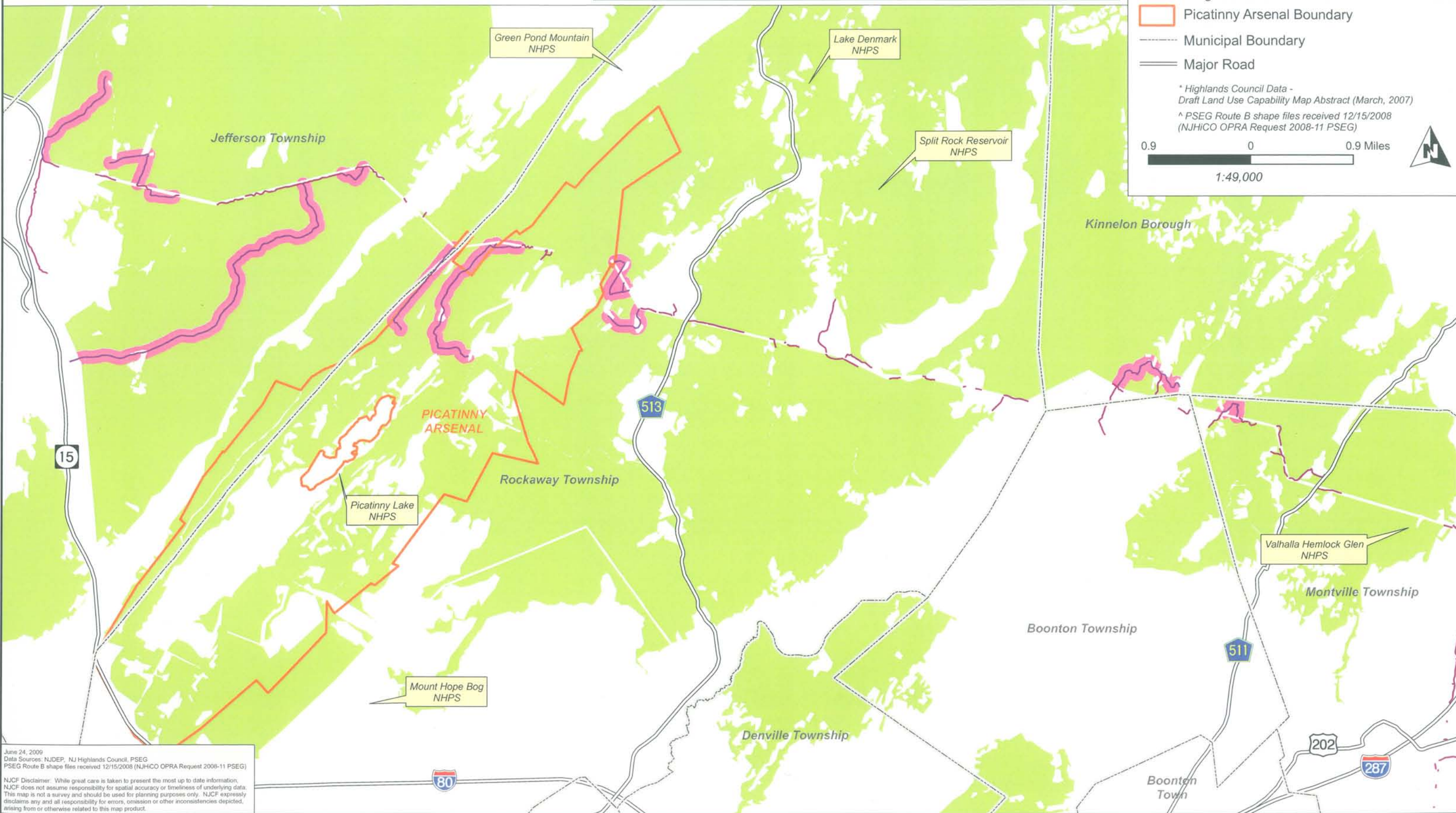
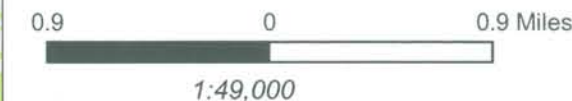


## Estimated Impact of Proposed Construction Access Routes on the Highlands Forest Core

Estimated forest fragmentation impacts on the Highlands Core Forest from the proposed construction access routes total approximately 965 Acres. The Right-of-Way and construction access routes that do not impact Highlands Core Forest were excluded from this analysis. The estimated impacts are based on the Highlands Council Forest Integrity Metrics definition of core forest contained in the Highlands Council Ecosystem Management Technical Report 2008 (pg.39-41). Impacts extend 300 feet into the forest on either side of the proposed access routes.

- Forest Core over 250 acres\*
- Natural Heritage Priority Site
- Proposed Construction Access Route^
- 300' Construction Access Route Fragmentation Effect on Forest Core Habitat
- Picatinny Arsenal Boundary
- Municipal Boundary
- Major Road

\* Highlands Council Data - Draft Land Use Capability Map Abstract (March, 2007)  
 ^ PSEG Route B shape files received 12/15/2008 (NJHICO OPRA Request 2008-11 PSEG)



June 24, 2009  
 Data Sources: NJDEP, NJ Highlands Council, PSEG  
 PSEG Route B shape files received 12/15/2008 (NJHICO OPRA Request 2008-11 PSEG)  
 NJCF Disclaimer: While great care is taken to present the most up to date information, NJCF does not assume responsibility for spatial accuracy or timeliness of underlying data. This map is not a survey and should be used for planning purposes only. NJCF expressly disclaims any and all responsibility for errors, omission or other inconsistencies depicted, arising from or otherwise related to this map product.



**The New Jersey Highlands Council Hearing  
Susquehanna-Roseland Project  
June 25, 2009  
Statement of Paul A. Boudreau  
President, Morris County Chamber of Commerce**

Good afternoon my name is Paul Boudreau and I am President of the Morris County Chamber of Commerce. I would like to thank the Council for hosting this meeting and giving me and others the opportunity to join you to discuss the Susquehanna-Roseland project.

The Morris County Chamber of Commerce supports PSE&G's proposal to upgrade the electric transmission line that runs between Susquehanna, PA and Roseland, NJ. I would like to focus my comments on reliability, costs, safety, economic stimulus and the environment.

**Reliability**

This is a necessary project to ensure that we have a reliable supply of electricity in the future. Without reliability our economy doesn't work. Whether you are for nuclear, wind generation or clean coal technology we will need a more robust transmission network in the future.

PJM Interconnection, the largest grid and electricity market operator in the world, is empowered by the federal government to manage our grid. They have concluded that New Jersey risks brownouts and blackouts by 2012 unless this line is upgraded. Businesses need a reliable power supply to ensure product quality, productivity and service to their customers. They are fighting on many fronts in our state to remain competitive and a potentially unreliable power supply is not something we should be adding to their list of challenges. The new line will relieve congestion on the grid and protect against failures in the overall system.

**Costs**

Business owners have seen significant increases in the cost of electricity over the last decade driven by global fuel prices and other factors. Costs for the new line will be shared by all of PJM's customers which is a plus for New Jersey electricity consumers. Projections indicate that consumers could see net annual savings of \$24 million dollars when the upgrade is completed with the potential for additional savings. Businesses want predictability. Our view is that the new line will, at a minimum, contain costs over time. More predictable costs combined with increased reliability is a winning formula for business success and growth.

## **Safety**

The current line was built in 1931. The electricity needs of our modern world are placing dangerous strain on the system as we overload circuits and reduce the safety of transmission lines. This results in potential problems in our communities where the lines exist and inefficiencies for consumers when quality of service deteriorates.

We are not experts on electric and magnetic fields. We would note that scientific studies by the World Health Organization and others fail to establish a link between EMF and illness or disease.

## **Economic Stimulus**

The entire project will cost \$1.26 billion, create 4,000 jobs for one year and generate close to \$20 million dollars for state and local tax coffers. It will provide a \$400 million boost to the states gross domestic product. The new jobs represent several hundred million dollars in compensation for New Jersey workers and multi-million dollar contracts for materials and services for our states businesses. The project is very timely as we work ourselves out of the economic recession we have been in for much of 2008 and 2009.

## **Environment**

Our organization has paid close attention to this project over the last six months. It is our view that PSE&G has worked very hard to respond to the concerns of citizens and ensure that the Project is consistent with the goals of the Highlands Act. The company's CMP Plan will reduce the environmental impacts associated with the project. They have changed portions of the design and reduced the environmental footprint of the project by relocation a switching station from Jefferson to Hopatcong. This results in a 70% reduction in impacts to upland forests and eliminates the need for 13 towers. The CMP includes extensive restoration plans for impacted streams, precautions for birds and other species and protection of historic archeological resources. Their financial payment to mitigate impacts in the Highlands will assist the Council in purchasing critical lands and support the effort to ensure that we reach clean water goals.

In summary, the Morris County Chamber of Commerce believes that the current transmission line cannot adequately serve the public and our businesses in the future. The upgraded line would deliver reliability, safety, cost predictability and economic stimulus to our state. We urge your support for the project.

Good afternoon Chairman Weingart and Council Members.

My name is Scott Olson, and I'm a Councilman from Byram Township. Today I am speaking to you on my own behalf – the views I express are my own, and not necessarily that of the Township's governing body. That said, however, I will quote excerpts of Byram's comments, which do reflect the opinion of the Township.

I am concerned by the direction the Council staff has taken with this application. I believe this finding of consistency sets a dangerous precedent for future determinations, especially the Tennessee Gas Pipeline project currently being reviewed.

The synopsis of public comments provided to you by staff, in my opinion, has been generalized and sterilized. As you will see from Byram's comments I will soon quote, at least one section regarding the legality of "monetary mitigation" is never mentioned in this synopsis. Also of interest is that a great many of the positive comments came from PSE&G employees, retired PSE&G employees and as PSE&G-generated form letters. I believe the Council should see and know this information prior to making their determination. To make an informed decision, I believe you should be given all comments for review in their proper context.

I must also question staff's decision to accept monetary mitigation in lieu of determination that this application is inconsistent. It's amazing what \$18 million will do between December and May. To quote Byram's comments, dated June 12, 2009, which I believe you have not yet seen:

*The authority to accept this form of "monetary mitigation" is unclear, and the methods and procedures for "monetary mitigation" are not described anywhere in the Regional Master Plan's goals, policies and objectives. In PSE&G's own words... "This will create a new fund established specifically for the purposes of acquiring critical lands, supporting preservation, conservation and stewardship activities and generally enhancing the Highlands Region related to the Project. ...It is understood that this funding may be used, as determined by the Highlands*

*Council, for the acquisition or stewardship of lands... ” ...This is a process that has been created from whole cloth by Highlands Council staff without any public discussion, has not been properly vetted through any required channels, and for all intents and purposes places a “price for sale” on Highlands’ resources rather than finding this application inconsistent.*

I would argue that your staff – without discussion, input or consent of this Council – has created a policy and procedure for which you have no authority. Your charge, by the Highlands Act and DEP regulations, is to simply declare an application consistent or inconsistent with the Regional Master Plan. I have been unable to find any goal, policy or objective anywhere in the RMP for “monetary mitigation.”

Mr. Schrier, I know for fact that you are an advocate for open and transparent government. I have seen you interrupt proceedings in this room to make sure a door that had been inadvertently closed was reopened to avoid the appearance of a closed meeting. I do not know how any of you who share Mr. Schrier’s beliefs on transparency could approve this unvetted and yet-to-be-established process, created by your staff without any Council input. Additionally, I question the “hows and whys” by which this “monetary mitigation” number was arrived at, again with no Council input.

Besides sitting on Byram's Council, I also sit on our Land Use Board. If an applicant came to me with a proposal that included an offer of payment prior to hearings, it would be called a bribe. When an applicant does the same before the Highlands Council, it’s called insuring a determination of consistency. Real or perceived, this proposal is being viewed by the public as a payoff by special interest to buy an approval.

If monetary payment for mitigation should be required, it should take place only after a determination of inconsistency, and at the request of the DEP, through established and vetted policies and procedures. Creation of unvetted and unwritten policies and procedures – to be decided “after the fact” of approval – is bad governance, and sets dangerous precedent, in my opinion.

The concept of off-site mitigation is not foreign to me. I have been before this Council in the past with concerns of Byram being the “victim” of a DOT mitigation process gone wild. As you may recall, damages done to wetlands in Byram during construction of the Cat Swamp Mountain project on Route 206 were mitigated by a cash contribution to a wetlands restoration project in south Jersey, rather than mitigation of compromised wetlands within the same watershed in Byram. What guarantees do I have that the PSE&G “monetary mitigation” funds won’t be used far from the areas in Byram directly impacted by this project?

Regarding the CMP itself, I have serious doubts about its enforceability. Again, quoting from Byram’s comments:

*While PSE&G has obviously spent a sizable amount of ratepayers' dollars to prepare these plans, they only add fancy decoration to what remains a terribly destructive proposal. ...The extreme promises in these proposed mitigation plans point to the extreme nature of the negative environmental impacts of this proposal. These revisions do not guarantee to resolve or mitigate the serious negative impacts of this project, since the use of words such as “shall,” “may,” and “should” throughout in describing...mitigation measures suggests that these will merely be paper plans, and never adequately implemented.*

Finally, as Byram states on page three of its comments, I would concur with others speaking here today that the Jefferson/Hopatcong switching station is a new construction. It involves the clearing of currently wooded lands and the construction of new roads for permanent access. It is by no means a simple “upgrade” of equipment, or expansion of an existing facility. The Council must require it be removed from this Exemption application and treated as a Major Highlands Development.

I’d like to conclude with another quote from Byram’s submitted comments:

*The determination of necessity of this project is under the purview of the Board of Public Utilities, and not DEP or the Highlands Council. We do not believe that*

*PSE&G has shown the need for this project, and that it is strictly profit motivated – unnecessarily creating a major construction project... We respectfully request the Highlands Council to use all of the resources available to deny this project's exemption, or at least assure that all other options have been exhausted by the applicant before considering any expansion and the associated disturbances through the Highlands.*

I know it may be a tough vote to make, but I strongly urge you to vote "NO" on this Consistency Determination, for the sake of the threatened natural resources of the region and the dangerous precedent that this sets for future applications.

Thank you for your time.



Princeton HealthCare System

Redefining Care.

---

**25 June 2009**

University  
Medical  
Center at  
Princeton

**Highlands Council**

Princeton  
House  
Behavioral  
Health

**100 North Road**

Princeton  
Rehabilitation  
Services

**Chester, NJ 07930**

Merwick  
Care Center

**Chairman: John Weingart**

Princeton  
HomeCare  
Services

University  
Medical  
Center at  
Princeton  
Surgical  
Center

Princeton  
Fitness &  
Wellness  
Center

**Dear Members of the Highlands Council:**

Princeton  
HealthCare  
System  
Foundation

Thank you for the opportunity to make this brief statement in support of PSEG's initiative for a major upgrade to the electric transmission line that runs between Susquehanna, Pa., and Roseland, NJ. Others will be discussing the project's major economic impact and the minimal environmental impact on the region. However, I would like specifically to address the issue of having a reliable source of electricity and thus the importance of such an upgrade.

I am Pam Hersh, vice president of government and community affairs for Princeton HealthCare System, located in Princeton, NJ. The system's main component is its acute care hospital, University Medical Center at Princeton, a regional teaching hospital, whose University name refers to our affiliation with University of Medicine and Dentistry of New Jersey. We have 308 licensed beds, an average 320,000 patient visits per year from municipalities throughout Mercer, Middlesex and Somerset Counties, particularly: Princeton Borough, Princeton Township, West Windsor Township, Plainsboro Township, South Brunswick Township Monroe Township, Hightstown Borough, East Windsor Township, Cranbury Township,

Lawrence Township, Hopewell Township, Hopewell Borough, Hillsborough Township, Montgomery Township, Rocky Hill Borough.

The reliability of power to a hospital is about as basic to its functioning as the ability to breath is to the functioning of a person. More than anything a the patients, physicians, nurses and administrators at a hospital need a level of reassurance that power - a hospital's oxygen - will be there 24/7. When a hospital's power goes out, it is possible for the institution to function on a minimal basis for a limited amount of time with emergency generation, just as it is possible for a person to survive with a breathing device. But the emergency solutions are very inadequate and ultimately the entire system will break down, unless regular power is restored in a timely fashion.

Forgetting about the negative impact of the high dollar and high environmental cost of emergency generation, such a source of electricity would provide only one-third of our hospital's power needs for a few days. Thus, during a power failure - I have experienced two of them in the three years I have been working at the hospital - only critical areas of the hospital

get powered, i.e., the Emergency Room, Operating Rooms, Pharmacy, Food Preparation. All other areas suffer, particularly the heating/cooling and lighting in patient and administration areas. Hospitals already are at risk for patient falls and staff errors. Minimal lighting and no heat or air-conditioning just compound this risk. For some patients, evacuation would have to occur - and evacuating sick patients in the midst of a regional black out greatly compromises the patient's health. No elective operative procedures can proceed. The entire scenario is extremely disruptive. On the 100 degree day in August, the proposed additional transmission line would give us, to reiterate, a level of reassurance that the hospital will be able to carry on with its mission - one which is so crucial to the health and well being of the residents of New Jersey.

In addition, I would like to comment about PSE&G's role as a citizen of the state very much committed to green and sustainable initiatives. As some of you may know, we are building a replacement hospital 2.5 miles from our current facility to enable us to respond to the needs of the residents in the

region in a way that reflects our commitment to excellence. PSEG has been working with us for two years to make sure that our new facility is a model of carbon abatement - that we are a model of facility smart growth. I feel confident that PSEG has exhibited this same commitment to the environment in the planning for this electric transmission line project. But the technology demands of a 21st century hospital are so extensive that traditionally generated electricity has to keep running through the hospital's infrastructure veins.

**Pam Hersh**

**Vice President for Government and Community Affairs**

**Princeton HealthCare System**

[phersh@princetonhcs.org](mailto:phersh@princetonhcs.org)

**609-430-7106**



## NEW JERSEY CHAPTER

145 West Hanover St., Trenton, NJ 08618  
TEL: [609] 656-7612 FAX: [609] 656-7618  
[www.SierraClub.org/NJ](http://www.SierraClub.org/NJ)

June 25, 2009

### Statement on PSE&G's HAD Application

By Grace Sica, Outreach Coordinator

The New Jersey Sierra Club strongly opposes PSE&G's application for exemption from the Highlands Regional Master Plan. We are opposed to this project for numerous reasons. PSE&G's application is not valid for the type of exemption they are seeking, despite revisions the application remains largely inconsistent with the Highlands Act, the application's attempts to mitigate are inherently at odds with the idea of preservation, and the monetary transfer from PSE&G to the Highlands Council raises serious questions regarding a conflict of interest.

We believe that exemption 11 should not be granted for this project. This project is not an upgrade of an existing power line. It is a complete replacement that changes the scope and character of the transmission line that currently exists. The use of an existing right of way is too thin a veil to hide the 62 new 150 foot towers, 12 new transmission lines, miles of new access roads, and the new switching station that this plan calls for.

The Hopatcong switching station is one of the significant changes in the revised application. However, this switching station should not be considered as part of the application exemption. The Hopatcong substation is a major Highlands development and should be regulated and permitted as such. This building is not part of the existing right of way and is not a rehabilitation or reconstruction. It is a permanent structure and will disturb more than one quarter acre of forest. The Highlands Council should review it as an independent application at a later time.

The second significant difference between PSE&G's initial and revised application is its mitigation plan. But, this proposal should be judged by the impact it has to the Highlands, not by how much those impacts are mitigated. The proposal is inconsistent with the Highlands Act. This project will have direct negative impacts to water quality, wetlands, steep slopes, riparian corridors and buffers, areas of endangered species, forested areas, recreational and scenic areas, as well as negative economic impacts.

The secondary impacts may be equally as profound. Such as the construction and service roads that will cut through steep slopes and forested areas. The 16-40 foot wide roadways will have significant effect on up to 200 acres of land in the Highlands – creating impacts similar to the lines themselves: storm water, forest fragmentation, degraded habitat of endangered species, and degraded scenic and recreational uses. Additional development should also be considered a secondary impact; we have already begun to see this with proposals like the power plant in Sparta.



## NEW JERSEY CHAPTER

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PSE&G proposes to mitigate by purchasing open space. Buying undeveloped property does not mitigate the effects of this development; these parcels are already part of a healthy ecosystem. There is no new habitat that can be purchased; many of the areas that would become open space are already protected by the Highlands Act. This plan will result in a net loss of available habitat.

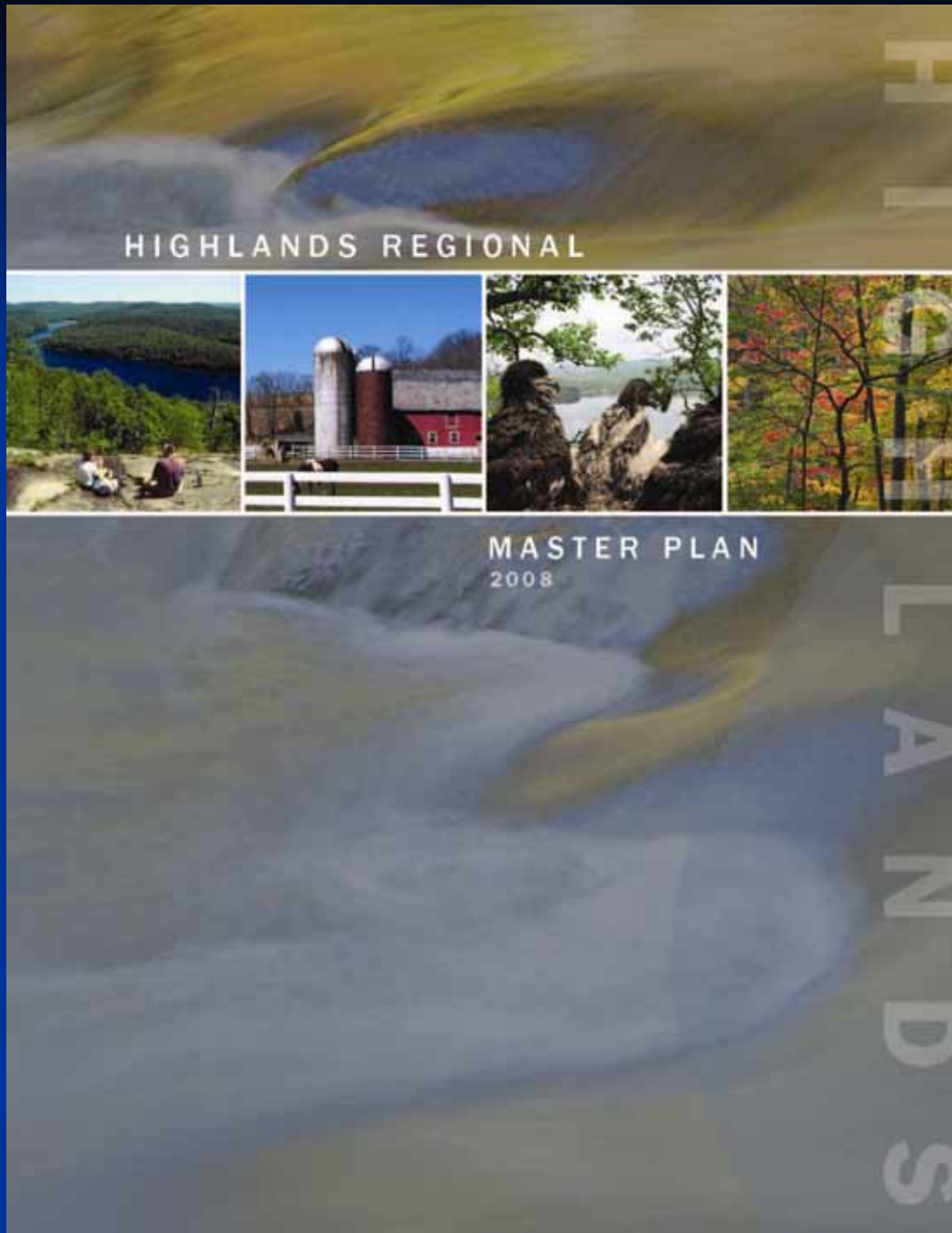
The Sierra Club firmly believes it is impossible to mitigate the full spectrum of impacts that this power line will inflict. There is no mitigation for the mercury and NOx pollution emitted into our air shed by coal plants in Pennsylvania. There is no mitigation for storm water or siltation. There is no mitigation for scenic and recreational impacts. And, there is no mitigation for altering the historical character of the region. The mitigation plan also fails to address the significant avian issues that arise for raptors and nocturnal migrating birds that may collide with the lines or towers.

The 18.6 million dollars also raises concerns. The transfer and use of these funds for mitigation is inconsistent with the Highlands Act. The Highlands Act does not give the council authority to purchase land and the Highlands Act does not call for mitigation, it calls for preservation. Furthermore, an 18.6 million dollar transfer between an applicant and a regulating agency appears as to be a glaring conflict of interest.

Finally, this line will undermine all of New Jersey's achievements to date on global warming, such as the Regional Greenhouse Gas Initiative and the Global Warming Response Act. Most importantly it violates the Energy Master Plan by increasing our reliance on imported coal and nuclear energy. The Energy Master Plan was created to guide the decision making process throughout New Jersey's government, not to take up space on the BPU's shelves.

This application is the biggest test for the Highlands Council since the passage of the Regional Master Plan. This application is not consistent with the plan. Money can't make it consistent/ Impacts are still impacts. We strongly believe this project does not deserve an exemption and encourage the Highlands Council to deny PSE&G's application.

Thank you.

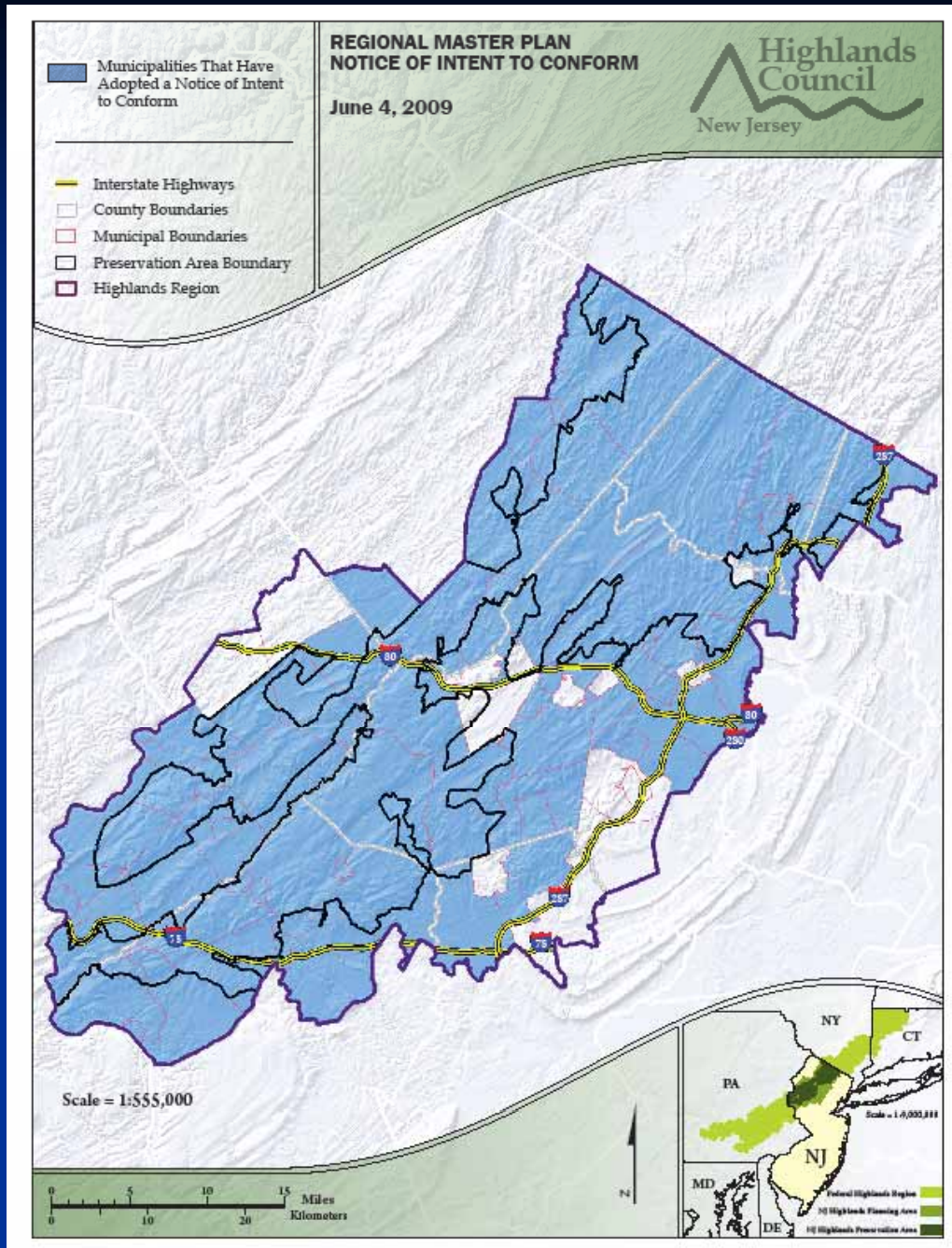


# Highlands Council Meeting June 25, 2009



# Executive Director's Report

- Plan Conformance Update
- 2009 Plan Conformance Grants
- Highlands TDR Program



# Municipal Plan Conformance

- 74 of the 88 Highlands municipalities have filed a Notice of Intent
- 72 municipalities have applied for an Initial Assessment Grant – 23 Initial Assessment Reports have been completed
- 73 municipalities have filed a 2009 Plan Conformance Grant Application

# Municipal Plan Conformance

- Module 1: 70 municipalities have submitted Module 1 data - 54 received a Module 1 Report
- Module 2: 30 municipalities have submitted Module 2 data – Module 2 Reports will be issued starting next week on a rolling basis
- Module 3: Training sessions June 8<sup>th</sup> and 11<sup>th</sup>
- Module 4: Municipalities were given a sample Environmental Resource Inventory
- Module 5: A revised Model Highlands Master Plan Element was posted on the website

# 2009 Plan Conformance Grants

- 73 municipalities have applied under the 2009 Plan Conformance Grants Program for a total of \$3,650,000 committed dollars (at the base amount of \$50,000 per municipality)
- For Initial Assessment Grants, 72 municipalities and 4 counties have applied for a total of \$1,134,767 committed dollars

# Highlands TDR Program Update

- ❑ Highlands TDR Program Timeline
- ❑ HDC Bank Operating Procedures
- ❑ Long-term TDR Program Timeline

# Highlands TDR Program Timeline

- ❑ Conservation Restrictions (Highlands Council) – July 2009
- ❑ HDC Allocation Determinations (Highlands Council)
  - Request for Qualifications – July 2009
  - Web-based HDC Allocation Tool – August 2009
- ❑ Bank Operating Procedures (HDC Bank) – August 2009

# TDR Program Conservation Restrictions

- ❑ Draft conservation restriction initially released for informal public comment on April 17, 2009.
- ❑ Based on comments, Highlands Council revised the conservation restriction and separated agricultural and non-ag uses; posted revised draft conservation restrictions on June 3, 2009.
- ❑ Public comment on revised drafts is due July 3, 2009 and Council may consider the conservation restrictions at its July 16, 2009 meeting.

# Request for Qualifications

## ❑ RFQ posted on May 29, 2009

- ❑ Highlands Council is soliciting qualifications and supporting information from firms with expertise in all aspects of land use planning, including site development, site design and securing local approval.
- ❑ Purposes of the RFQ will be to find a firm that can assist the Council with HDC allocations (non-res), receiving zone credit determinations and redevelopment area planning.

# Highlands TDR Program Timeline

- ❑ HDC Allocation Determinations (Highlands Council) – August 2009
- ❑ HDC Certificate and Application (HDC Bank) – August 2009
- ❑ Open Period for Hardship Sale of HDCs (HDC Bank) – September 15 – December 15, 2009
- ❑ Consideration of Hardship Sale of HDCs (HDC Bank) – January – March 2010

# Grant Applications

- Initial Assessment Grants

Pompton Lakes Borough – \$15,000

Passaic County – \$15,000

- Sustainable Agriculture Grants

Sussex County Agri-tourism – \$50,000

Sussex Commercial Kitchen – \$15,000

- TDR Receiving Zone Feasibility Grants

Borough of Hopatcong – \$25,000

Borough of Oakland – \$25,000

Harmony Township – \$25,000

# Highlands Project Review

- Highlands Redevelopment Area  
Designation: Oak Ridge Road  
Associates – West Milford
- Highlands Exemption and  
Consistency Determination: PSE&G's  
proposed 500-kV transmission line

# Oak Ridge Road Associates LLC

- **Block 15901 Lot 1: West Milford**
- **Pre-application meeting held January 7, 2009, with initial meetings held previously**
- **Mayor advised of project**
- **Single parcel, with Highlands Redevelopment Area covering a portion of the parcel**
- **Existing commercial facility**

# Highlands Redevelopment Area Overview

- Area features existing buildings (one main building), paved and gravel parking areas, and lawn area with ornamental trees
- Approximate 20,000-sq ft parking lot proposed in lawn area to accommodate commercial tenants
- Impervious surface requirement (70%):
  - Existing Impervious Surface = 94,933 sq ft
  - Allowable Redevelopment Area = 135,618 sq ft
  - Proposed Redevelopment Area = 135,208 sq ft



# Site Description

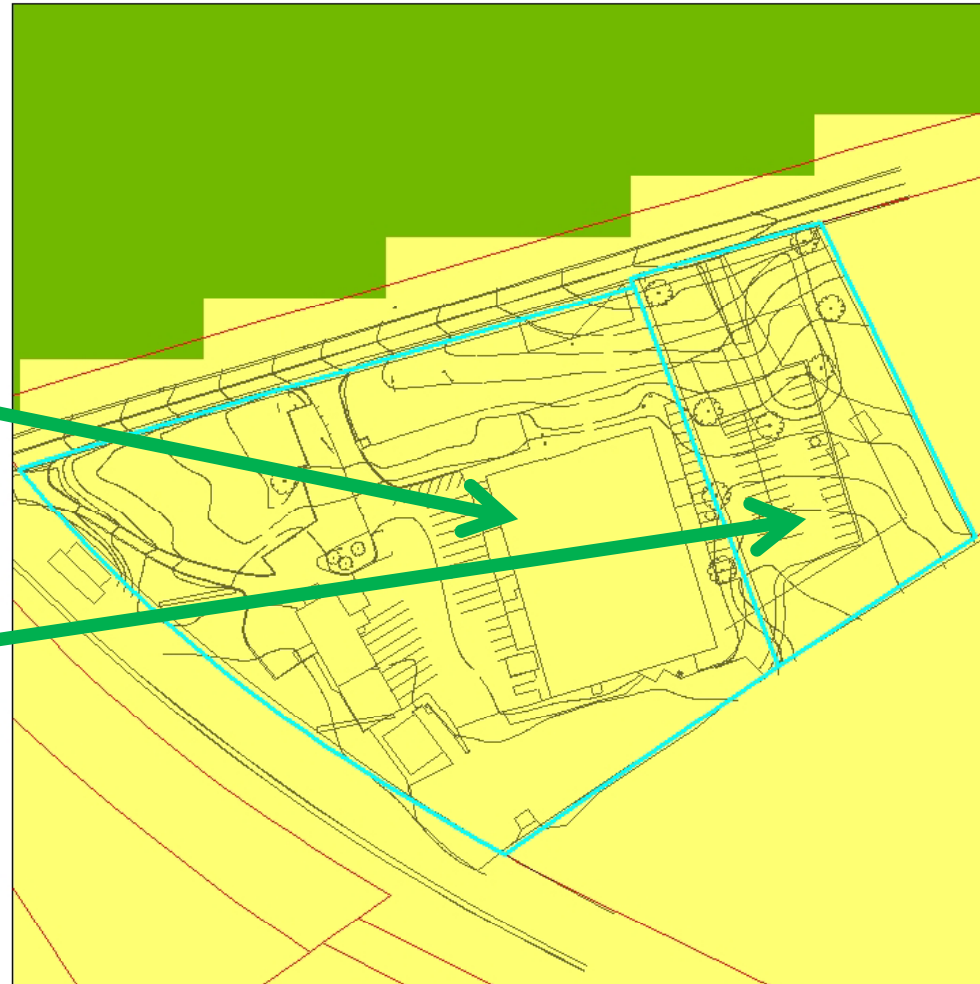
Existing Development

Proposed Parking Area

The site is within the Preservation Area in the Existing Community Zone

*Note: shown as two parcels, which have been merged since parcels were mapped*

West Milford BI 15901 L1- LUCM



### Legend

- Applicants Data
- PROTECTION\_ZONE
- CONSERVATION\_ZONE
- CONSERVATION\_ENVIRONMENTALLY\_CONSTRAINED\_SUBZONE
- EXISTING\_COMMUNITY\_ZONE
- EXISTING\_COMMUNITY\_ENVIRONMENTALLY\_CONSTRAINED\_SUBZONE
- LAKE\_COMMUNITY\_SUBZONE
- WLDLIFE\_MANAGEMENT\_AREA

90 45 0 90 Feet

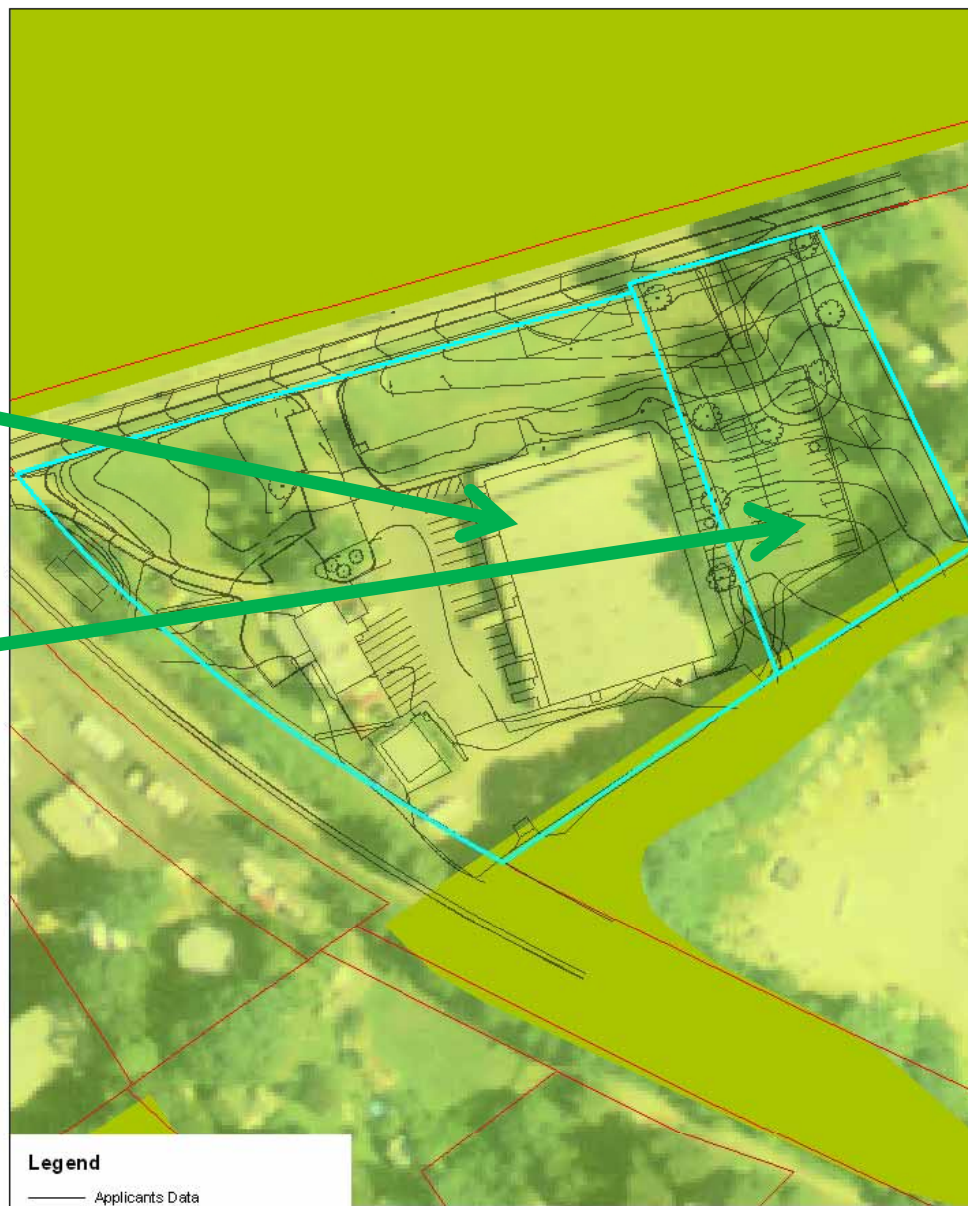
# Site Description

Existing Development

Proposed Parking Area

Note: Resource to south is not actually on the property, but trees do overhang the lot line

## West Milford BI 15901 L1- Forests within Forest Resource Area



### Legend

- Applicants Data
- Forest Resource Area
- Forest within Forest Resource Area

90 45 0 90 Feet

# Site Description

Existing Development

Proposed Parking Area

Note: Resource to south is not actually on the property, but trees do overhang the lot line

## West Milford BI 15901 L1- Critical Wildlife Habitat



### Legend

- Applicants Data
- Critical Wildlife Habitat

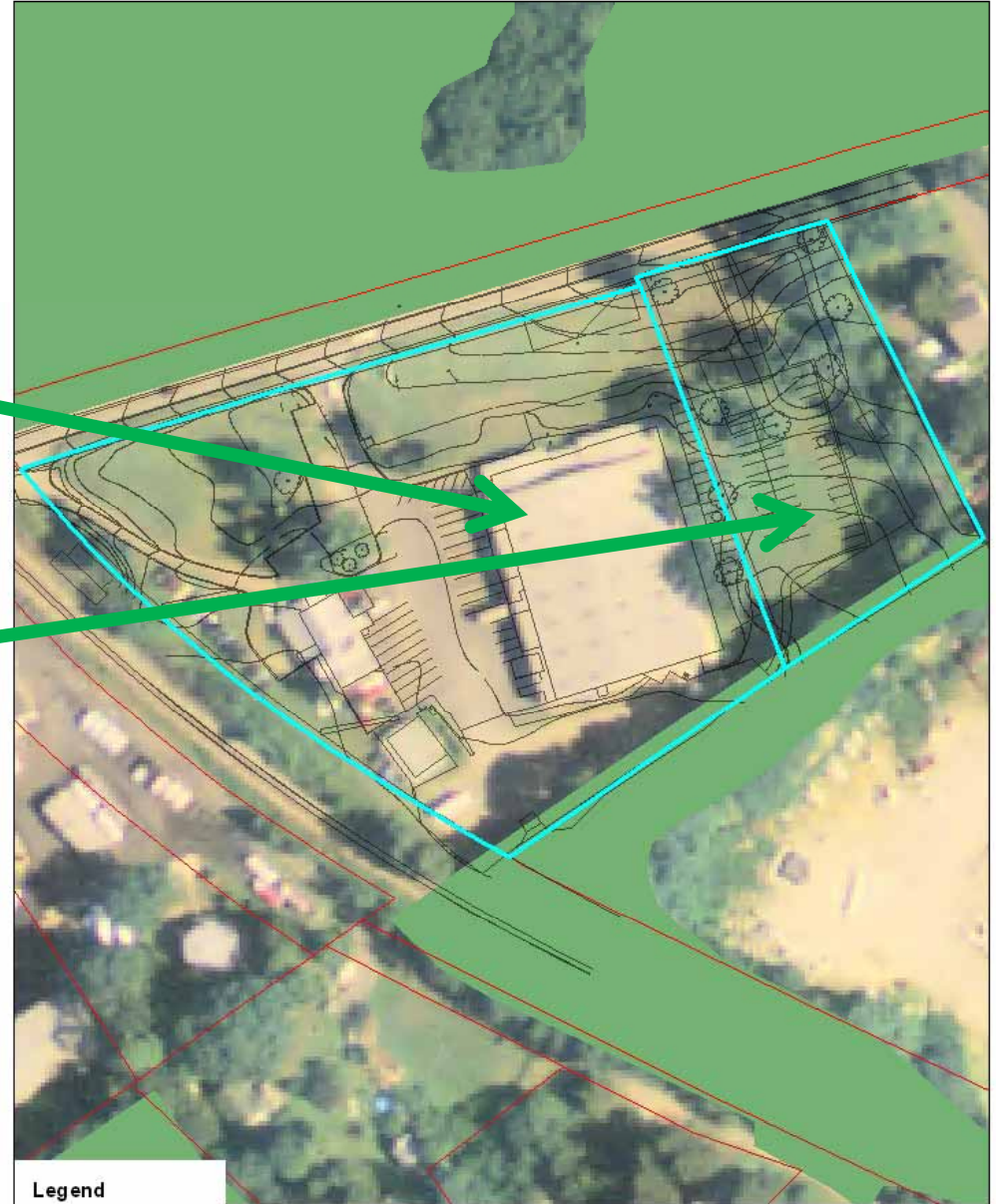
90 45 0 90 Feet

# Site Description

Existing Development

Proposed Parking Area

## West Milford BI 15901 L1- Ground Water Recharge Area



### Legend

Applicants Data

RECHARGE

90 45 0 90 Feet

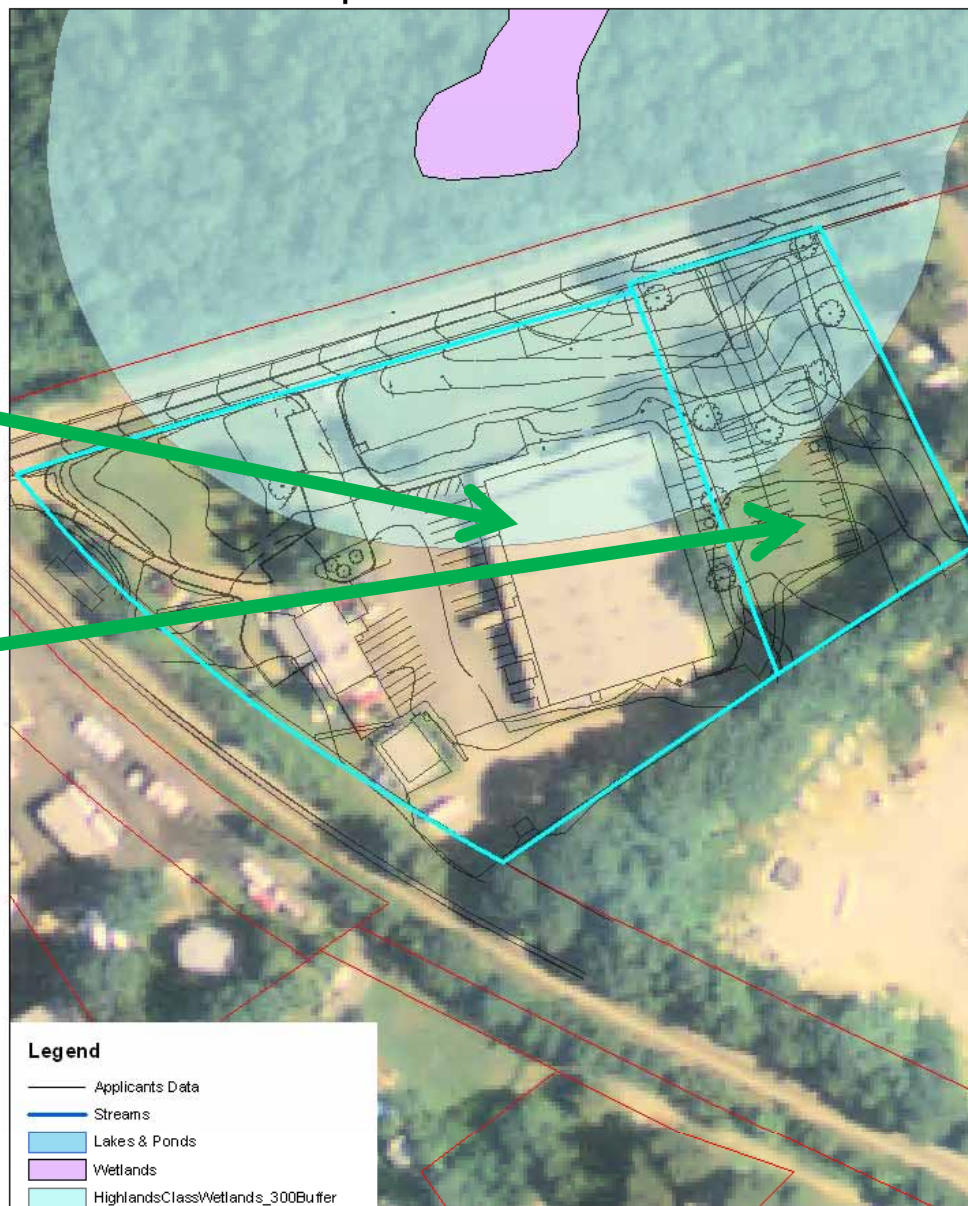
# Site Description

Existing Development

Proposed Parking Area

Note: Wetlands to north are across the road from the property, with buffer extending into the property

## West Milford BI 15901 L1- Open Water Buffers



### Legend

- Applicants Data
- Streams
- Lakes & Ponds
- Wetlands
- HighlandsClassWetlands\_300Buffer
- HighlandsClassOpenWaters\_300Buffer
- HighlandsClassHydrology\_300Buffer

90 45 0 90 Feet

# Staff Recommendations

- **Recommendation to approve proposed Highlands Redevelopment Area designation with conditions:**
  - **Disturbance of Highlands Open Waters buffer limited to minimum required for new parking lot**
  - **Remainder of property outside Highlands Redevelopment Area be deed restricted**
  - **Stormwater regulations be followed during HPAA with redevelopment waiver permitting process**
- **It is anticipated that the next step (the NJDEP HPAA with waiver), the applicant shall supply a stormwater management plan that incorporates low impact development techniques**

**Highlands Exemption and Consistency  
Determination: PSE&G's proposed 500-  
kV transmission line**

# PSE&G's proposed 500-kV Transmission Line Overview

- Existing Line - 44 miles of a 230 kilovolt (kV) transmission line in a 150-foot right of way was built in the mid-1920's.
- Highlands Region - 26 miles in the Highlands Region with 17 miles in the Preservation Area and 9 miles in the Planning Area.
- Proposed Project Upgrade - within the existing 150-foot right, the line include **both** a 230 kV line and a 500 kV transmission line.
- Municipalities - The existing line (44-mile length) goes through 16 municipalities of which nine (9) are Highlands municipalities: Boonton Township, Byram Township, Hopatcong Borough, Jefferson Township, Kinnelon Borough, Montville Township, Parsippany-Troy Hills Township, Rockaway Township, and Sparta Township.



Source:  
 Transmission line from PSE&G, 2009.  
 Highlands Region Boundary, Preservation  
 Area and Planning Area from NJ  
 Highlands Council, 2006.  
 Streams from NDEP, 2007.  
 County and Municipal Boundaries from  
 NDEP, 2008.

**KEY MAP**  
 PSE&G Susquehanna-Roseland Transmission Line Project  
 Counties of Warren, Sussex and Morris  
 New Jersey



Drawn By: EB

Scale: 1" = 6 miles

Project No. 01315.0071.010

# **PSE&G's proposed 500-kV Transmission Line**

- Existing towers are mostly lattice structures ranging from 72.5 and 187 feet high.
- To upgrade and add 500 kV voltage, the new towers will be between 145 and 195 feet high (may be lattice structures or monopoles depending on site conditions).
- Project includes a new switching station in the Borough of Hopatcong.

# **Need for PSE&G Project to be determined by BPU**

- **The need for the Project is based on the analysis conducted by PJM (PJM operates the grid in 13 states as well as D.C.).**
- **In 2007, PJM conducted 5-year and 15-year planning studies. The study indicated that 23 existing transmission line circuits in northern New Jersey and eastern Pennsylvania are expected to (or will) become overloaded within the 15-year study period, with some potentially exceeding capacity as early as 2012.**
- **PJM has determined that upgrades to the existing electric system are necessary to maintain safe and reliable electric service for customers in the region, including those located in eastern Pennsylvania and northern New Jersey, which includes customers of PSE&G, JCP&L, Sussex Rural Electric Company and PPL Electric Utilities Corporation.**

# BPU review of the Project

- **BPU determines whether the “proposed installation of the development in question is reasonably necessary for the service, convenience or welfare of the public”.**
- **BPU is presently conducting the formal hearings on the Project (with an anticipated end of hearings in December) as well as informal public sessions on June 11, June 18, and June 30.**
- **Should BPU issue approval, the project requires one of the following:**
  1. **A Highlands Act exemption - the Highlands Council and NJDEP coordinate on exemptions in the Preservation Area and the Council determines exemptions for Planning Area.**
  2. **If the Project is denied an exemption, the Project will need to secure a Highlands Preservation Area Approval (HPAA) with a public health and safety waiver from NJDEP. (*Note-this only applies in the Preservation Area, no protections are afforded to the Planning Area*)**
  3. **The Project may by-pass the State of New Jersey and seek federal preemption from FERC.**

# **PSE&G's Application for an Exemption (#11) from the Highlands Act**

## **Exemption from the Highlands Act:**

**(11) the routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights of way, or systems, by a public utility, provided that the activity is consistent with the goals and purposes of this act.**

**An exemption granted under the Highlands Act would exempt the Project from:**

- The Highlands Act**
- Highlands Regional Master Plan**
- NJDEP Preservation Area Rules and**
- Any conforming municipal or county regulations.**

**Consistent with the RMP (Objective 7F1f), the Highlands Council assesses the project against the Highlands Act, the Regional Master Plan and NJDEP's Preservation Area rules at N.J.A.C. 7:38 to determine whether the project is consistent with the goals and purposes of the Highlands Act and therefore should be deemed exempt.**

# **PSE&G's Application - Highlands Council Review Process**

- **September 5, 2008 - PSE&G submits Exemption application**
- **December 22, 2009 - Highlands Council staff issues a Draft Consistency Determination which determined the Project was inconsistent with the Regional Master Plan (public comment period provided through January 30<sup>th</sup>)**
- **May 19, 2009 – In response to Council and public comments, PSE&G amended the Project to include a Comprehensive Mitigation Plan**
- **May 21, 2009 - Highlands Council Amended Draft Consistency Determination posted on Council's website for public comment**
- **June 12, 2009 - 2<sup>nd</sup> Public Comment Period closes**
- **June 19, 2009 - Revised Consistency Determination with track changes and public comment response documents posted**

# PSE&G's Amended Exemption Application

- **Preservation Area and Planning Area** - PSE&G submitted an amended application for Preservation and Planning Area so opportunity to ensure protections for 26 mile route rather than 17 mile only. (*Original exemption application and potential HPAA with waiver would only cover 17 mile Preservation Area*)
- **Use of RMP to judge consistency** - PSE&G amended the application following the guidance provided in the Highlands Consistency Determination Report, using the RMP, to address the inconsistencies. The approach was to examine each issue and avoid, minimize, or mitigate in order to be consistent with the goals and purposes of the Act.

# PSE&G's Amended Exemption Application

- **Design changes** – Switching station moved from extremely environmentally sensitive site in Jefferson to a preferred site in Hopatcong Borough (municipality owned). This site reduces the number of towers by 11 over the site in Jefferson. In addition, advanced switching station design techniques (Gas Insulated Switching gear technology) will reduce the footprint of the switching station.
- **Temporary impacts** (access roads) – These impacts will be mitigated through planning and coordination with, and critical review by the Highlands Council. Further, PSE&G will post a performance bond to ensure no net loss of resources function and value.
- **Comprehensive Mitigation Plan** – A CMP will be prepared consistent with the RMP using the approach of avoid, minimize and mitigate. Approval of specific plans by Council and performance bond (at least \$4 million) to ensure implementation and completion of plans.
- **Financial Contribution** to a Highlands Preservation and Stewardship Fund.

# Concept Plans for Comprehensive Mitigation Plan

- **Transmission Right of Way Vegetation Management Plan** - This plan focuses on changing some of the overall management practices of the existing right of way to enable the habitats to adapt through directed succession. This will improve their function as habitat for various species of wildlife including invertebrates. This Plan will be based upon the work developed by the Pinelands Commission.
- **Avian Management Protection Plan** - This plan focuses on the specific strategies and elements as recommended within several technical documents for reducing bird mortalities from transmission lines.
- **Critical Habitat Mitigation Plan** - Based upon field surveys and other available information, this plan recognizes the potential impacts to various threatened or endangered species and recommends various construction methods and timing restrictions to preclude or minimize these impacts to the extent practicable.

# Concept Plans for Comprehensive Mitigation Plan

- **Wetlands and Transition Areas Mitigation Plan** - This plan provides the mechanism for restoring the functions and values of wetlands impacts associated with the Project
- **Stream and Riparian Habitat Restoration Plan** - This plan provides the mechanism for restoring the functions and values of stream and riparian zone impacts associated with the Project,
- **Stormwater, Soil Erosion and Sediment Control Plan** - This plan provides the mechanism for protecting water quality from runoff associated with the Project during construction and for restoring stable soil profiles and for the protection of steep slopes.
- **Historic and Archeological Resources Plan** - This plan provides the analysis and recommendations to reduce and minimize the impacts of the Project on these resources.

# Concept Plans for Comprehensive Mitigation Plan

- **Green Acres Plan** - Several properties are encumbered by the Green Acres rules administered by NJDEP. This plan recommends the compensation strategy to remedy the impacts of these diversions.
- **Forest Management Plan** - This plan is directed at improving forest habitats on parcels acquired to compensate for Green Acres impacts as well as minimizing the initial impacts and restoring forest resources primarily associated with the construction of access roads, which account for an identifiable impact from the Project.
- **Contribution to the Highlands Council** - As part of the overall plan, PSE&G proposes to make a contribution to the Highlands Council to protect and enhance the existing character of the Highlands Region to ensure the continued economic activity in the form of agri-tourism, eco-tourism and heritage tourism in support of the Highlands Act. Based on current land values, it is estimated that the proposed contribution of \$18,610,524 would support the **acquisition and stewardship** of over 2,500 acres of lands within the Highlands Region.

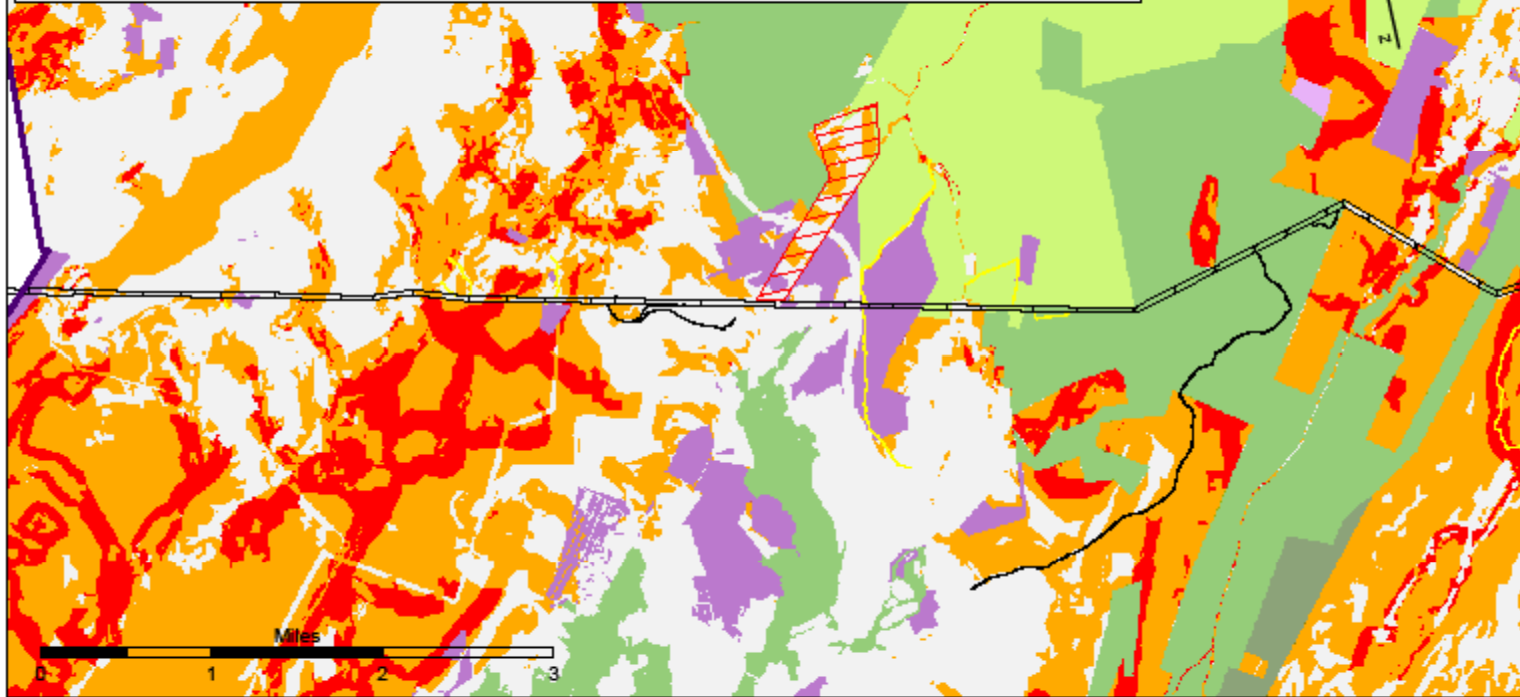
# Concept Plans for Comprehensive Mitigation Plan

**Basis for Contribution to the Highlands Council** - PSE&G's proposal to make a contribution to the Highlands Council was based on the following considerations:

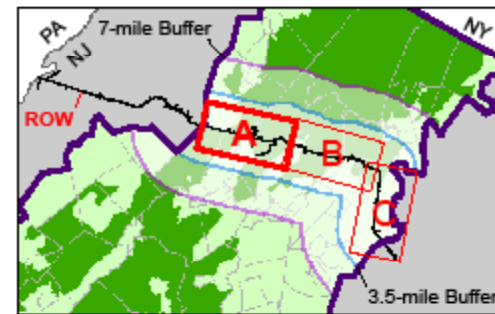
In the Highlands Council CD, issued December 22, 2008, the Council identified the following issues (and maps):

- 1) the impact of on the Special Environmental Zone in the Preservation Area
- 2) the impact on existing Preserved Open Space
- 3) the impact on parcels considered high priority for preservation/acquisition and
- 4) the impact on the 7-mile area adjacent to the right-of way (based on the Vermont Public Service Department study)

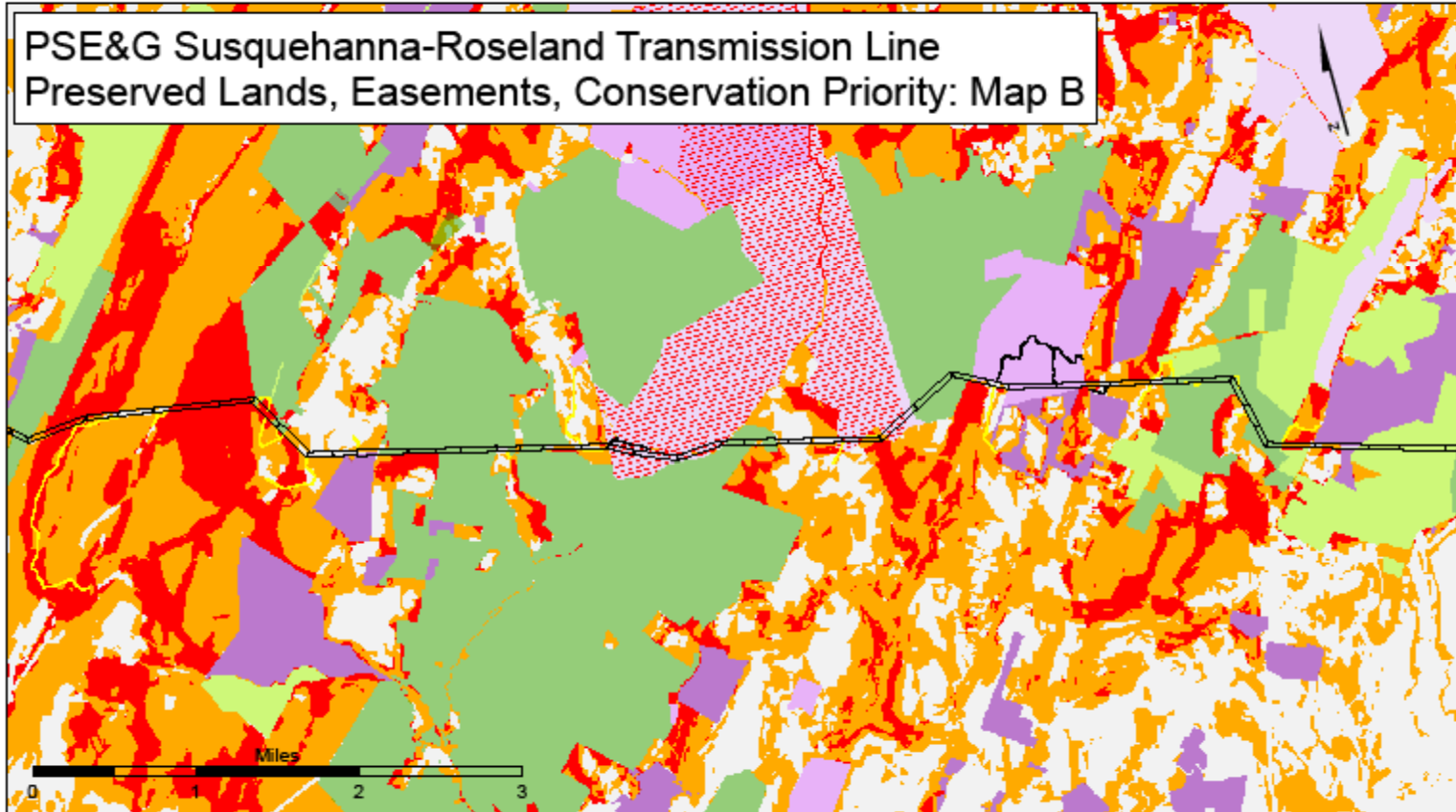
# PSE&G Susquehanna-Roseland Transmission Line Preserved Lands, Easements, Conservation Priority: Map A



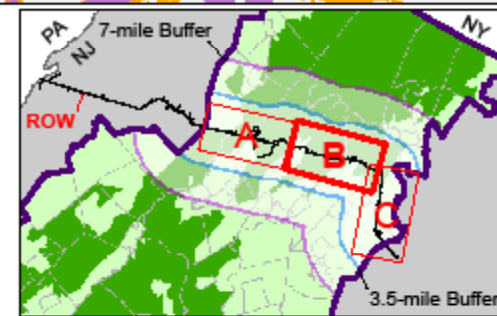
- |                                    |                               |                               |
|------------------------------------|-------------------------------|-------------------------------|
| Proposed Station                   | <b>Conservation Easements</b> | <b>Open Space</b>             |
| Right-of-Way                       | GA CONSERVATION               | Federal Open Space            |
| <b>Access Roads</b>                | <b>SADC Easements</b>         | State Open Space              |
| Existing                           | SADC FINAL                    | County Open Space             |
| Proposed                           | SADC 8 YEAR                   | Municipal Open Space          |
| <b>Conservation Priority Areas</b> | SADC PRESERVED                | Non-Profit/Private Open Space |
| Moderate                           |                               | Water Supply Watershed Lands  |
| High                               |                               | Preserved Farmland            |



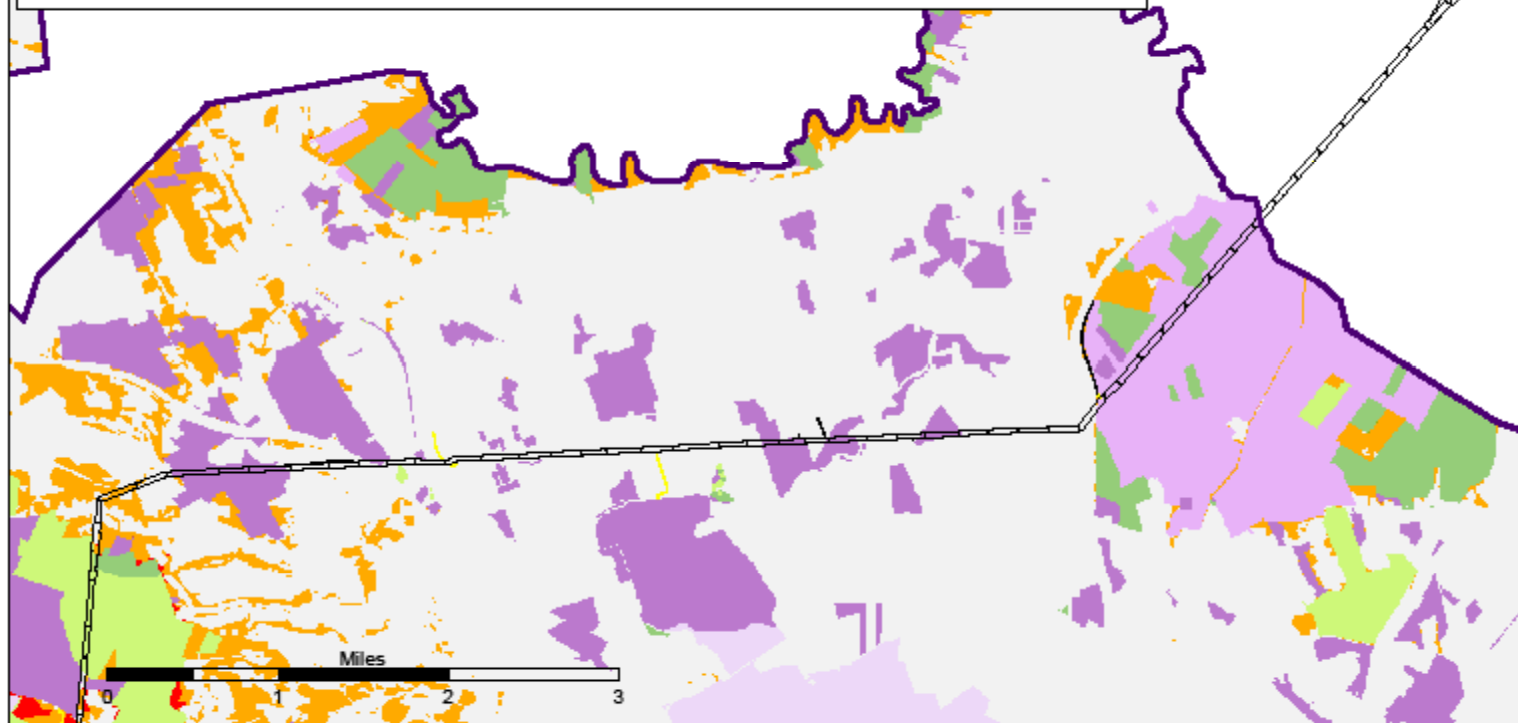
# PSE&G Susquehanna-Roseland Transmission Line Preserved Lands, Easements, Conservation Priority: Map B



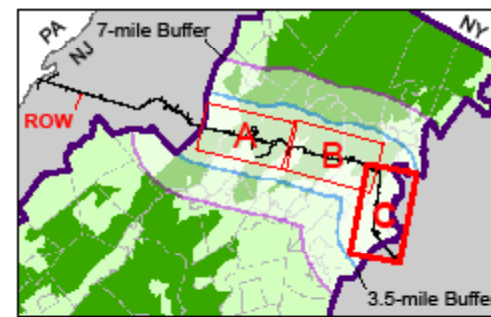
- |                                    |                               |                               |
|------------------------------------|-------------------------------|-------------------------------|
| Proposed Station                   | <b>Conservation Easements</b> | <b>Open Space</b>             |
| Right-of-Way                       | GA CONSERVATION               | Federal Open Space            |
| <b>Access Roads</b>                | <b>SADC Easements</b>         | State Open Space              |
| Existing                           | SADC FINAL                    | County Open Space             |
| Proposed                           | SADC 8 YEAR                   | Municipal Open Space          |
| <b>Conservation Priority Areas</b> | SADC PRESERVED                | Non-Profit/Private Open Space |
| Moderate                           |                               | Water Supply Watershed Lands  |
| High                               |                               | Preserved Farmland            |



# PSE&G Susquehanna-Roseland Transmission Line Preserved Lands, Easements, Conservation Priority: Map C



- |                                    |                               |                               |
|------------------------------------|-------------------------------|-------------------------------|
| Proposed Station                   | <b>Conservation Easements</b> | <b>Open Space</b>             |
| Right-of-Way                       | GA CONSERVATION               | Federal Open Space            |
| <b>Access Roads</b>                | <b>SADC Easements</b>         | State Open Space              |
| Existing                           | SADC FINAL                    | County Open Space             |
| Proposed                           | SADC 8 YEAR                   | Municipal Open Space          |
| <b>Conservation Priority Areas</b> | SADC PRESERVED                | Non-Profit/Private Open Space |
| Moderate                           |                               | Water Supply Watershed Lands  |
| High                               |                               | Preserved Farmland            |



# Concept Plans for Comprehensive Mitigation Plan

- In response to the Council's analysis, PSE&G's CMP (Appendix D) proposed a plan to have the “minimal practicable degradation of existing public attributes at the site and within the surrounding area.” (Highlands Act section 36)
- PSE&G examined the following within the 7-mile area:
  - 1) Highlands Preserved Lands (69,695 acres)
  - 2) Special Environmental Zone (12,911 acres)
  - 3) Conservation Priority Areas (46,003 acres)
  - 4) Agriculture Priority Areas (2,947 acres)

# Concept Plans for Comprehensive Mitigation Plan

PSE&G calculated the proposed contribution as follows:

Impacts with 7-mile area - impacts upon existing preserved lands, eco-tourism and agri-tourism - total acres multiplied by \$7,500 and by an Impact Assessment multiplier based upon distance from Project (\$16,773,024)

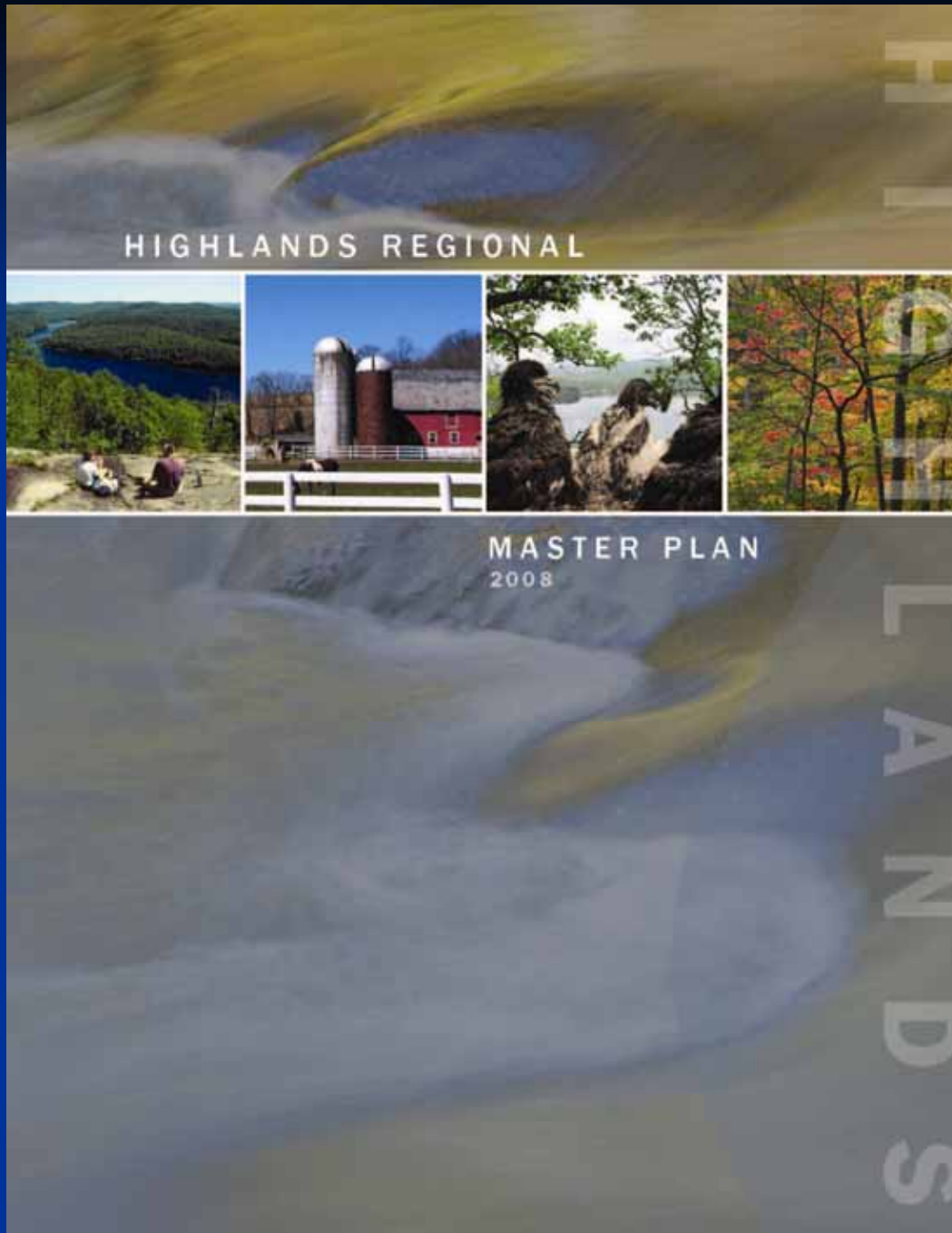
Permanent Impacts - switching facility will result in 5 acres of permanent impacts - calculated 145 Highlands Development Credits at a cost per acre of \$7,500 (\$1,087,500)

Temporary Impacts - impacts to the existing access roads, estimated at 20 acres was calculated with a 5:1 mitigation ratio at a cost per acre of \$7,500 (\$750,000)

# Staff Recommendations

Recommendation for Highlands Council approval of Highlands Act exemption application with conditions:

- Use of the existing right-of way and location of new switching station results in unavoidable inconsistencies, CMP mitigates those inconsistencies sufficiently that the Project, as amended and viewed as a whole, is found to be made consistent with the goals and purposes of the Highlands Act.
- The exemption determination is conditioned upon an approval by BPU.
- Need for Council approval of detailed CMP plans, in coordination with NJDEP and other appropriate agencies, and posting of a performance bond.



# Highlands Council Meeting June 25, 2009



## RESOLUTION 2009-37

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO POMPTON LAKES BOROUGH

**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 authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

**WHEREAS**, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties in furtherance of the Regional Master Plan; and

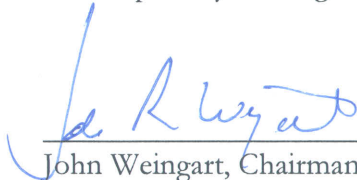
**WHEREAS**, on February 28, 2008 the Highlands Council by Resolution 2008-4 authorized the initiation of a grant application process for Initial Assessment grants to municipalities and counties within the Highlands Region in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000; and

**WHEREAS**, the Highlands Council staff has reviewed the following grant application and recommends approval by the Highlands Council;

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Pompton Lakes Borough for an Initial Assessment Grant in an amount not to exceed \$15,000, provided that the Executive Director may authorize additional amounts under this agreement pursuant to her authority under the Highlands Council Bylaws.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 25<sup>th</sup> day of June, 2009.

  
\_\_\_\_\_  
John Weingart, Chairman



## RESOLUTION 2009-38

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO PASSAIC COUNTY

**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 authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

**WHEREAS**, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties in furtherance of the Regional Master Plan; and

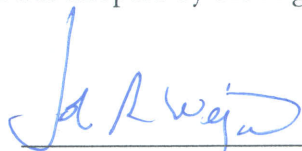
**WHEREAS**, on February 28, 2008 the Highlands Council by Resolution 2008-4 authorized the initiation of a grant application process for Initial Assessment grants to municipalities and counties within the Highlands Region in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000; and

**WHEREAS**, the Highlands Council staff has reviewed the following grant application and recommends approval by the Highlands Council;

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Passaic County for an Initial Assessment Grant in an amount not to exceed \$15,000, provided that the Executive Director may authorize additional amounts under this agreement pursuant to her authority under the Highlands Council Bylaws.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 25<sup>th</sup> day of June, 2009.



\_\_\_\_\_  
John Weingart, Chairman

**RESOLUTION 2009-38**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF INITIAL ASSESSMENT GRANT TO PASSAIC COUNTY**

**Vote on the Approval of  
this Resolution**

<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
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		✓			

## RESOLUTION 2009-39

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF SUSTAINABLE AGRICULTURE GRANT TO SUSSEX COUNTY

**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 authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

**WHEREAS**, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties in furtherance of the Regional Master Plan; and

**WHEREAS**, on May 11, 2006, the Highlands Council by Resolution 2006-19 authorized the initiation of a grant application process for Sustainable Agriculture grants to municipalities and counties within the Highlands Region in furtherance of Highlands Act goal of promoting and sustaining the Region's agriculture; and

**WHEREAS**, the Highlands Council awarded Sussex County a Sustainable Agriculture grant to promote agritourism by Resolution 2007-05 on February 15, 2007, in the amount of \$50,000; and

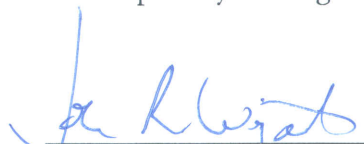
**WHEREAS**, Sussex County now seeks the renewal of this successful grant in the amount of \$50,000 to continue marketing the Highlands Region as an agritourism destination; generate print materials for Region-wide distribution at events and farm-related venues; develop a website specific to Highlands agritourism; and conduct a formal survey to identify consumers and demographics of the Highlands Region that contribute to sustainable agriculture; and

**WHEREAS**, the Highlands Council staff has reviewed the following grant application and recommends approval by the Highlands Council;

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Sussex County for the renewal of a Sustainable Agriculture Grant for the promotion of agritourism in an amount not to exceed \$50,000, provided that the Executive Director may authorize additional amounts under this agreement pursuant to her authority under the Highlands Council Bylaws.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 25<sup>th</sup> day of June, 2009.

  
\_\_\_\_\_  
John Weingart, Chairman

## RESOLUTION 2009-39

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF SUSTAINABLE AGRICULTURE GRANT TO SUSSEX COUNTY

Vote on the Approval of  
this Resolution

<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
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## RESOLUTION 2009-40

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF SUSTAINABLE AGRICULTURE GRANT TO SUSSEX COUNTY

**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 authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

**WHEREAS**, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties in furtherance of the Regional Master Plan; and

**WHEREAS**, on May 11, 2006, the Highlands Council by Resolution 2006-19 authorized the initiation of a grant application process for Sustainable Agriculture grants to municipalities and counties within the Highlands Region in furtherance of Highlands Act goal of promoting and sustaining the Region's agriculture; and

**WHEREAS**, the Highlands Council awarded Sussex County a Sustainable Agriculture grant to develop value added agricultural products by Resolution 2007-05 on February 15, 2007, in the amount of \$10,000; and

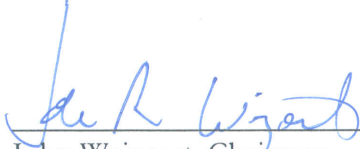
**WHEREAS**, Sussex County now seeks the renewal of this successful grant in the amount of \$15,000 to continue partnering farmers and students to create value added agricultural products through the use of the Sussex County Technical School kitchen among other activities; and

**WHEREAS**, the Highlands Council staff has reviewed the following grant application and recommends approval by the Highlands Council;

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Sussex County for the renewal of a Sustainable Agriculture Grant in an amount not to exceed \$15,000, provided that the Executive Director may authorize additional amounts under this agreement pursuant to her authority under the Highlands Council Bylaws.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 25<sup>th</sup> day of June, 2009.

  
\_\_\_\_\_  
John Weingart, Chairman

**RESOLUTION 2009-40**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF SUSTAINABLE AGRICULTURE GRANT TO SUSSEX COUNTY**

**Vote on the Approval of  
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Calabrese						✓
Councilmember Carluccio	✓		✓			
Councilmember Cogger		✓	✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Pasquarelli			✓			
Councilmember Peterson			✓			
Councilmember Schrier			✓			
Councilmember Vetrano					✓	
Councilmember Way			✓			
Councilmember Whitenack			✓			
Councilmember Weingart			✓			

## RESOLUTION 2009-41

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE FEASIBILITY GRANT TO TOWNSHIP OF HARMONY

**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 authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

**WHEREAS**, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties for implementation of a transfer of development rights (TDR) program; and

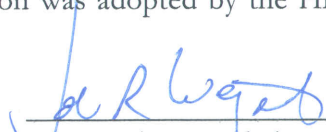
**WHEREAS**, on March 22, 2007, the Highlands Council by Resolution 2007-9 authorized the TDR Committee to develop and implement a process for the solicitation and distribution of grants and other support to municipalities within the seven Highlands counties in furtherance of the development of the Highlands TDR Program, in an annual amount not to exceed \$1,000,000; and

**WHEREAS**, the Highlands Council staff has reviewed the grant application submitted by the Township of Harmony and recommends approval by the Highlands Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Township of Harmony for a TDR Receiving Zone Feasibility Grant in the amount of \$25,000, provided that the Executive Director may authorize additional amounts under this contract pursuant to her authority under the Highlands Council Bylaws.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 25<sup>th</sup> of June, 2009.

  
\_\_\_\_\_  
John Weingart, Chairman

**RESOLUTION 2009-41**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE**  
**FEASIBILITY GRANT TO TOWNSHIP OF HARMONY**

<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 Calabrese						✓
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Pasquarelli			✓			
Councilmember Peterson			✓			
Councilmember Schrier			✓			
Councilmember Vetrano		✓	✓			
Councilmember Way			✓			
Councilmember Whitenack	✓		✓			
Councilmember Weingart			✓			

## RESOLUTION 2009-42

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE FEASIBILITY GRANT TO BOROUGH OF HOPATCONG

**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 authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

**WHEREAS**, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties for implementation of a transfer of development rights (TDR) program; and

**WHEREAS**, on March 22, 2007, the Highlands Council by Resolution 2007-9 authorized the TDR Committee to develop and implement a process for the solicitation and distribution of grants and other support to municipalities within the seven Highlands counties in furtherance of the development of the Highlands TDR Program, in an annual amount not to exceed \$1,000,000; and

**WHEREAS**, the Highlands Council staff has reviewed the grant application submitted by the Borough of Hopatcong and recommends approval by the Highlands Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Borough of Hopatcong for a TDR Receiving Zone Feasibility Grant in the amount of \$25,000, provided that the Executive Director may authorize additional amounts under this contract pursuant to her authority under the Highlands Council Bylaws.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 25<sup>th</sup> of June, 2009.

  
\_\_\_\_\_  
John Weingart, Chairman

**RESOLUTION 2009-42**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE**  
**FEASIBILITY GRANT TO BOROUGH OF HOPATCONG**

**Vote on the Approval of  
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Calabrese						✓
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Pasquarelli			✓			
Councilmember Peterson			✓			
Councilmember Schrier			✓			
Councilmember Vetrano		✓	✓			
Councilmember Way			✓			
Councilmember Whitenack	✓		✓			
Councilmember Weingart			✓			

## RESOLUTION 2009-43

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE FEASIBILITY GRANT TO BOROUGH OF OAKLAND

**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 authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

**WHEREAS**, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties for implementation of a transfer of development rights (TDR) program; and

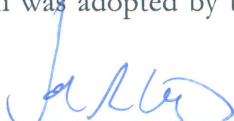
**WHEREAS**, on March 22, 2007, the Highlands Council by Resolution 2007-9 authorized the TDR Committee to develop and implement a process for the solicitation and distribution of grants and other support to municipalities within the seven Highlands counties in furtherance of the development of the Highlands TDR Program, in an annual amount not to exceed \$1,000,000; and

**WHEREAS**, the Highlands Council staff has reviewed the grant application submitted by the Borough of Oakland and recommends approval by the Highlands Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Borough of Oakland for a TDR Receiving Zone Feasibility Grant in the amount of \$25,000, provided that the Executive Director may authorize additional amounts under this contract pursuant to her authority under the Highlands Council Bylaws.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 25<sup>th</sup> of June, 2009.

  
\_\_\_\_\_  
John Weingart, Chairman

**RESOLUTION 2009-43**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE**  
**FEASIBILITY GRANT TO BOROUGH OF OAKLAND**

**Vote on the Approval of  
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Calabrese						✓
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Pasquarelli			✓			
Councilmember Peterson			✓			
Councilmember Schrier			✓			
Councilmember Vetrano		✓	✓			
Councilmember Way			✓			
Councilmember Whitenack	✓		✓			
Councilmember Weingart			✓			



**State of New Jersey**  
 Highlands Water Protection and Planning Council  
 100 North Road (Route 513)  
 Chester, New Jersey 07930-2322  
 (908) 879-6737  
 (908) 879-4205 (fax)  
 www.highlands.state.nj.us



**HIGHLANDS RMP CONSISTENCY DETERMINATION**

PROJECT INFORMATION		
<b>Project Name:</b> Block 15901 Lot 1, West Milford – Highlands Redevelopment Area Designation		
<b>Date:</b> <del>April 17</del> May 12, 2009		
<b>Name of Applicant:</b> Oak Ridge Road Associates L.L.C.		
<b>Areawide WQMP:</b> No – This is an application for a proposed Highlands Redevelopment Area Designation	<b>WMP:</b> N/A	
<b>Municipality:</b> West Milford	<b>County:</b> Passaic	
<b>Exempt project?</b> No	<b>Project specific amendment?</b> No	<b>WMP review?</b> No
<b>NJDEP Activity #:</b> None	<b>HPAA#:</b>	
<b>Lot and Block, if applicable:</b> Lot 1 Block 15901		
<b>Sewer Service Area/WWTP Facility:</b> N/A		
<b>Sewer Service Area/WWTP Facility:</b> New <input type="checkbox"/> Existing <input type="checkbox"/> <i>If existing provide the following:</i>		
<b>Proposed Change in Service Area or Wastewater Flow?:</b> No		
<b>NJPDES #:</b>	<b>Permit Discharge (MGD):</b>	
<b>Type of Discharge:</b> GW <input type="checkbox"/> SW <input type="checkbox"/>	<b>Total Proposed Service Area (acres):</b>	
<b>Total Existing Service Area (acres):</b> N/A		
<p><b>Description of Project:</b> The applicant owns a parcel at 209 Oak Ridge Road in West Milford (Block 15901 Lot 1). The parcel is located in the Existing Community Zone of the Preservation Area. Most of the site is disturbed and features existing buildings and parking areas (both paved and gravel). The eastern portion of the site features lawn and some ornamental trees. The applicant proposes to construct an approximately 20,000-square foot parking lot in the eastern portion of the site, as the current parking is considered inadequate for the size of the existing buildings <u>and has resulted in the loss of tenants for this reason</u>. Access would be from the existing parking area near the rear of the main building. <u>No additional buildings or building expansions are proposed</u>. The applicant is seeking a Highlands Redevelopment Area Designation from the Highlands Council, and will then apply for a Highlands Preservation Area Approval (HPAA) with redevelopment waiver permit from the NJDEP.</p>		
PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES		
<b>Project Area located in which Highlands Act Area?</b> (Check all that apply.):		
<b>Preservation Area</b> <input checked="" type="checkbox"/> <b>If yes, percentage?</b> 100 %	<b>Planning Area</b> <input type="checkbox"/> <b>If yes, percentage?</b> %	
<b>Project Area within which Land Use Capability Zone or Sub-Zone?</b> (check all that apply):		
Protection Zone <input type="checkbox"/> Conservation Zone <input type="checkbox"/> Existing Community Zone <input checked="" type="checkbox"/> Conservation – Environmentally Constrained Sub-Zone <input type="checkbox"/> Existing Community – Environmentally Constrained Sub-Zone <input type="checkbox"/> Lake Community Sub-Zone <input type="checkbox"/> Wildlife Management Sub-Zone <input type="checkbox"/>		
The review below is organized by Regional Master Plan Goals, Policies and Objectives for each resource and smart growth category; <u>C</u> stands for Consistent, <u>I</u> for Inconsistent, and <u>N/A</u> means the goal, policy, or objective is not applicable. Project specific reviews are based on the application of these Policies and Objectives to the project site, and do not require the adoption of municipal ordinances. Documents reviewed for this analysis include all appropriate documents submitted to the NJDEP, Highlands Council GIS data and technical reports, and documents related to the State Planning Commission Plan Endorsement process where applicable.		

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<b>PART 1 NATURAL RESOURCES</b>			
<b>SUBPART A FOREST RESOURCES</b>			
<b>Project Area within Forest Resource Area?</b> Yes			
<b>If yes to above, is there Encroachment into a Forest within Forest Resource Area?</b> No			
<b>Forest Integrity Value (check one):</b> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/>			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 1A2:</b> To limit human development in the Forest Resource Area in the Preservation Area in order to protect and enhance forest resources, forest ecosystem integrity, Critical Habitat, and the quantity and quality of water resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1A2c:</b> To prohibit through local development review and Highlands Project Review the deforestation of lands within the Forest Resource Area of the Preservation Area for human development except where authorized as an exemption by the Highlands Act, or is an agricultural or horticultural development as defined at N.J.S.A. 13:20-31 and meets the requirement of that provision of the Highlands Act, or if qualifying as a major Highlands Development, the project must, at a minimum, be in conformance with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.9.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1A2d:</b> To prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into forested areas of the Forest Resource Area within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1A2e:</b> To require through local development review and Highlands Project Review that projects qualifying as major Highlands Developments, affecting or potentially affecting forests outside the Forest Resource Area in the Preservation Area, comply with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.9. All projects in the Preservation Area that are not major Highlands Developments shall comply with Policies 1A1 and 1A2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 1A5:</b> To prohibit through local development review and Highlands Project Review forest clear-cutting within the Forest Resource Area except in accordance with a Forest Management Plan approved by the State Forester.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 1B2:</b> To limit through local development review and Highlands Project Review human development of forests to low impact residential development in the Protection Zone and the Conservation Zone in the Planning Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 1B3:</b> To limit through local development review and Highlands Project Review deforestation in the Forest Resource Area and forested lands within High Integrity Forest Subwatersheds within the Existing Community Zone to maximum extent practicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1B3a:</b> Implementation through Plan Conformance of regulations, which limit the clearing of trees in conjunction with human development to circumstances where the clearing will not diminish the integrity of forest resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 1B5:</b> To ensure that forest resources are protected on a site specific basis during local development review and Highlands Project Review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1B5a:</b> Applications for local development review and Highlands Project Review require identification of any forest area on and adjacent to a site in accordance with the Highlands Council's Method for Identifying Upland Forest Areas in the Highlands Region.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 1B7:</b> To prohibit clear-cutting of forest lands except pursuant to an approved Forest Management Plan approved by the State Forester.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 1C1:</b> To require that conforming municipalities and counties address the protection of forested portions of Forest Resource Areas and High Integrity Forest Subwatersheds in their master plans and development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 1C3:</b> To require that conforming municipalities adopt a tree clearing ordinance consistent with an approved community forestry plan under the New Jersey Forest Service Community Forestry Program as part of the municipal master plan and local development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Specific Comments:</b> The Highlands Council GIS data indicates that there is a narrow strip along the southern boundary of the parcel that features Forest within a Forest Area. However, review of aerial photography indicates that this area of the parcel is not forested (the adjacent lot contains the forested area). No change is proposed to this area.			

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<b>SUBPART B HIGHLANDS OPEN WATERS AND RIPARIAN AREAS</b>			
<b>Project Area includes Highlands Open Waters Buffer?</b> Yes			
<b>Highlands Open Waters Affected:</b> Streams <input type="checkbox"/> Lakes & Ponds <input type="checkbox"/> Wetlands <input checked="" type="checkbox"/>			
<b>Highlands Open Waters in Preservation Area:</b> Yes			
<b>Watershed Value (Check one):</b> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/>			
<b>Area includes Riparian Area?</b> No <i>If No, disregard remainder of Riparian Area checklist.</i>			
<b>Specific Riparian Area Features (Check all that apply.):</b> Flood Prone Areas <input type="checkbox"/> Lakes & Ponds <input type="checkbox"/> Riparian Soils <input type="checkbox"/> Wetlands <input type="checkbox"/> Wildlife Corridor <input type="checkbox"/> Streams <input type="checkbox"/>			
<b>Riparian Integrity Value (Check one per HUC14):</b> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> HUC14: High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> HUC14: High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> HUC14:			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 1D4:</b> Highlands Open Waters shall include a protection buffer of 300 feet from the edge of the discernable bank of the Highlands Open Waters feature, or from the centerline where no discernable bank exists. With respect to wetlands and other Highlands Open Waters features (e.g., seeps, springs, etc.), the feature shall include a protection buffer of 300 feet from the delineated Letter of Interpretation (LOI) line issued by the NJDEP for wetlands, or from a field-delineated boundary for other features. In areas where existing development or land uses within the protection buffers have reduced or impaired the functional values of the buffers, the Council will seek opportunities to restore the buffer and its functions. Any proposed disturbance shall, through local development review and Highlands Project Review, comply with Highlands Open Waters buffer standards. The protection buffer width for Category 2 streams in the Planning Area may be modified through a Stream Corridor Protection/Restoration Plan, as specified in Objective 1D4i. In approved Redevelopment Areas, the Council may, at its discretion, modify the required buffer, upon a showing of no alternatives, no impact to the functional value of the buffer, and provision of alternative approaches to enhancing or protecting Highlands Open Waters and resources of the buffer area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Objective 1D4a:</b> Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Open Waters.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 1D4b:</b> Preservation Area buffers for Highlands Open Waters shall comply with the Highlands Preservation Area rules at N.J.A.C. 7:38, which provide that all major Highlands developments are prohibited within Highlands Open Waters and its adjacent 300 foot buffer in the Preservation Area except for linear development, which may be permitted provided that there is no feasible alternative for the linear development outside Highlands Open Waters or its buffer. Structures or other land improvements existing within Highlands Open Waters buffer in the Preservation Area on August 10, 2004 may remain, provided that the area of disturbance is not increased other than through a HPAA. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses."	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Objective 1D4c:</b> Require that proposed development within all Highlands Open Waters buffers (Preservation and Planning Areas) conforms through local development review and Highlands Project Review with the buffer requirements of N.J.A.C. 7:8 (Stormwater Management Rules), N.J.A.C. 7:13 (Flood Hazard Area Rules), and N.J.A.C. 7:7 (Freshwater Wetland Rules), and with any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Objective 1D4d:</b> Structures or other land improvements existing within a Highlands Open Waters buffer of the Planning Area on August 10, 2004 may remain, provided that the area of disturbance shall not be increased unless approved through local development review or Highlands Project Review in compliance with RMP policies and objectives. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses."	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1D4e:</b> In the Protection and Conservation Zones of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the Highlands Council under Policy 7G2. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses." Such proposed disturbances must demonstrate full utilization of the following performance standards in the listed order, to demonstrate the necessity of an encroachment into Highlands Open Waters buffers: 1) avoid the disturbance of Highlands Open Waters buffers; 2) minimize impacts to Highlands Open Waters buffers; and 3) mitigate all adverse impacts to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h. Minimization and mitigation opportunities shall be considered only upon a clear and convincing demonstration by the applicant that the protection buffer cannot be avoided and in no case shall the remaining buffer be reduced to less than 150 feet from the edge of Highlands Open Waters, unless a waiver is granted by the Highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1D4f:</b> In the Existing Community Zone of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the Highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses." Such disturbances shall employ performance standards such that all proposed disturbances of Highlands Open Waters buffers shall employ Low Impact Development Best Management Practices to mitigate all adverse	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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modification to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h.			
<p><b>Objective 1D4i:</b> Develop through Plan Conformance and implement stream corridor or subwatershed-based Stream Corridor Protection/Restoration Plans which shall include Steps 1, 2, and 3, and may include Steps 4 and 5:</p> <p>1. Identify areas where existing development, land disturbances, or land uses are within Highlands Open Waters buffers have removed or substantially impaired natural vegetation communities, and have significantly reduced or impaired the functional values of Highlands Open Waters buffers. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses";</p> <p>2. Identify and require opportunities for restoration of areas identified in Step 1 as part of mitigation requirements under a Highlands Act waiver or Objectives 1D4e and 1D4f, and public or nongovernmental restoration/stabilization projects;</p> <p>3. Identify the extent of stream corridor features that are critical to supporting the functions of a healthy Highlands Open Waters buffer and that extend beyond the buffers required by Objectives 1D4b and 1D4c. The 300 foot buffer in these areas may be expanded to be most protective of these features which may include, but are not limited to, Critical Habitat, pollutant source areas identified through scientific techniques, and steep slopes;</p> <p>4. Where Highlands Open Waters buffers include areas identified in Step 1, regarding Category 2 surface waters in the Planning Area only, the Stream Corridor Protection/Restoration Plan may identify where, based on scientific analysis of site-specific conditions (e.g., topography, vegetation cover type, habitat, soil type, upstream land uses and pollution inputs, width of floodplain, rate and volume of run-off), a buffer of less than the full 300 feet (but including the undisturbed buffer area at a minimum) is sufficient to maintain or improve the protection of Highlands Open Waters and Riparian Areas. The plan must identify alternative buffers that provide functional buffer values at least equivalent to existing conditions and are no less than 150 feet or no less than the extent allowed in State or municipal regulation (including Objectives 1D4b and 1D4c), whichever is greater. Further, the plan shall include a functional value assessment to ensure that there is no net loss in the overall functional value of the subwatershed's stream buffers. Buffers established through this process shall be determined based on site conditions rather than fixed distances, reflecting findings of the scientific analysis, and shall be used in the site design and development review process regarding determinations of restoration, continued use, or increased use of the disturbed buffer area. Buffer averaging for the purpose of accommodating development proposals is deemed not to meet the requirements of this provision; and</p> <p>5. Where a proposed Highlands Redevelopment Area would not meet, in full, Objectives 1D4b through 1D4h but affects an undisturbed buffer area determined to not be necessary for the protection of the functional values for Highlands Open Waters buffer (as determined through scientific analysis of site-specific conditions), modification of the undisturbed buffer may be allowed to no less than the extent allowed in State or municipal regulation. However the Council shall first determine that there is no alternative to the proposed reduction of the buffer, and require a showing of no impact to the functional values of the buffer and provision of alternative approaches to enhancing or protecting the Highlands Open Waters and resources of the buffer area. Restoration or enhancement of buffer functional values shall be provided on-site or within the same stream reach to achieve a net improvement of existing buffer functional values.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 1D4j:</b> The Highlands Council may require on a case-by-case basis, through Highlands Project Review, an expansion of the 300 foot buffer to protect the habitat of a water or wetlands-dependant rare, threatened or endangered species, to the minimum expansion necessary to achieve protection of that species.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Policy 1D5:</b> Protect the integrity of the Riparian Areas through the application of RMP standards during local development review and Highlands Project Review.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 1D5a:</b> Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Riparian Areas, including those identified by the Highlands Council and by site-specific analysis.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 1D5b:</b> Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 1D5c:</b> Prohibit modifications to Riparian Areas in the Protection Zone except where a waiver is approved by the NJDEP or the Highlands Council under Policy 7G1 or 7G2.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 1D5d:</b> Restrict modifications to Riparian Areas in the Existing Community Zone, other than those addressed by Objective 1D5b, that would alter or be detrimental to the water quality and habitat value of a Riparian Area.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 1D5e:</b> Implement Low Impact Development Best Management Practices for any development activity proposed within a Riparian Area, which minimize both alterations of natural vegetation and increases in impervious area, in compliance with Policies 6N3 and 6N4 and provide for mitigation through restoration of impaired Riparian Areas in the same HUC14 subwatershed.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 1D5f:</b> Require that development within Riparian Areas conforms through local development review and Highlands Project Review to any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 1D5g:</b> Require identification and implementation of opportunities where the restoration and enhancement of previously impaired Riparian Areas are feasible and appropriate as mitigation to any allowable modification to Riparian Area requirements.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Comments:</b> Almost half of the parcel (the northern half) is within a Highlands Open Waters buffer (for a wetland across the street <u>and upgradient</u> from the parcel); no Highlands Open Waters exist on the site. Nearly all of the HOW buffer, <u>and all of the area proposed for the parking lot</u>, is currently disturbed, with buildings, lawn and gravel areas. Based upon a review of the site plan and Highlands Council GIS data layers, approximately half of the proposed</p>			

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parking lot would encroach upon a portion of the Highlands Open Waters buffer in an existing disturbed area. The wetland across the street is upgradient and approximately 200 feet from the proposed parking lot. N.J.A.C. 7:38 rules for permitting and waivers will apply within the buffer.

**SUBPART C STEEP SLOPES**

**Project Area includes: Steep Slopes >20% in Any Areas (severely constrained)?** No

**Steep Slopes >15% in Forested Areas (severely constrained)?** No

**Steep Slopes >10% in Riparian Area in Undeveloped Lands (moderately constrained)?** No

<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
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<b>Policy 1E6:</b> To require through local development review and Highlands Project Review that applications for development include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Policy 1E7:</b> To require through local development review and Highlands Project Review that applications for development involving parcels of land with slopes of 10% or greater include identification of forested lands, areas which are highly susceptible to erosion, depth to bedrock and Soil Capability Classes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Policy 1E8:</b> To prohibit through local development review and Highlands Project Review land disturbance within areas which are Severely Constrained Slopes and Moderately Constrained Slopes, except for linear development in both the Preservation and Planning Areas that meets the requirements of N.J.A.C. 7:38-3.8(c)1-4.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Policy 1E9:</b> To require through local development review and Highlands Project Review the use of Low Impact Best Development Practices for any land disturbance or human development within areas, which are Constrained or Limited Constrained Slopes, or that involves an approved disturbance of a Severely Constrained or Moderately Constrained Slope.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Policy 1E10:</b> To require that conforming municipalities and counties implement the steep slope protection provisions of Policies 1E2 through 1E9 through master plans and development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comments:** There are no steep slopes on the project site.

**SUBPART D CRITICAL HABITAT**

<b>Project Area includes:</b>	<b>Significant Natural Area(s)?</b> No		<b>Vernal Pool(s) +1,000 ft?</b> No	
<b>Critical Wildlife Habitat?</b> No				

<b>Species of Concern:</b>	Cooper's Hawk	Indiana Bat				
<b>Landscape Rank:</b>	3	5				

<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
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<b>Policy 1F2:</b> To prohibit through Plan Conformance, local development review and Highlands Project Review the direct impact of new human development or expansion or increased intensity of existing development within Critical Habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Policy 1F5:</b> To establish a Habitat Conservation and Management Program, including minimum performance standards and criteria for the protection, enhancement, and restoration of lands within Critical Habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Policy 1F6:</b> To require that applications for any local development review and Highlands Project Review for Critical Habitat be subject to minimum standards and criteria outlined in the Habitat Conservation and Management Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Objective 1F6a:</b> Prohibit direct impacts from new development or expansion or increased intensity of existing development that will jeopardize the continued existence of, or result in the likelihood of the destruction or adverse modification of Critical Habitat, except as permitted through the issuance of a waiver under Policy 7G1 or 7G2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Objective 1F6b:</b> Prohibit indirect impacts from activity that is off-site, adjacent to, or within Critical Habitat that will jeopardize the continued existence of, or result in the likelihood of the destruction or adverse modification of Critical Habitat, except as permitted through the issuance of a waiver under Policy 7G1 or 7G2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Objective 1F6c:</b> Waiver applications under Policy 7G2 for local development in a municipality with a Council-approved Critical Habitat Conservation and Management Plan shall be subject to the minimum standards and criteria for waiver provisions as set forth in the plan, to the maximum extent practicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Objective 1F6d:</b> Waiver applications under Policy 7G2 for development in a municipality without a Council-approved Critical Habitat Conservation and Management Plan shall be subject to the Low Impact Development Best Management Practices required in Objective 1F5b.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>Objective 1F6e:</b> A vernal pools protection buffer may be reduced only if an applicant can demonstrate, to the satisfaction of the Highlands Council in coordination with the NJDEP's Endangered and Nongame Species Program, that the reduction is the minimum feasible and that: <ul style="list-style-type: none"> <li>In an undisturbed wetland, documented and field-determined vernal pool-breeding wildlife require a smaller protective buffer, as documented in scientific literature; or</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<ul style="list-style-type: none"> <li>Existing land uses present a significant, insurmountable and permanent barrier to the migration or viability of vernal pool-breeding wildlife that is infeasible to mitigate.</li> </ul> <p>Requirements for demonstrating the above criteria shall be included in the Critical Habitat Conservation and Management Plan.</p>			
<p><b>Objective 1F6f:</b> A Critical Wildlife Habitat area or Significant Natural Area delineation may be modified if an applicant can demonstrate, to the satisfaction of the Highlands Council in coordination with the NJDEP's Endangered and Nongame Species Program or Natural Heritage Program, that:</p> <ul style="list-style-type: none"> <li>The nature of the site is such that it does not provide habitat for species of concern;</li> <li>The species of concern are not present on the site during any critical part of their life cycle, do not depend upon the site for food, shelter or breeding, and the habitat; on the site is either unsuitable or not critical to species' recovery in the Region; or</li> <li>Existing land uses present a human, natural or development barrier to the use of the site by species of concern.</li> </ul> <p>Requirements for demonstrating the above criteria shall be included in the Critical Habitat Conservation and Management Plan.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Policy 1F7:</b> To require through local development review and Highlands Project Review that projects qualifying as major Highlands Developments, affecting or potentially affecting Critical Habitat in the Preservation Area, comply with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.11 and with the minimum standards and criteria outlined in the Critical Habitat Conservation and Management Plan. All projects in the Preservation Area that are not major Highlands Developments shall comply with Policies 1F1 through 1F6.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Comments:</b> The Highlands Council GIS data indicates that there is a narrow strip along the southern boundary of the parcel features forest serving as Critical Wildlife Habitat for Cooper's Hawk and Indiana Bat. However, review of aerial photography indicates that this area of the parcel is not forested (the adjacent lot contains the forested area). No change is proposed to this area.</p>			
<p><b>SUBPART E LAND PRESERVATION AND STEWARDSHIP</b></p>			
<p><b>Project Area within Conservation Priority Area?</b> No    <b>If yes, percentage?</b>    %</p>			
<p><b>Project Area within Special Environmental Zone?</b> No    <b>If yes, identify properties (B/L):</b></p>			
<p><b>Project Area includes preserved land?</b> No    <b>If yes, identify properties (B/L):</b></p>			
<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p>	<b>C</b>	<b>I</b>	<b>N/A</b>
<p><b>Policy 1H7:</b> To identify and designate a Special Environmental Zone in 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, fee simple acquisition, easement acquisition, transfer of development rights programs, and development regulations.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 1H7b:</b> Adopt and enforce development regulations which prohibit the development of those portions of a parcel of land which are located within a Special Environmental Zone.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 1H7c:</b> Require through Plan Conformance, local development review, Highlands Project Review, and NJDEP review under N.J.A.C. 7:38 that development shall not occur within a Special Environmental Zone. In any Special Environmental Zone, any exemption identified through Policy 7F1 or waiver issued under the Highlands Act under Policy 7G1 or 7G2 shall be conditioned upon a determination that the State or local government unit has exhausted all means for the permanent preservation of these lands through use of preservation tools including, but not limited to, fee simple acquisition, easement acquisition, and transfer of development rights.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Policy 1I3:</b> To require conforming municipalities and counties to require conservation or land stewardship easements, enforceable by the Highlands Council and at least one of the following: the appropriate municipality, the County Agriculture Development Board, the SADC, Green Acres, or a non-profit land trust organized pursuant to § 501 (c)(3) of the federal tax code and engaged in the protection of land for the purpose of providing long-term stewardship of important resources as a condition of development approval for lands within parcels proposed for development that are identified for preservation on a proposed site plan or subdivision plat.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Comments:</b> The site is not within a Conservation Priority Area or a Special Environmental Zone and it does not include preserved land.</p>			
<p><b>SUBPART F CARBONATE ROCK (KARST) TOPOGRAPHY</b></p>			
<p><b>Project Area within or contributing to Carbonate Rock Area?</b> No</p>			
<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p>	<b>C</b>	<b>I</b>	<b>N/A</b>
<p><b>Policy 1K2:</b> To identify and delineate through local development review and Highlands Project Review land areas that drain surface water into the Carbonate Rock Area, as changes in the quantity, quality and rate of discharge of surface water runoff from upslope lands can impair ground water resources in the Carbonate Rock Area.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Policy 1K4:</b> To ensure through Plan Conformance that municipalities in, or within subwatersheds draining directly to, the Carbonate Rock Area protect public health and safety and the quality of ground waters from inappropriate land uses and pollutant discharges.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<b>Objective 1K4b:</b> Applications for site plan or subdivision approval will include a multi-phased geotechnical site investigation (e.g., test borings, test pits) to locate any potential karst features and potential hazards to public health and safety, structures and ground water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1K4c:</b> Local development reviews and Highlands Project Reviews and requirements shall ensure that all potential hazards to public health and safety, structures and ground water quality, including but not limited to concentrated surface water flows that dissolve carbonate rock, are fully addressed and mitigated in the construction plans and subsequent approval process, with the maximum emphasis on nonstructural measures, including, but not limited to, avoidance of modifications to the karst features.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1K4d:</b> Public works projects, including but not limited to water supply, sewerage, stormwater and transportation facilities, shall be constructed and maintained such that the potential for damage from karst features and the contamination of ground water are avoided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1K4e:</b> Highlands Project Reviews and requirements and local development reviews (where applicable) shall prohibit new land uses and facilities that constitute unacceptable risks of discharge due to karst topography where karst features have been identified, including but not limited to: Underground storage tanks; Solid waste landfills; Hazardous waste storage and disposal; and Hazardous materials storage and handling.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b> The site is not located in a Carbonate Rock Area.			
<b>SUBPART G LAKE MANAGEMENT</b>			
<b>Project Area within Lake Management Area?</b> No <i>If No, disregard remainder of Lake Management checklist.</i>			
<b>If yes, which Tier:</b> Shoreland Protection Tier No Water Quality Management Tier No Scenic Resources Tier No Lake Watershed Tier No			
<b>Project Area within Lake Community Sub-Zone?</b> No			
<b>If yes, which Tier:</b> Shoreland Protection Tier No Water Quality Management Tier No Scenic Resources Tier No Lake Watershed Tier No			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 1L2:</b> To establish tiers of lake management appropriate to management strategies that help protect lake water quality and community value from the impacts of present and future development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1L2a:</b> Lake management programs shall use the following management tiers around all Highlands Region lakes of greater than ten acres in size: <ul style="list-style-type: none"> <li>• A Shoreland Protection Tier consisting of an area measured 300 foot or the first property line perpendicular from the shoreline of the lake;</li> <li>• A Water Quality Management Tier consisting of an area measured 1,000 foot perpendicular from the shoreline of the lake, including the shoreland protection tier;</li> <li>• A Scenic Resources Tier consisting of an area measured 300 to 1,000 foot perpendicular from the shoreline of the lake, scaled based upon the view distance from the opposite shoreline, and determined through the size and layout of the lake, with wider portions of lakes having longer view distances; and</li> <li>• A Lake Watershed Tier consisting of the entire land area draining to the lake, through the evaluation of drainage areas using LiDAR topographic analyses or other topographic data where LiDAR data are not available.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 1L3:</b> To establish unique standards (as compared to lakes within the Protection and Conservation Zones) for the Lake Community Sub-Zone within the Existing Community Zone within 1,000 feet of lakes, particularly with respect to the Shoreline Protection Tier, to prevent degradation of water quality, harm to lake ecosystems, and promote aesthetic values within the Existing Community Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 1L4:</b> To establish and implement management strategies to help protect lake water quality and ecosystem values from the impacts of present and future development for all lakes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1L4a:</b> Implementation of standards through Plan Conformance regarding lake ecosystem and water quality in the Shoreland Protection Tier to address direct and proximate impacts upon the lake, including but not limited to shoreline modification and development (including limits to the hardscaping of shorelines using bulkheads, rip-rap and walls), docks, piers, boathouses, dredging, vegetation removal, and increased impervious cover. Pollutant discharges shall also be addressed, including the potential for contamination from septic systems, cesspools and other wastewater management systems within the tier that are failing or are inadequately designed and constructed. As such systems fail, landowners should be required to provide upgraded treatment (whether on-site or through public or community systems) to minimize pollutant movement to the lake. Standards for the Lake Community Sub-Zone and for the Protection and Conservation Zones may be distinct to the extent necessary to recognize the existence of significant development within the Lake Community Sub-Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1L4b:</b> Implementation of standards through Plan Conformance regarding land use compatibility and water quality in the Water Quality Management Tier, to prevent or minimize continuous pollutant sources that can contribute pollutants overland or through ground water to the lake from greater distances than the Shoreland Protection Tier.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1L4c:</b> Implementation of standards through Plan Conformance regarding the protection of visual and scenic resources in the Scenic Resources Tier, including but not limited to requirements for vegetative screening of buildings, building height limitations, and limits on tree and understory removal for reasons other than public health and safety or as the minimum necessary to make reasonable use of the designated building envelope for the parcel proposed for development. Standards for the Lake Community Sub-Zone and for the Protection and Conservation Zones may be distinct to the extent necessary to recognize the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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existence of significant development within the Lake Community Sub-Zone.			
<b>Policy 1L5:</b> To require that conforming municipalities adopt and implement for all lakes the standards applicable to the Shoreland Protection and Water Quality Management Tiers; the standards applicable to the scenic resources tier shall be adopted and implemented for all public lakes (i.e., with shorelines that are not entirely privately-held and managed through a lake association), and for privately-held lakes to the extent feasible under law, recognizing the existence of previously approved lake community development plans.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1L5a:</b> Shoreland Protection and Water Quality Management Tier requirements shall apply to all new development, regardless of lake ownership.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 1L5b:</b> Scenic Resource Tier requirements shall apply to all lakes with public access and to lakes with no public access that are not entirely managed by a single homeowner or lake community association. For lakes that are privately-held and managed by a single homeowner or lake community association, the scenic resource tier requirements shall be voluntary.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 1L6:</b> To require that conforming municipalities develop and adopt lake restoration plans, with sufficient input from lake community residents and landowners, for each of the municipality's developed lakes that has been identified as water quality impaired, to include watershed delineation, description of point and nonpoint sources of pollution in the watershed, lake monitoring schedules, existing and proposed in-lake management techniques, and recommended watershed best management practices. TMDLs adopted by the NJDEP to address known pollution problems may be used as lake restoration plans. For lakes that are privately-held and managed by a single homeowners or lake community association, the municipality may require that the association share in or assume the costs of developing such plans.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 1M4:</b> To establish and implement performance and development standards through local development review and Highlands Project Review for shoreline uses which achieve compatibility among shoreline activities and nearby neighborhoods.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Comments:** The site is not within a Lake Management Area.

**PART 2 WATER RESOURCES AND WATER UTILITIES**

**SUBPART A WATER RESOURCES AVAILABILITY**

Source HUC14(s):	Net Availability (MGD):	HUC14 Constraint - Current Deficit Area (Y/N):	HUC14 Constraint - Existing Constrained Area (Y/N):	Conditional Availability (MGD):
1.				
2.				

**Regional Master Plan Goals, Policies, and Objectives:**

	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 2B4:</b> To strictly limit consumptive and depletive water uses to the water availability in each HUC14 subwatershed and to establish priorities for water uses that implement the policies and objectives of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2B4a:</b> Give highest priority for the use of non-agricultural Net Water Availability or Conditional Water Availability within Protection Zone and Conservation Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review, and Highlands Project review: 1. To address a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for Net Water Availability; 2. To serve a designated Highlands Redevelopment Area; 3. To serve a cluster development that complies with Objective 2J4b; and 4. To serve affordable housing projects where at least 10% of the units are affordable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2B4b:</b> The highest priority for use of Net Water Availability or Conditional Water Availability within Existing Community Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review and Highlands Project review to serve documented threats to public health and safety from contaminated water supplies, designated TDR Receiving Zones, infill development, designated Highlands Redevelopment Area, affordable housing projects where at least 10% of the units are affordable, or new areas for development that meet all other requirements of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2B4c:</b> Establish and implement mandatory stormwater reuse for recreational and other non-agricultural irrigation, as well as other non-potable water purposes to minimize both the volume of stormwater discharges and water withdrawals for these purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2B4d:</b> The highest priority for agricultural water uses in the Conservation Zone shall be those Preservation Area uses that promote agricultural and horticultural uses and opportunities that are compatible with protection of the Highlands environment, and those Planning Area uses that promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities. Compatible agricultural and horticultural uses shall minimize consumptive water uses through efficiency measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2B5:</b> To require, through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review, the use of water conservation, recycling and reuse methods (where appropriate) and devices for any redevelopment or development activity, including renovations to existing residential, institutional, commercial or industrial buildings, to minimize consumptive water use tailored to meet the resource protection and other goals for each Zone and considering subwatershed-specific conditions and Net Water Availability status.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2B6:</b> To require through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, Highlands Project Review, and interagency coordination that proposed public water supply and wastewater service areas, new or increased water allocations and bulk water purchases will not directly or indirectly cause	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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or contribute to a Net Water Availability deficit, and where feasible will help mitigate any existing deficit.			
<b>Objective 2B6a:</b> Areawide Water Quality Management Plans, Wastewater Management Plans or their amendments shall ensure that the proposed service area will not directly or indirectly cause or contribute to a Net Water Availability deficit, and shall be in conformance with any Water Use and Conservation Plan developed under Objective 2B8c.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2B6b:</b> NJDEP Water Allocation decisions and Highlands Project Reviews shall ensure that any new or increased water allocation permits within the Highlands Region are in conformance with the policies and objectives of the RMP and do not result in significant reductions in safe yields for any water supply facility with an existing water allocation permit and the NJDEP-approved safe yield.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2B7:</b> To ensure through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review that the use of Net Water Availability and Conditional Water Availability within each subwatershed supports development patterns that are in conformance with RMP policies and objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2B8:</b> To require through Plan Conformance, local development review, and Highlands Project Review the efficient and effective use of water availability, the planning for future water needs, the reduction and elimination of water deficits, and the mitigation of new consumptive or depletive use in any Current Deficit Areas or subwatersheds that could become deficit areas based on projected development and water uses, to ensure sustainable water supply, water resource and ecological values in conformance with RMP policies and objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2B8a:</b> Prevent net increases in consumptive or depletive water uses in Current Water Deficit Areas to prevent exacerbation of and help reduce or eliminate the deficit to ensure sustainable water supply, water resource and ecological values, emphasizing techniques including, but not limited to water reuse, recycling and conservation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2B8b:</b> Proposed new consumptive or depletive water uses within a Current Deficit Area shall only occur under the auspices of a Water Use and Conservation Management Plan approved under Objective 2B8c or through mitigation of the proposed consumptive or depletive use within the same HUC14 subwatershed through: a permanent reduction of existing consumptive and depletive water uses; ground water recharge in excess of the requirements of N.J.A.C. 7:8 (Stormwater Management Rules); or other permanent means. Where a Water Use and Conservation Management Plan has not been approved: 1. Each project shall achieve mitigation ranging from 125% to 200%, based on the severity of the Current Deficit and the amount of consumptive or depletive water use proposed; 2. Total consumptive and depletive water uses from any single project and all projects combined are not to exceed the Conditional Water Availability of Objectives 2B3a or 2B3b for any HUC14 subwatershed; 3. Mitigation shall be successfully completed prior to initiation of the water use, except as required by #4, below. Mitigation may be phased in keeping with project development; 4. For water uses where the combination of proposed consumptive and depletive water uses and current subwatershed deficit is high, according to a schedule established by the Highlands Council, off-site mitigation shall be successfully completed prior to any on-site construction. On-site mitigation shall be successfully completed prior to initiation of the water use but may be implemented concurrent with on-site construction. Mitigation may be phased in keeping with the level of consumptive or depletive water uses; and Mitigation plans for a project shall include: specific objectives for each mitigation component; monitoring and reporting requirements; methods by which shortfalls in meeting the mitigation objectives shall be addressed through additional action; and be guaranteed through performance bonds.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2B8c:</b> Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2B8d:</b> All water users within a Current Deficit Area shall seek funding and opportunities to meet the intent of Objective 2B4b.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2B8e:</b> Allow water resource transfers between or from Highlands subwatersheds only when there is no other viable alternative and where such transfers would demonstrably not result in impairment of resources in any subwatershed. Potential effects on upstream and downstream subwatersheds should be included in any such evaluation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Comments:** The proposed project does not require additional potable water and would not generate any additional wastewater or affect net water availability.

**SUBPART B PROTECTION OF WATER RESOURCES QUANTITY**

**Project Area includes Prime Ground Water Recharge Area?** Yes

**Regional Master Plan Goals, Policies, and Objectives:**

	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 2D3:</b> To protect, enhance, and restore the quantity and quality of Prime Ground Water Recharge Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2D3c:</b> Implement master plans and development review ordinances through Plan Conformance that protect Prime Ground Water Recharge Areas and minimize the potential for disruption of recharge in such areas by development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<b>Objective 2D3g:</b> Require through Plan Conformance and local health ordinances, that existing land uses that have a significant potential to result in major discharges of pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a Prime Ground Water Recharge Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2D4:</b> To apply standards through Plan Conformance, local development review and Highlands Project Review to protect, restore and enhance the functionality and the water resource value of Prime Ground Water Recharge Areas by restricting development and uses of land within a Prime Ground Water Recharge Area that reduce natural ground water recharge volumes or may directly or indirectly contribute to or result in water quality degradation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2D4a:</b> Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2D4b:</b> Any development activity approved to occur in a Prime Ground Water Recharge Area shall provide an equivalent of 125% of pre-construction recharge volumes for the affected Prime Ground Water Recharge Area of the site within the following areas, in order of priority: (1) the same development site where feasible; (2) the same HUC14 subwatershed, or (3) an interrelated HUC14 subwatershed as approved by the Highlands Council where no feasible option exists in the same HUC14 subwatershed. This requirement shall apply to all portions of the Prime Ground Water Recharge Area where the recharge is disrupted through impervious surfaces, routing of stormwater runoff and recharge from natural flow paths, and other similar changes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2D4c:</b> Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area shall be minimized through the implementation of Low Impact Development Best Management Practices meeting the requirements of Objective 2D3a.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2D4d:</b> Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area, after conformance with Objectives 2D4a, 2D4b and 2D4c is achieved, shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall be preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest ground water recharge rates and the lowest potential for aquifer recharge.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2D4e:</b> Prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into a Prime Ground Water Recharge Area within the Protection or Conservation Zone within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2D4f:</b> Prohibit through Plan Conformance, local development review and Highlands Project Review new land uses, including those identified through Objective 2D3d, that have a significant potential to result in the discharge of persistent organic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a Prime Ground Water Recharge Area, such that they may degrade or contribute to the degradation of ground water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2D4g:</b> Require conformance with applicable components of regional stormwater management plans, where applicable, as a mandatory requirement for any site plan application.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2D4h:</b> Achieve a net improvement in ground water recharge volume and maintenance of water quality as required through compliance with and implementation of any related provisions of an adopted regional stormwater plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2D4i:</b> Achieve a net improvement in ground water volume and maintenance of water quality through redevelopment, enhanced infiltration, pretreatment or other means where feasible.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>General Comments:</b> The Highlands Council GIS data indicates that there is a narrow strip along the southern boundary of the parcel features forest serving as a Prime Ground Water Recharge Area. However, review of aerial photography indicates that this area of the parcel is not forested (the adjacent lot contains the forested area). No change is proposed to this area, which is outside of the proposed Highlands Redevelopment Area boundary.			
<b>SUBPART C WATER QUALITY</b>			
<b>Project Area within Wellhead Protection Area?</b> No			
<b>If yes to above, check all that apply:</b> Tier 1 <input type="checkbox"/> Tier 2 <input type="checkbox"/> Tier 3 <input type="checkbox"/>			
<b>Name of Nearest Waterway(s) (1,000 feet of Project Area):</b> No waterway within 1,000 feet of Project Area			
<b>SWQS Classification:</b> N/A			
<b>Description of Impairments, or TMDL:</b> Pequannock River subwatershed has TMDL for Aquatic Life General and Aquatic Life Trout			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 2G2:</b> To reduce or avoid water quality impacts using requirements for water quality protection measures for new land uses through local development review and Highlands Project Review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2G3:</b> To adopt and implement water quality protections through Plan Conformance, local development review and Highlands Project Review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<b>Objective 2G3a:</b> Prohibit land uses that would increase pollutant loadings to waters for which TMDLs have been adopted by the NJDEP unless in compliance with the relevant TMDL.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2G3b:</b> Ensure that new land uses draining to a stream designated as impaired but lacking a TMDL (i.e., Sublist 5) avoid increased pollutant loadings for the parameter or parameters for which a TMDL is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2G3c:</b> Water Quality Management Plans, Wastewater Management Plans or amendments shall demonstrate that the proposed service area will not directly or indirectly support development that would be in violation of an adopted TMDL.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2G5:</b> To adopt and implement stormwater management controls through Plan Conformance, local development review and Highlands Project Review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2G5a:</b> Require recharge of clean stormwater rather than contaminated stormwater wherever feasible to meet stormwater management requirements, and to pretreat contaminated stormwater wherever its recharge is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2G5b:</b> Require Low Impact Development and other Best Management Practices standards for stormwater management to minimize the discharge of stormwater-entrained pollutants to ground and surface waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2G5c:</b> Implement agricultural best management practices for water conservation, water reuse, nutrient and pesticide application, animal waste management, environmental restoration, pollution assessment and prevention, and irrigation efficiency in farm operations for the protection of ground and surface water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2G6c:</b> Require conforming municipal and county master plans and development regulations to incorporate relevant TMDLs, additional water quality protection measures and wellhead protection for public water supply wells and nitrate standards as development standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2H2:</b> To develop and implement, through Plan Conformance, local development review and Highlands Project Review, resource protection measures to protect and enhance ground water and water supply resources within Wellhead Protection Areas consistent with the source water assessments for each water supply source.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2H2a:</b> Prohibit land uses that have a significant potential to result in the discharge of pathogens (including, but not limited to, septic systems and engineered stormwater infiltration from surfaces with significant potential for contact with pathogenic contaminants) to ground water or to the land surface within a designated Tier 1 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality. Require that the construction of sewer lines within Tier 1 of a Well Head Protection Area prevent seepage of untreated sewage into ground water.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2H2b:</b> Prohibit land uses that have a significant potential to result in the discharge of persistent organic or toxic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a designated Tier 2 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2H2c:</b> Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2H4a:</b> Require site specific and municipal stormwater management plans to address wellhead protection requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2H5:</b> To require that conforming municipalities revise master plans and development regulations to address wellhead protection requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2H5b:</b> Restrict development activities that pose threats to the water quality of public water supply wells.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2H5c:</b> Ensure that development activities and existing land use activities implement best management practices to protect the quality of ground water within Wellhead Protection Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2H5d:</b> Amend Areawide Water Quality Management Plans or Wastewater Management Plans for conforming municipalities and counties to ensure that any activity associated with the proposed service area will not adversely affect a Wellhead Protection Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b> There is no waterway (i.e., stream, lake or pond) within 1,000 feet of the project site. Management of stormwater from the proposed parking lot shall be addressed through the HPAA with redevelopment waiver permit process, to be consistent with Policy 2G5 and address water quality impacts to nearby wetlands.			
<b>SUBPART D SUSTAINABLE DEVELOPMENT AND WATER RESOURCES</b>			
<b>WATER UTILITY</b>			
<b>Potable Water Supply?</b> Yes		<b>Domestic?</b> Yes	
<b>Source Water HUC(s):</b>			
<b>Public Community Water System?</b> No		<b>If PCWS, Name of Facility:</b>	
<b>PCWS ID No:</b>		<b>Total Projected Water Demand of Project (MGD):</b>	
<b>Regional Master Plan Goals, Policies, and Objectives:</b>		<b>C</b>	<b>I</b>
<b>Policy 2I1:</b> To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment		<input type="checkbox"/>	<input checked="" type="checkbox"/>

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systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.			
<b>Objective 2I1b:</b> The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2J2:</b> To ensure, through Plan Conformance and Highlands Project Review, that Highlands Public Community Water Systems conform with Policy 2B6.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2J2a:</b> Limit future water system demand and reduce existing demand where feasible by water systems that are dependent on Current Deficit Areas or Existing Constrained Areas as a source of water.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2J2b:</b> Limit future water system demands to levels that will not create a Current Deficit Area where one does not currently exist.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2J3:</b> To identify, through Plan Conformance, the RMP Water Resources Science Agenda and other means, areas of the Highlands Region with existing or imminent threats to public health and safety from contaminated domestic and other on-site water supplies that are of sufficient scale to potentially justify the extension or creation of a public water supply.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2J4:</b> To minimize, through Plan Conformance, local development review and Highlands Project Review, the creation or extension of public water supply systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area, and to allow for the creation or extension of public water supply systems where appropriate within the Existing Community Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2J4a:</b> Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2J4b:</b> Clustered development served by public water supply within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity; 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. To the maximum extent feasible the developed portion (i.e., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2J4c:</b> Allow the expansion or creation of public water systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to Objective 2J4a within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. TDR Receiving Zones, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than expansion of public water service areas within this Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2J4d:</b> All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area will be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<b>Policy 2J5:</b> To prohibit, through local development review and Highlands Project Review, new or increased water resource transfers between subwatersheds unless it is demonstrated that no other option exists to meet public health, safety and welfare objectives and where such transfers do not result in impairment of resources in the subwatershed from which water is proposed to be transferred.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2J7:</b> To require water resource management for all development in the Highlands Region, through local development review and Highlands Project Review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2J7a:</b> Require the maximum feasible water conservation and recycling for any redevelopment or development activity, including renovations to existing single family residences and commercial/industrial buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2J7b:</b> Require consideration of and the cost-effective use of recycled or re-used water rather than potable public water for non-potable purposes such as fountains, and nonessential uses such as golf courses, certain recreational, commercial, or agricultural uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2J7c:</b> Require that new residential development served by public community water systems, be except where also served by septic systems, at a minimum density of 1/2 acre per dwelling unit for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, recreational space), to ensure cost-effective utility service.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2J7d:</b> Require that new non-residential development served by public water systems, except where also served by septic systems, be designed to target a floor area ratio (FAR) of 0.84 for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, recreational lands) to the maximum extent feasible, as a means to maximize parking and employment efficiency and compact development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b> The proposed project does not require additional water supply.			
<b>WASTEWATER UTILITY</b>			
<b>NJPDES Permit Number:</b>	<b>Projected Flow of Project (GPD):</b>		
<b>HDSF Facility? Yes</b>	<b>HDSF Available Capacity (MGD):</b>		
<b>Subject to Allocation Agreement? Yes</b>	<b>Capacity Allocated from HDSF (MGD):</b>		
<b>Extent of HDSF Service Area Included in WMP:</b> Full <input type="checkbox"/> Partial <input type="checkbox"/>			
<b>Wastewater Treatment Facility:</b>			
<b>Service Area:</b>		<b>Wastewater Discharge Flow (MGD):</b>	
<b>NJPDES-DGW:</b> Existing <input type="checkbox"/> Proposed <input type="checkbox"/>	Existing:	Increase:	
<b>NJPDES-DSW:</b> Existing <input type="checkbox"/> Proposed <input type="checkbox"/>	Existing:	Increase:	
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 2I1:</b> To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2I1a:</b> Designated sewer service areas in the Preservation Area shall be restricted to the Existing Area Served as of August 10, 2004, except to serve development that is approved through a HAD or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2I1b:</b> The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2K2:</b> To base projected demand for current needs, appropriate economic revitalization and opportunities for designated TDR Receiving Zones within Existing Areas Served on existing maximum three month demands plus an estimate of redevelopment needs based on either Highlands Council regional analyses or more detailed local analyses, to assess whether there is adequate treatment capacity to encourage redevelopment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2K3:</b> To provide adequate, appropriate, efficient and cost-effective wastewater management to all development in the Highlands Region, through Plan Conformance, local development review and Highlands Project Review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2K3b:</b> Existing wastewater collection and treatments systems which are non-compliant with state water quality standards for wastewater treatment and effluent discharge shall be prohibited from collecting and treating additional wastewater until the treatment systems are fully compliant with State permit requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2K3c:</b> Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<p>1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity;</p> <p>2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or</p> <p>3. To serve a cluster development that meets all requirements of Objective 2K3d.</p>			
<p><b>Objective 2K3d:</b> Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met:</p> <p>1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas;</p> <p>2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity;</p> <p>3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served;</p> <p>4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and</p> <p>5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 2K3e:</b> Allow the expansion or creation of wastewater collection systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to those provided at Objective 2K3c within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. The highest priority for allocation of excess or additional wastewater treatment capacity is to areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served. TDR Receiving Areas, where designated, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than other developments requiring expansion of sewer service areas.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 2K3f:</b> All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Policy 2K4:</b> To ensure the efficiency and cost-effectiveness of public wastewater collection and treatment systems, through Plan Conformance, local development review and Highlands Project Review.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 2K4a:</b> Require that new residential development served by public wastewater collection and treatment systems be at a minimum density of 1/2 acre per dwelling unit for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, and recreational space) to ensure cost-effective utility service.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 2K4b:</b> Require that new non-residential development served by public wastewater collection and treatment systems be designed to target a floor area ratio (FAR) of 0.84 for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, recreational space) to the maximum extent feasible, as a means to maximize parking and employment efficiency and compact development.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 2K4c:</b> Require the use of recycled or re-used water wherever possible including aesthetic purposes and non-potable purposes such as fountains, golf courses, and other recreational, commercial or agricultural uses.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Comments:</b> The proposed project would not generate any additional wastewater: <del>as no building expansion is proposed.</del> Wastewater is and will be handled by an on-site septic system.</p>			

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SEPTIC SYSTEM YIELD					
Proposed Nitrate Target(s) (mg/l):		Annual Recharge Rate Used: Drought <input type="checkbox"/> Average <input type="checkbox"/>			
	Protection Zone	Conservation Zone	Existing Community Zone		
Municipal Septic System Density (acre/unit)					
HC Septic System Density (acre/unit)					
Municipal Septic System Yield (units)					
HC Septic System Yield (units)					
<b>Regional Master Plan Goals, Policies, and Objectives:</b>			<b>C</b>	<b>I</b>	<b>N/A</b>
Policy 2L2: To use the median background nitrate concentrations in ground water in the Highlands Region as a basis for establishing on-site wastewater treatment densities through Plan Conformance, local development review, and Highlands Project Review.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2L2a: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Protection Zone is predominant as the nitrate target for new development reliant on septic systems within the Protection Zone. The median is 0.72 mg/L.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2L2b: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Conservation Zone is predominant as the nitrate target for new development reliant on septic systems within the Conservation Zone. The median is 1.87 mg/L.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2L2c: Use the NJDEP Highlands Preservation Area rules and nitrate thresholds for the Preservation Area.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2L2d: Use a nitrate target of 2 mg/L for the Existing Community Zone within Planning Area, on a project-by-project basis, where new development will rely on septic systems.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2L2e: New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L or any more stringent requirement as required by N.J.A.C. 7:15.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2L3f: Carrying capacity shall be documented through the Land Use Capability Septic System Yield Map as the number of allowable septic systems per Conservation and Protection Zone for each HUC14 subwatershed, taking into account the nitrate target, the HUC14 subwatershed drought ground water recharge, and the acreage that is privately owned, undeveloped or underdeveloped, and not preserved.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2L2g: New residential development utilizing septic systems shall be designed in a manner that ensures that the untreated well water meets the State drinking water quality standards and that minimizes the risk of well contamination due to the flow of septic system plumes within or between developed lots, addressing general ground water flow patterns, major fracture systems and other appropriate geological, geophysical and hydrogeological issues.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The site has an existing septic system. The proposed project would not generate any additional wastewater, <u>as no building expansion is proposed.</u>					
PART 3 AGRICULTURAL RESOURCES					
Area within Agricultural Resource Area? No			Area within Agricultural Priority Area? No		
If yes, percentage? %			If yes, percentage? %		
Project Area includes preserved farmland? No If yes, identify properties (B/L):					
Affects Farm Unit >250 acres? No			Includes Important Farmland Soils? No		
Agricultural Uses? No					
<b>Regional Master Plan Goals, Policies, and Objectives:</b>			<b>C</b>	<b>I</b>	<b>N/A</b>
Policy 3A5: Where it is not feasible to preserve agricultural lands within the ARA by such methods as fee simple acquisition, easement acquisition, or a TDR Program, require mandatory clustering through Municipal Plan Conformance, local development review and Highlands Project Review for residential development in an ARA. Cluster development within the Planning Area that incorporates public or community on-site wastewater utilities shall meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area shall meet the requirements of Policy 2I1 and Objectives 2I1a and 2I1b, and where reliant on septic systems shall meet the requirements of Objective 6I1a.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 3A5a: Implement regulations requiring that cluster or conservation design development proposed within an Agricultural Resource Area support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect Important Farmland Soils, and meet resource management and protection requirements of the RMP.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 3A5b: Implement regulations requiring that all cluster or conservation design development proposed in an Agricultural Resource Area be buffered appropriately with existing natural resources, such as hedgerows or trees, or with new buffers to avoid conflicts between non-agricultural development and agricultural activities, and to protect existing agricultural uses and sensitive			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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environmental resources.			
<b>Objective 3A5c:</b> Implement regulations requiring that all land preserved in perpetuity for environmental protection or agricultural purposes as a result of clustering be subject to a conservation easement enforceable by the Highlands Council and at least one of the following: the appropriate municipality, for agricultural purposes the County Agriculture Development Board or the SADC and for environmental purposes Green Acres or a qualified land trust non-profit organization.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 3A5d:</b> Where the preserved land in the cluster project area is dedicated to agricultural purposes support continued agricultural viability of the agricultural land, encourage that the original or new farmstead remain attached to the preserved land wherever feasible, and require the implementation of best management practices through the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA NRCS, Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 3A6:</b> To permit through local development review and Highlands Project Review limited development, including family and farm labor housing in Agricultural Resource Areas which are necessary to support the viability of the agricultural operation, in coordination with the NJDA and the SADC, and subject to compliance with the resource management and protection requirements of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 3A6a:</b> Implement regulations allowing for construction of ancillary structures and family and farm labor housing that is necessary to support the viability of the agricultural operation, upon a demonstration that the proposed development is consistent with the resource management and protection requirements of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 3C1:</b> To prohibit through Plan Conformance, local development review and Highlands Project Review the development of additional water and wastewater infrastructure in a Agricultural Resource Area (ARA) within the Conservation and Protection Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the preservation of agricultural lands within the ARA.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 3D2:</b> To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of greater than 3% but less than 9%, to develop and implement a Farm Conservation Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 3D3:</b> To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of 9% or greater to develop and implement a Resource Management System Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 3D6:</b> To identify subwatersheds with elevated nitrate levels and develop and implement management plans to enhance water quality in these subwatersheds while maintaining and enhancing agricultural viability.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 3E3:</b> To require conforming municipalities and counties, with farmland preservation programs or a significant agricultural land base, to incorporate Right to Farm provisions, in accordance with N.J.S.A. 4:1C-1 et seq. and N.J.A.C. 2:76-2, in their master plans and development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 3E4:</b> To address agricultural or horticultural development and agricultural or horticultural use through Plan Conformance in accordance with the Right to Farm Act, N.J.S.A. 4:1C-1, and in coordination with the NJDA, the SADC, and the County Agriculture Development Boards (CADB).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b> The site does not feature any agricultural resources.			
<b>PART 4 HISTORIC, CULTURAL, ARCHAEOLOGICAL, AND SCENIC RESOURCES</b>			
<b>Presence of Resources:</b> No	<b>Highlands Historic District Polygons</b> Absence		
<b>Highlands Historic Properties Polygons</b> Absence	<b>Highlands Historic Property Points</b> Absence		
<b>Archaeological Grids</b> Absence	<b>Highlands Scenic Resource Inventory</b> Absence		
<b>Description of Resources:</b>			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 4A3:</b> To ensure through local development review, where a municipality has adopted an historic preservation ordinance under Policy 4C2, that human development does not adversely affect the character or value of resources which are listed on the Highlands Historic and Cultural Resource Inventory to the maximum extent practicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 4A3a:</b> All development and redevelopment applications shall include submission of a report identifying potential historic, cultural and/or archaeological resources on the subject property or immediately adjacent properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 4A4:</b> To require that the impact of proposed human development on the historic and cultural resources of the Highlands Region be addressed during local development review and Highlands Project Review and approval.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 4A4a:</b> All applications for site plan or subdivision approval shall include identification of any cultural, historic or archaeological resources in the Highlands Region, which are listed on the Highlands Historic and Cultural Resource Inventory and may be affected by the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 4A4b:</b> Where a municipality has adopted an historic preservation ordinance under Policy 4C2, all development which affects identified cultural, historic sites/districts, or archaeological resources shall comply with minimum standards for the preser-	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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vation of the affected resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 4B5:</b> To require that the impact of proposed human development on the scenic resources of the Highlands Region be addressed during local development review and Highlands Project Review and approval.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 4B5a:</b> All development applications shall include identification of any scenic resources in the Highlands Region that are listed on the Highlands Scenic Resources Inventory and may be affected by the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 4B5b:</b> All development which affects identified scenic resources shall comply with minimum standards for the preservation of the affected resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 4B5c:</b> Any proposed action that requires federal permits, involves federal grants, or involves other federal actions that may impact the resource values of the Musconetcong National Scenic and Recreational River and the Lower Delaware National Scenic and Recreational River, pursuant to section 10(a) of the National Wild and Scenic Rivers Act, shall require review by the National Park Service, National Wild and Scenic Rivers Program.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b> The site does not feature any historic, cultural, archaeological, or scenic resources.			
<b>PART 5 TRANSPORTATION</b>			
<b>Project supports local transportation/transit infrastructure?</b> NA			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 5B2:</b> To require through Plan Conformance and Highlands Project Review an evaluation of potential growth inducing effects such as substantial new land use, new residents, or new employment that could occur as a result of road improvements for increased motorized vehicle traffic capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 5B3:</b> To prohibit through Plan Conformance and Highlands Project Review road improvements in the Highlands Region in areas for which a Growth Inducing Study demonstrates that proposed improvements do not support the RMP resource protection and smart growth policies and are likely to be growth-inducing for lands with limited or no capacity to support human development without an adverse impact on the Highlands ecosystem.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 5C3:</b> To limit road improvements through local development review and Highlands Project Review where roads are constrained by topography, forested lands or the community character of land uses fronting on the road.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b> The project does not include or require any road improvements.			
<b>PART 6 FUTURE LAND USE</b>			
<b>SUBPART A LAND USE CAPABILITY ZONES</b>			
<b>Project Area within which Land Use Capability Zone or Sub-Zone?</b> (check all that apply):			
Protection Zone <input type="checkbox"/> Conservation Zone <input type="checkbox"/> Existing Community Zone <input checked="" type="checkbox"/>			
Conservation – Environmentally Constrained Sub-Zone <input type="checkbox"/> Existing Community – Environmentally Constrained Sub-Zone <input type="checkbox"/>			
Lake Community Sub-Zone <input type="checkbox"/> Wildlife Management Sub-Zone <input type="checkbox"/>			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 6C1:</b> To limit new human development in the Protection Zone to redevelopment, exempt activities, and environmentally-compatible low density new land uses, in accordance with RMP resource protection needs and water quality and quantity capacity constraints and to ensure that the impacts of development using exemptions under the Highlands Act (see Policy 7F1) are considered in regional protection measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 6C1a:</b> Centers in the Protection Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6C2:</b> To ensure through Plan Conformance, local development review and Highlands Project Review that any future development or redevelopment which does occur in a Protection Zone is subject to standards and criteria which protect the land and water resources of the Protection Zone from any potential adverse impact to the maximum extent possible.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6D3:</b> To limit through Plan Conformance, local development review and Highlands Project Review the use and development of lands within the Conservation Zone to agriculture use and development, including ancillary and support uses, redevelopment of existing developed areas, and environmentally-compatible low density land uses that are to the maximum extent possible achieved in compact development patterns, to be designed and developed in a manner which is compatible with the long term use of adjacent land for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 6D3b:</b> Centers in the Conservation Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6F3:</b> To ensure that development activities within the Existing Community Zone are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principles and do not adversely affect natural resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 6F4:</b> To ensure that development and redevelopment within the Existing Community Zone are served by adequate public facilities including water supply, wastewater treatment, transportation, educational and community facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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<b>Policy 6F5:</b> To ensure that development and redevelopment in the Existing Community Zone are compatible with existing community character.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 6F6a:</b> Center based development initiatives shall be planned within the Existing Community Zone at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan. Densities of five dwelling units and above are encouraged, and are required in areas designated as voluntary TDR Receiving Zones where TDR benefits are sought under the Highlands Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b> The parcel is located in the Existing Community Zone. Construction of the proposed parking facility would not adversely affect natural resources, as the area is already disturbed. Management of stormwater from the proposed parking lot shall be addressed through the HPAA with redevelopment waiver permit process, to be consistent with Policy 2G5 and 6N2.			
<b>SUBPART C REGIONAL GUIDANCE FOR DEVELOPMENT AND REDEVELOPMENT</b>			
<b>Regional Master Plan Goals, Policies, and Objectives:</b> (it is important to note the policy regarding discretionary growth - Policy 6H7 Provisions and standards relating to regional growth activities which increase the intensity of development shall be discretionary for conforming municipalities and counties):	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 6H1:</b> To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 6H1b:</b> Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone and Environmentally Constrained Sub-Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the protection of agricultural and environmentally sensitive resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 6H1d:</b> Cluster and conservation design development plans and regulations shall consider existing community character, incorporate smart growth design principles, and require Low Impact Development including but not limited to: locating development adjacent to existing infrastructure such as water, wastewater, transportation, and public facilities to limit the degree of new impervious surface, and permitting smaller residential lots in order to incorporate community open space and existing natural resources into the design.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6H3:</b> To require conforming municipalities to include site development programs, such as clustering and lot averaging, to protect natural and agriculture resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6H6:</b> To integrate public parks and green spaces into development and redevelopment projects and ensure restoration of impaired natural resources to the extent required by law, at a minimum, and where feasible to a greater extent to maximize long term value of the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6H7:</b> Provisions and standards relating to regional growth activities which increase the intensity of development shall be discretionary for conforming municipalities and counties.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6H8:</b> Regional growth, where accepted through local planning and regulations, should identify opportunities to maximize land use intensity while protecting natural features and community character.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 6H8a:</b> Development and redevelopment initiatives shall encourage the use of Highlands Development Credits as a means to enhance the existing or adjacent community while protecting local and regional natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 6H8b:</b> Preparation and implementation of standards ensuring that development protects environmentally sensitive resources in all Land Use Capability Zones and Sub-Zones.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6H9:</b> To incorporate smart growth principles and green building design and technology in development and redevelopment initiatives.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b> With respect to smart growth principles and green building design, management of stormwater from the proposed parking lot shall be addressed through the HPAA with redevelopment waiver permit process.			
<b>SUBPART D REDEVELOPMENT</b>			
<b>Locally Designated Redevelopment Area?</b> No If yes, name of site(s):			
<b>Highlands Designated Redevelopment Area?</b> Proposed If yes, name of site(s):			
<b>Highlands Contaminated Site Inventory Tier 1 or Tier 2 Site(s)?</b> No If yes, name of site(s):			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 6J1:</b> To encourage Preservation Area redevelopment of sites with 70% or greater impervious surfaces or a brownfield in areas designated by the Highlands Council as Highlands Redevelopment Areas in accordance with N.J.A.C 7:38-6.6 and 6.7.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 6J2:</b> To encourage redevelopment in the Existing Community Zone in the Planning Area of brownfields, grayfields, and other previously developed areas that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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<b>Policy 6J3:</b> To encourage redevelopment in the Conservation and Protection Zones in the Planning Area of brownfields and grayfields that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6L1:</b> To require that conforming municipalities identify any development, redevelopment, and brownfield opportunities in the local land use plan element of their master plans, as appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6L2:</b> To require that conforming municipalities amend development regulations and zoning to enable project implementation of local redevelopment initiatives that are identified under Policy 6L1 and locally endorsed through Plan Conformance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 6L2a:</b> Municipal review of local redevelopment projects consistent with RMP smart growth and Low Impact Development policies and objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 6M1:</b> Encourage and support the restoration and redevelopment or open space use of contaminated areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b> With respect to Low Impact Development objectives, management of stormwater from the proposed parking lot shall be addressed through the HPAA with redevelopment waiver permit process. This proposal directly addresses the purposes of Policy 6J1 and 6J2.			
<b>SUBPART E SMART GROWTH</b>			
<b>Is the municipality involved in the State Planning Commission Plan Endorsement (PE) process?</b> No			
<b>If yes, status of PE process:</b>			
<b>Does the project area include a State Planning Commission designated or expired center?</b> No			
<b>If yes, center expiration date:</b> 00/00/0000			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 6N2:</b> To require municipalities and counties to adopt stormwater management Low Impact Development standards to preserve or mimic the natural hydrologic features and characteristics of the land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 6N2a:</b> Implementation of on-site stormwater management features that maintain, restore and enhance the pre-existing natural drainage patterns of the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 6N2b:</b> Limitations on the amount of impervious cover allowed on a site as a means to protect and increase stormwater infiltration and reduce stormwater runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 6N2c:</b> Minimum requirements for site-specific hydrologic studies during local development review and Highlands Project Review which identify the velocity, volume and pattern of water flow into, through, and off of the parcel proposed for development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 6N2d:</b> Minimum requirements that stormwater management systems employ a "design with nature" approach.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 6N2e:</b> Minimum requirements for use of grass channels, dry swales, wet swales, infiltration basins, bio-swales and water gardens, green roofs, and other low impact approaches to attenuate and control stormwater and provide multiple environmental benefits.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6N3:</b> To require through Plan Conformance that municipalities and counties adopt Low Impact Development practices to minimize land disturbance during construction activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6N4:</b> To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6N5:</b> To require through Plan Conformance that municipalities and counties incorporate programs for community and neighborhood design that support a variety of housing options, mixed uses, redevelopment, adaptive re-use of historic sites and structures, and infill development in their master plans and development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b> Management of stormwater from the proposed parking lot shall be addressed through the HPAA with redevelopment waiver permit process. The proposed parking lot should be designed to incorporate low impact development stormwater management techniques, including vegetated areas to control runoff and assist recharge. Any demolition and construction activities should be managed to minimize impacts to the surrounding environment.			
<b>SUBPART F HOUSING AND COMMUNITY FACILITIES</b>			
<b>Does the project area include an affordable housing site?</b> No <b>3<sup>rd</sup> Round Status:</b> Petition			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 6O7:</b> To require that conforming municipalities implement both the resource protection requirements of the RMP along with the New Jersey Supreme Court's doctrine, in its Mount Laurel decisions, that every municipality in a "growth area" has a constitutional obligation to provide through its land use regulations, sound land use, and long range planning, a realistic opportunity for a fair share of its region's present and prospective needs for housing for low and moderate income families.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<b>Policy 6O8:</b> To require that conforming municipalities update and adopt a housing element, fair share plan, and implementing ordinance(s) to reflect current conditions and resource protection requirements of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 6O8a:</b> Conforming municipalities, through housing plans, will evaluate and provide for alternate mechanisms to address affordable housing obligations where RMP resource protection standards restrict the ability of planned but not built sites to be developed for affordable housing.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b> N/A – the proposed project is construction of a parking lot			
<b>PART 7 LANDOWNER EQUITY</b>			
<b>Is the project exempt from the Highlands Act?</b> No			
<b>Does the project support the use of Highlands Development Credits?</b> No			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Objective 7F1c:</b> Preservation Area exemptions issued by the NJDEP in accordance with N.J.A.C. 7:38, shall be required, where appropriate, prior to consideration of a local development review or a Highlands Project Review. Guidance shall specify the exceptions where a review may proceed absent an exemption determination from the NJDEP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 7F1d:</b> Planning Area exemptions, issued by the Highlands Council, shall be required, where appropriate, prior to consideration of a local development review or a Highlands Project Review. Guidance shall specify the exceptions where a review may proceed absent such an exemption determination. Applications for exemptions submitted to the Highlands Council shall be based upon the application requirements exemptions codified in N.J.A.C. 7:38.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 7F1f:</b> Activities authorized under exemptions #9 and #11, which require a finding that the activity is consistent with the goals and purposes of the Highlands Act, shall be based upon a finding that the proposed activities are consistent with Highlands Act, the RMP, any rules or regulations adopted by the NJDEP pursuant to the Highlands Act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 7G1:</b> For the Preservation Area, coordinate with NJDEP during Highlands permit review for any major Highlands development including the review of waivers on a case-by-case basis: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 7G2:</b> For both the Preservation Area and the Planning Area, a waiver may be issued by the Highlands Council on a case-by-case basis from the requirements of the RMP or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation. Any waiver issued shall be conditioned upon a determination that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 7G3:</b> For both the Preservation Area and the Planning Area during local development review, any variance or exception issued shall be conditioned upon a written determination, specifically included in an approving resolution, that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b> The applicant is applying to the Highlands Council for a Highlands Redevelopment Area designation in a previously developed area, and will then seek an HPAA with redevelopment waiver from NJDEP, consistent with Policy 7G1.			
<b>PART 8 SUSTAINABLE ECONOMIC DEVELOPMENT</b>			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 8A1:</b> To maintain and expand the existing job and economic base by promoting appropriate, sustainable, and environmentally compatible economic development throughout the Highlands Region.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 8A2:</b> To preserve the high quality of life in the Highlands Region through economic planning of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 8A3:</b> To identify and pursue state and federal programs that offer financial and/or technical assistance for sustainable economic development in the Highlands Region.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 8A5:</b> To advocate for appropriate public investment in the Highlands Region through the strategic location of public facilities and institutions that will spur sustainable and appropriate economic activity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 8A6a:</b> Coordinate with municipalities and counties as local and regional strategies are developed to improve the tax base and to create jobs and economic opportunities consistent with the policies and objectives of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 8A1:</b> To promote recreation and tourism based economic initiatives, which derive economic benefit from sustainable use of the natural resources of the Highlands Region.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b> Expansion of parking area for the existing tenants has been proposed to accommodate commercial tenants.			
<b>CONCLUSION</b>			
This application is for a Highlands Redevelopment Site Designation wherein the Council designates an area			

Project Name: Block 15901 Lot 1, West Milford Proposed Highlands Redevelopment Area

Date: ~~April 17~~ May 12, 2009

Name of Applicant: Oak Ridge Road Associates, L.L.C.

Page: 21

for redevelopment activities; the second part of the process is that the applicant requests waivers from resources affected by the proposal in order to retain economic viability.

The proposed project is consistent with the Highlands Act and Highlands Council procedures regarding designation of a Highlands Redevelopment Area with at least 70% existing impervious surface. It is inconsistent with Policy 1D4 and Objectives 1D4b and 1D4c as it entails encroachment into a Highlands Open Waters buffer (though it is noted that the Highlands Open Water, a wetland, is across the street and up gradient from the project site and that the buffer on the project site is currently disturbed.) Construction of the proposed parking lot within the disturbed HOW buffer must be addressed through the redevelopment waiver process under N.J.A.C. 7:38. Stormwater regulations also must be followed in the project design upon HPAA with redevelopment permitting.



JON S. CORZINE  
Governor

## State of New Jersey

Highlands Water Protection and Planning Council  
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Chester, New Jersey 07930-2322  
(908) 879-6737  
(908) 879-4205 (fax)  
www.highlands.state.nj.us



JOHN R. WEINGART  
Chairman

EILEEN SWAN  
Executive Director

### Highlands Council Staff ~~Draft~~Final Recommendation Report Proposed Highlands Redevelopment Area Designation Block 15901 Lot 1, West Milford

Date: ~~April 17~~May 12, 2009

Re:	Application Type:	<i>Proposed Highlands Redevelopment Area Designation</i>
	Name:	<i>Block 15901 Lot 1, Township of West Milford</i>
	Municipality:	<i>Township of West Milford</i>
	County:	<i>Passaic</i>
	Highlands Act Area:	<i>Preservation Area</i>
	LUCM Location:	<i>Existing Community Zone</i>
	Property:	<i>Block 15901 Lot 1</i>
	Proposed Use:	<i>Existing industrial facility with parking lot expansion</i>

#### 1.0 PROJECT DESCRIPTION

The applicant owns a parcel at 209 Oak Ridge Road in West Milford (Block 15901 Lot 1). The parcel is located in the Existing Community Zone of the Preservation Area. Most of the site is disturbed and features existing buildings and parking areas (both paved and gravel). The eastern portion of the site features lawn and some ornamental trees. The applicant proposes to construct an approximately 20,000-square foot parking lot in the eastern portion of the site, as the current parking is considered inadequate for the size of the existing buildings and has resulted in the loss of tenants for this reason. Access would be from the existing parking area near the rear of the main building. Almost half of the parcel (the northern half) is within a Highlands Open Waters buffer (for a wetland across the street from the parcel); no Highlands Open Waters exist on the site. Nearly all of the HOW buffer, and all of the area proposed for the parking lot, is currently disturbed, with buildings, lawn and gravel areas. The Highlands Council GIS data indicate that there is a narrow strip along the southern boundary of the parcel that features Forest within a Forest Resource Area, Critical Habitat, and Prime Ground Water Recharge Area. However, review of aerial photography indicates that this area of the parcel is not forested (the adjacent lot contains the forested area) and consists of paved parking area and maintained lawn. No change is proposed to this area. No additional buildings or building expansions are proposed.

~~April 17~~ May 12, 2009

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## 2.0 ADMINISTRATIVE PROCESS

With respect to administrative process and history, the applicant first informally consulted with Highlands Council staff in December 2007. One of the applicant's tenants at that time had expressed need for an additional parking area. The applicant wished to explore potential options with Council staff, understanding that the parcel is located in the Highlands Preservation Area. Council staff explained both Exemption #4 (125% exemption) and the Highlands Preservation Area Approval (HPAA) with redevelopment waiver process, though staff explained that at that time (December 2007), the Regional Master Plan had yet to be adopted, nor had the Highlands Council Procedures for Highlands Redevelopment Area Designations been adopted by the Highlands Council. The Council staff also explained that the municipality had conducted a pilot (MP3) redevelopment study and that they had identified his parcel as being part of a "potential redevelopment" area. It was agreed that an appropriate next step at that time would be for the applicant to consult with the municipal planning department.

In late 2008, the applicant again met informally with Council staff (which constituted the "Redevelopment Area Designation Inquiry Meeting", as described in the Procedures for Highlands Redevelopment Area Designations, October 2008). The applicant informed the staff of a continued desire to pursue construction of a new parking lot to address the needs of tenants. He had determined that the 125% exemption would not facilitate his parking needs due to the one-quarter acre limitation (approximately 11,000 square feet) and he wanted to further explore the Highlands Redevelopment Area designation process. Council staff provided the applicant the Council-adopted *Procedures for Highlands Redevelopment Area Designations* (October 2008) and explained the procedures. The applicant subsequently submitted the required application materials for a Petition for Highlands Redevelopment Area Designation and requested a Pre-application Meeting to the Highlands Council staff on December 16, 2008. The Council staff determined that the application was administratively complete for such a meeting. The Pre-application Meeting was held between the staff and the applicant on January 7, 2009; no other parties were involved. A summary of the issues discussed during the Pre-application Meeting is attached to this staff recommendation report.

On February 6, 2009, the applicant submitted a revised site plan in electronic format (revised to reflect Council staff instructions, as described in the attached meeting report). The Council staff determined that the application was administratively complete (i.e., it met the submittal requirements outlined in the Procedures for Highlands Redevelopment Area Designations, October 2008) and sufficient for the staff to commence a technical review. As is the case for all Highlands Council staff project reviews, members of the public are invited to make an appointment with Council staff to review project files and all application materials.

Prior to completing the draft Consistency Determination and this draft Staff Recommendation Report, Highlands Council staff contacted Mayor Bettina Bieri of West Milford to describe the proposed project and to invite comments. The service list for the project (i.e., a listing of interested parties) includes the Mayor and Township Administrator, the Passaic County Director of Planning and the County Engineer, the NJDEP, the applicant and the applicant's consultant. All were notified of the Highlands Council meeting to initially discuss the project and all were notified when the draft Consistency Determination and this draft Staff Recommendation Report were posted on the Highlands Council website for public comment (on April 17, 2008). The public comment period

closed on May 8, 2009, with one comment received. A summary of public comments and staff responses is provided as a separate document.

### 3.0 SMART GROWTH AND SUSTAINABLE ECONOMIC DEVELOPMENT CONSIDERATIONS

Given that redevelopment is one of the major opportunities for sustainable economic development and smart growth in the Highlands Region, the proposed redevelopment project was reviewed for policies and objectives relevant to smart growth and sustainable economic development. The RMP calls for economic development that is “sustainable over time,” and not dependent on “development of undeveloped lands.” The proposed redevelopment seeks to expand the parking surface to accommodate future tenants who would not be adequately served by the existing parking lot. The achievement of the smart growth goal must look beyond the immediate need for additional parking and respond to the future impacts of that increased parking. Specifically the applicant must address stormwater collection and recharge. The “Conceptual Plan” indicates that there are currently oak trees located where the new parking lot will be placed, but the “Conceptual Parking Layout” does not indicate any new plantings or landscape beds that may be able to capture stormwater. Future detailed drawings should include low impact development techniques, such as bioretention beds, to capture and recharge stormwater. Additionally, construction activities should be managed to minimize impacts to the surrounding environment.

Economic development policies advocate the creation and maintenance of jobs to benefit the local community and/or the region. The applicant has explained that a tenant was lost due to inadequate parking, resulting in a conclusion that the proposed additional parking facility will support future tenant operations and an improved economic situation.

The support and active participation of local governing bodies is encouraged for redevelopment projects. Such support is not a mandatory component of redevelopment designation. Although the Township of West Milford identified the subject parcel as part of a potential redevelopment area in their MP3 report, “Identification of Redevelopment Potential,” the applicant has not submitted any formal endorsement or support from the local governing body. Input from the Township of West Milford is being sought through this public comment period.

### 4.0 FINDINGS AND RECOMMENDATIONS

Council staff reviewed the complete application package. Council staff analyzed tThe electronic site plan was analyzed to verify the reported sizes of the proposed Highlands Redevelopment Area and the areas of impervious surface. Findings include:

- **Impervious Surface Requirement:** The calculations were verified and the proposed Highlands Redevelopment Area was found to contain at least 70 percent impervious surface.
  - Existing Impervious Surface = 94,933 square feet (sq ft)
  - Allowable Highlands Redevelopment Area = 135,618 sq ft
  - Proposed Highlands Redevelopment Area = 135, 208 sq ft
- **Resource Assessment:** Based upon a review of the site plan and Highlands Council GIS data layers, approximately half of the proposed parking lot would encroach upon a portion of an existing disturbed Highlands Open Waters buffer (for a wetland across the street and upgradient from the parcel. The site of the proposed parking lot is approximately 200 feet

from the wetland across the street). The proposed project (i.e., parking lot construction for existing commercial building) does not require additional potable water and would not generate any additional wastewater, as no building expansion is proposed. Thus, it would have a de minimis impact on water resources and would not cause or contribute to a significant degradation of surface or ground waters.

- Smart Growth and Sustainable Economic Development:** The current application represents a fairly simple redevelopment project. Expansion of the parking area for the existing commercial building has been proposed to accommodate commercial tenants. The expansion should be designed to incorporate low impact development stormwater management techniques, including vegetated areas to control runoff and assist recharge. Any demolition and construction activities should be managed to minimize impacts to the surrounding environment.

The Highlands Act allows a waiver of any provision of a Highlands permitting review on a case-by-case basis for a redevelopment proposal, conditioned upon the finding that it meets the requirements of the narrative criteria described in Section 36 of the Act (N.J.S.A 13:20-34). It is the opinion of the Council staff that the proposed project meets these criteria, which are addressed as follows:

Requirement	Staff Analysis
1) would have a de minimis impact on water resources and would not cause or contribute to a significant degradation of surface or ground waters;	The proposed project does not require additional potable water and would not generate any additional wastewater.
2) would cause minimal feasible interference with the natural functioning of animal, plant and other natural resources;	The project would not encroach into the narrow strip <u>of land that is adjacent to the parcel to the south along the southern boundary of the site</u> that features Forest within a Forest Resource Area, Critical Habitat, and Prime Ground Water Recharge Area.
3) will result in minimum feasible alteration or impairment of the aquatic ecosystem;	The Highlands Open Water is across a street <u>and upgradient</u> from the property, and the HOW buffer is currently disturbed. Stormwater regulations must be followed in the project design upon permitting (see response to #7).
4) will not jeopardize the continued existence of endangered animal or plant species;	See response to #2
5) is located or constructed as to neither endanger human life or property nor otherwise impair public health, safety and welfare;	The proposed Highlands Redevelopment Area is compatible with existing municipal zoning. The site is located in the Existing Community Zone; it is the policy of the RMP to promote compatible development and redevelopment within the Existing Community Zone.
6) would result in minimal practicable degradation	No resources of this type are known to be

Requirement	Staff Analysis
of unique or irreplaceable land types, historical or archaeological areas, and existing public scenic attributes; and	affected by the project.
7) meets all other applicable NJDEP standards, rules, and regulations and State laws.	Compliance with all remaining NJDEP standards will be addressed through the HPAAs with redevelopment waiver permit process.

It is the Council staff's draft recommendation that the Council approve the proposed Highlands Redevelopment Area designation with the conditions that the disturbance of the Highlands Open Water buffer be minimized to only affect the area necessary for the new parking lot, that the new parking lot be located such that it minimizes the creation of impervious surface within the Highlands Open Water Buffer, that the remainder of the property outside of the proposed Redevelopment Area be deed restricted, and that the stormwater regulations must be followed in the project design upon HPAAs with redevelopment permitting, as part of the NJDEP permitting process. The Highlands Council ~~anticipates~~ expects that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques and a construction implementation plan that minimizes disturbance during and after construction.

Attachments

- Pre-application meeting notes
- Consistency Determination
- Maps

**Redevelopment Area Designation Pre-application Meeting**

Date: January 7, 2009  
Time: 11:00 am  
Location: Highlands Council Office in Chester, NJ  
Re: Application for Redevelopment Area Designation – West Milford Block 12901 Lot 1

**Attendees:**

Highlands Council Staff	Applicant
Dan Van Abs Chris Ross	Bud Schwartz

**Introduction**

The applicant owns a parcel at 209 Oak Ridge Road in West Milford (Block 15901 Lot 1). The parcel is located in the Existing Community Zone of the Preservation Area. Much of the site is disturbed and features existing buildings and parking areas. The eastern portion of the site features lawn and some ornamental trees. The applicant proposes to construct a parking lot in the eastern portion of the site (he had determined that the 125% exemption – Exemption #4 – would not facilitate his parking needs). Almost half the site (the northern half) is within a Highlands Open Waters buffer (for a wetland across the street from the parcel); no Highlands Open Water exists on the site. A narrow strip along the southern boundary of the site features Forest within a Forest Resource Area, Critical Habitat, and Prime Ground Water Recharge Area.

On December 16, 2008, the applicant submitted to Highlands Council staff an application for a proposed Redevelopment Area Designation. The Council staff deemed the application to be administratively complete, but identified issues with the submitted site plan. Council staff called to notify the applicant of the issues with the site plan. The applicant requested a meeting with the staff to resolve those issues and it was agreed that this meeting would serve as the project pre-application meeting.

**Summary of Meeting**

The applicant and Council staff reviewed the submitted site plan. The staff noted the following issues:

- calculations of impervious surface (to contribute to the required 70% impervious of the Redevelopment Area) included relatively small areas of impervious surface located outside of the proposed Redevelopment Area. The staff instructed the applicant to have these areas excluded from the calculations
- the proposed Redevelopment Area line tightly hugged the footprint of some of the existing buildings. The staff recommended that since the area outside of the proposed Redevelopment Area line will be deed restricted, that the applicant should include some minor space between the building and the line to give the applicant the ability in the future to conduct work on the buildings
- the existing septic fields were not included in the proposed Redevelopment Area. The staff instructed the applicant to include the existing septic fields in the proposed Redevelopment Area, as the applicant will need to retain the ability to conduct routine maintenance on the septic system (noting that the area outside of the Redevelopment Area will be deed restricted).

**Public Comments Received on the  
Draft Consistency Determination and Staff Recommendation Report for  
Proposed Highlands Redevelopment Area Designation Block 15901 Lot 1, West Milford**

**Public Comments**

One public comment letter was received, from the Association of New Jersey Environmental Commissions (ANJEC). Following is a summary of the comments provided.

- Supports the concept of designating redevelopment areas and the subsequent process of development review by the NJDEP. Is concerned, however, that the process used to grant redevelopment area status be thorough and transparent and that it involve the local government to the maximum extent possible.
- Feels that strict adherence to the “*Procedures for Highlands Redevelopment Area Designations*” (Oct 30, 2008) should be a requirement. Based on the information made available to the public, it is not clear if all required application materials were submitted by the applicant. Believes that all application materials must be made available for public review.
- States that it is not possible to determine the source of water and sewer treatment for the project from the materials submitted. The locations and capacities of these fundamental site features should be made available to the public on this and all applications for redevelopment area designations.
- States that the application indicates that there will be no increase in either water or sewer demand. Believes that the provision of additional parking may have an impact on both factors as there may be an increase of employees or visitors, which may result in increases in water demand and sewer flows. The materials available for review make no mention of capacity of the existing system, the increases expected, or the location of the septic field.
- Believes that a lot as large as, or nearly as large as the proposed lot could be located on the property without impacting the Highlands Open Water buffer, and would like that considered.
- States that based on the Council’s mapping, the wetland across the street is not an on-stream wetland, having no mapped inflow or outfall channels. This suggests that the wetland may be vernal in nature. Requests that the wetlands should be field checked to determine whether it is a vernal pool or not. As no topographic mapping was made available to the public, it was not possible to determine which direction stormwater leaving the proposed project would flow. There was also no soils information available to the public to determine if recharge-based storm water treatment systems could reasonably be expected to be used.
- As an overall comment, for the reasons summarized above, does not believe that the project meets all the requirements for a redevelopment area designation.
- As an overall concern, states that viewing such a designation as simply another type of exemption (the only rationale for the increased parking beyond the 11,000 square feet allowed under the exemption is the applicant’s desire) will not result in effective,

environmentally sound redevelopment. Feels that the project is simply the addition of a parking lot that meets none of the Smart Growth or LID requirements of the RMP.

- Urges that the Council strengthen its redevelopment designation process and strongly suggests that the denial of this particular request would be reasonable.

### **Revisions to Staff Draft Recommendation Report**

As a general response, the Highlands Redevelopment Area designation is not a site plan review process, which will occur at the municipal level and as part of NJDEP's review of the HPAA with redevelopment waiver. The Highlands Council approves a boundary for the Highlands Redevelopment Area, following which the regulatory agencies determine whether the specific development approval can be accommodated in conformance with all applicable ordinances and regulations. Regarding specific comments provided: the wetlands is not a NJDEP-certified vernal pool; the septic system location is shown on the site map provided (in between the main building and the road); and both water supply and the septic system are on-site. Following is a listing of the revisions that were made to the draft Staff Recommendation Report:

- The second informal meeting with the applicant was identified as the "Redevelopment Area Designation Inquiry Meeting", consistent with the *Procedures for Highlands Redevelopment Area Designations*, October 2008.
- It was clarified that the staff found that the application met the submittal requirements as outlined in the *Procedures for Highlands Redevelopment Area Designations*, October 2008. A sentence was added stating that as is the case for all Highlands Council staff project reviews, members of the public are invited to make an appointment with Council staff to review project files and all application materials.
- A paragraph was added to detail the transparency with which the Proposed Redevelopment Area Designation process for this project has been conducted.
- A sentence was added at the beginning of the Findings and Recommendations section (Section 4.0), stating that the Council staff reviewed the complete application package.
- In the Findings and Recommendations section under Resource Assessment, it was clarified that the wetland across the street is upgradient from the subject parcel. Further under Resource Assessment, a few sentences were added which stated that the proposed parking lot project does not require additional potable water and would not generate any additional wastewater, as the building size is not being increased. Thus, it would have de minimis impact on water resources and would not cause or contribute to a significant degradation of surface or ground waters.
- In the table on page 4 of the Draft Staff Recommendation Report, the text in Row 2 of the table under Staff Analysis was clarified to state that the strip of land that features Forest within a Forest Resource Area, Critical Habitat, and Prime Ground Water Recharge Area is not on the parcel but to the south. Also in that table in Row 3, it is clarified that the Highlands Open Waters across the street is upgradient of the subject parcel.

**RESOLUTION 2009-44**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**DESIGNATION OF HIGHLANDS REDEVELOPMENT AREA**  
**OAK RIDGE ROAD ASSOCIATES L.L.C.**

**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 9 and 11 of the Highlands Act, N.J.S.A. 13:20-9.b. and N.J.S.A. 13:20-11.a.(6)(h), specifies that in preparing the Highlands Regional Master Plan (RMP), the Highlands Council may, in conjunction with municipalities in the Preservation Area, identify areas in which redevelopment shall be encouraged and shall identify areas appropriate for redevelopment in order to promote the economic well-being of the municipality, provided that the redevelopment conforms with the goals of the Preservation Area and the Highlands Act, with the rules and regulations adopted by the Department of Environmental Protection (NJDEP), and any area so identified for possible redevelopment shall be either a brownfield site designated by the NJDEP or a site at which at least 70% of the area thereof is covered with impervious surface; and

**WHEREAS**, Section 35 of the Highlands Act, N.J.S.A. 13:20-33.b.(2), authorized NJDEP to grant a waiver of any provision of a Highlands permitting review on a case-by-case basis for redevelopment in certain previously developed areas in the Preservation Areas identified by the Highlands Council pursuant to Section 9.b. or Section 11.a.(6)(h); and

**WHEREAS**, the NJDEP had adopted rules at N.J.A.C. 7:38-1.1 et seq. (Highlands Rules) governing the NJDEP's review of projects in the Highlands Region; and

**WHEREAS**, the Highlands Rules, at N.J.A.C. 7:38-6.4, specifies that as provided for in Highlands Act, the NJDEP may waive any provision of the rules for redevelopment in certain previously developed areas in the Preservation Area identified by the Highlands Council pursuant to the Highlands Act; and

**WHEREAS**, the Highlands Council prepared and adopted Procedures for Highlands Redevelopment Areas Designation (Procedures) by Resolution 2008-43 dated October 30, 2008; and

**WHEREAS**, the Applicant, Oak Ridge Road Associates L.L.C., West Milford Township, Block 15901 Lot 1, submitted a Petition for Highlands Redevelopment Area Determination on December 16, 2008; and

**WHEREAS**, on February 6, 2009, the Highlands Council staff, following the Procedures, determined that the application was administratively complete and sufficient for the staff to commence a technical review; and

**WHEREAS**, the Highlands Council released the Highlands Council Staff Draft Recommendation Report Proposed Highlands Redevelopment Area Designation Block 15901 Lot 1, West Milford, dated April 17, 2009 (Draft Recommendation Report) for public comment; and

**RESOLUTION 2009-44**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**DESIGNATION OF HIGHLANDS REDEVELOPMENT AREA**  
**OAK RIDGE ROAD ASSOCIATES L.L.C.**

**WHEREAS**, the Highlands Council held a public comment period concerning the proposed Highlands Redevelopment Area Designation commencing April 17, 2009 and ending May 8, 2009; and

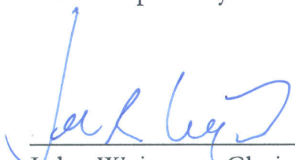
**WHEREAS**, the Highlands Council staff duly considered the Draft Recommendation Report and all public comments; and

**WHEREAS**, after Highlands Council staff review, staff recommended that the Highlands Council approve the proposed Highlands Redevelopment Area Designation with conditions set forth in the Highlands Council Staff Final Recommendation Report Proposed Highlands Redevelopment Area Designation Block 15902 Lot 1, West Milford, dated May 15, 2009 (Final Recommendation Report);

**NOW, THEREFORE, BE IT RESOLVED**, the Highlands Council hereby approves of the Oak Ridge Road Associates L.L.C.'s Highlands Redevelopment Area Designation with conditions as set forth in the Final Recommendation Report and authorizes the Executive Director to prepare a document so informing the NJDEP of the Highlands Redevelopment Area Designation.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 25<sup>th</sup> day of June, 2009.

  
\_\_\_\_\_  
John Weingart, Chairman

**Vote on the Approval of this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Calabrese						✓
Councilmember Carluccio				✓		
Councilmember Cogger			✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Pasquarelli				✓		
Councilmember Peterson			✓			
Councilmember Schrier			✓			
Councilmember Vetrano	✓		✓			
Councilmember Way			✓			
Councilmember Whitenack		✓	✓			
Councilmember Weingart			✓			

**DRAFT – FOR CONSIDERATION AT THE JUNE 25, 2009  
MEETING OF THE HIGHLANDS COUNCIL**

**Public Comments Received on the Consistency Determination for PSE&G Susquehanna-Roseland  
500-kV Transmission Line (December 22, 2008 – January 30, 2009 Comment Period):**

- Public Service Electric and Gas Company (PSE&G)
- PSEG Services Corporation
- NJ Transit
- New York-New Jersey Trail Conference
- New Jersey Highlands Coalition
- New Jersey Conservation Foundation
- Township of Montville
- Stop The Lines!
- Longwood Lake Cabin Owners Association
- Utility and Transportation Contractors Association
- Morris County Chamber of Commerce
- NJ Chamber of Commerce
- Numerous (approximately 300) private citizens

**Public Comment Summary**

The public comments received included both statements of support for, and opposition to, the proposed project. The public comments (including comments from the applicant) also included specific comments on the Highlands Council's Draft Consistency Determination (CD). In summary, the comments address the following issues:

Supportive Comments

- Supports the project as it would significantly increase the electric system capacity, which would have a beneficial effect on future electrical pricing in New Jersey resulting in a benefit to all electricity users in the State.
- Supports the project because there is a need for increased electrical capacity to avoid future power outages. Believes that it is in the public interest to grant this exemption to protect public health and safety from the potential for blackouts and brownouts by 2012.
- Supports the project because it is essential for the future of this state and the national power grid. Upon project completion, nobody will be misplaced from their homes, no power lines added where there are not already power lines, hundred of jobs would have been created, safe and clean work would have been performed, and a vital upgrade completed.
- Believes that PSE&G has a strong record of environmental stewardship in New Jersey to build this project in a manner that is sensitive to the natural environment. The Council should work with the company to mitigate any potential impacts of the project rather than deny the essential exemption.
- Believes that PSE&G made the environmentally smart and sensitive call by selecting a route that follows an existing power line and does not require the taking of property for the project.
- Believes that at a time when millions of people are losing their jobs globally, New Jersey cannot delay an essential economic stimulus such as the proposed project.

**DRAFT – FOR CONSIDERATION AT THE JUNE 25, 2009  
MEETING OF THE HIGHLANDS COUNCIL**

- Believes that electric transmission lines are not an eyesore. They are often places to get the best glimpse of deer, other animals, or an unexpected beautiful vista. They provide a sense of security; when off-trail and lost, the transmission line can be followed out of the wilderness.
- The PSE&G transmission system has not seen any major upgrades since the mid 1970s, and at that time, the electric system peak demand was about 6,000 megawatts. Present peak demand is close to 11,000 megawatts, and over the years small scale reinforcements have been made to maintain a high level of reliability, while deferring the need for major system upgrades as long as possible. But sooner or later, when there are no more minor reinforcements that can be made, significant investment in our future must be made.

Opposition Comments

- Is opposed to the project because it directly contravenes the goals and purposes of the Highlands Act in numerous areas, including protection of surface and ground waters, preservation of land in its natural state, and protecting the scenic and other resources of the Highlands Region.
- Is opposed to the project because of the potential health risks from electromagnetic energy.
- Believes that PSE&G is in a hurry to get the project in on their schedule and due diligence is being sacrificed for the sake of expediency.
- Even without any new construction or preparation for a new line, the current power line contributes to serious erosion, flooding, mud and rock slides. A new line, towers, and its construction will only exacerbate the problem.
- The permanent disturbance caused by construction of the Jefferson Switching Station is an area almost 20 acres in size and could create up to 7 acres of impervious surface. The site planned for the switching station is comprised entirely of forested lands within a Forest Resource Area, constrained by steep slopes, within prime ground water recharge areas, and within 300 feet of open water protection buffers.
- The proposed power line, with such large capacity, will serve one major function: to bring coal power to eastern New Jersey and New York City from Pennsylvania and Ohio. Coal power is the single most significant cause of the carbon emissions that cause climate change.
- New Jersey has a goal of increasing power from renewable sources of electricity, including off-shore wind and deep geothermal power. The proposed Susquehanna-Roseland line will do nothing to assist in developing either of these resources. The only function this line will serve is to increase the use of coal and hasten the devastating effects of climate change and degrade the New Jersey Highlands along the way.
- Believes that in no way does the proposed project qualify as a “maintenance” project. It entails removal of the entire existing lines supporting system (i.e. all towers, foundations, lines, grounding, etc.) and installation of more than three times the existing power (kV) that is currently running across the existing lines.
- This project does not address the needs of “23” soon to be “overloaded” lines in the surrounding PJM network. Current studies show that the demand for power is ebbing and likely to decline, not

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increase. Second, the “overload” that they are talking about represents approximately only 50 hours out of the 8,760 in a year. Finally, 750 million dollars is not required to solve an overload issue of 50 or even 500 hours at peak times in the summer. Conservation is the answer.

- Believes that the lines should be placed underground.
- Concerned about hiker safety and public access to northern New Jersey’s trails and public lands while the construction is underway and afterwards. The proposed transmission line passes through at least eight major recreational areas with hiking trails and preserved public lands.
- A visual impact analysis was conducted which shows that there will be a 14% increase in acreage from which it will be possible to see at least 10 towers and an 11% increase in acreage from which it will be possible to see at least 25 towers. 50 or more towers will be visible on an additional 8% of acreage. The entire corridor span will experience the additional visual impact, but the impact will be extremely negative within the Highlands Region.
- Concerned that all the planned access roads will provide easy new access for all-terrain vehicles (ATVs), which not only can pose a danger to hikers but also damage trails. Power line rights of way are the most common entry way for illegal ATVs to gain access to hiking trails.
- The project details, engineering and site plans are conspicuously incomplete. The applicant has not provided engineering plans for access roads that calculate disturbances based on width and additional clearing beyond the road surface. The applicant has also not submitted stormwater controls or any provisions to demonstrate that impacts will be properly mitigated, how environmental conditions will be avoided, and if necessary, restored.
- The applicant refers to access roads as temporary disturbances, yet on page 10 of the Verified Petition of the BPU filings, the applicant admits that the construction process will be 30 months long. This is inconsistent with the definition of “temporary” provided in the Freshwater Wetland Protection Act rules, N.J.A.C. 7:7A, which defines temporary as a maximum of a 6 month disturbance.
- The applicant has not demonstrated a willingness to minimize impacts where possible.
- Many tracts of preserved lands will be impacted by this project. The proposed “temporary” access routes will cause direct severe and long-term impacts on many public and private preserved lands.

Comments Regarding Consistency Determination

- Agrees with the findings of the Council staff’s draft Consistency Determination that the application for an exemption fails to adequately address the myriad impacts the proposed power line will inflict on the Highlands and thereby does not merit an exemption.
- Requests that the Council adopt the Draft Highlands RMP Consistency Determination as written (except the category of stormwater management which should be given “inconsistent” determinations).
- Because incomplete information was provided in the HAD application, several Council findings of either “consistent” or “not applicable” should be changed to “inconsistent.”

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- PSE&G mentioned in its narrative 18 species that are rare, threatened and endangered that it had identified within the ROW and Jefferson Switching Station. These are listed in the Council's Consistency Determination. In June 2008, the New Jersey Natural Heritage Program provided data to PSE&G that lists 58 species "on the referenced site" plus 6 additional within one mile of the site.
- The Consistency Determination should recognize the potentially severe impacts of the transmission line upgrade on migratory birds and their habitat. Migratory bird habitat includes an aerial component that requires protection.
- Impacts of the proposed project on rare and endangered plants and their habitat, including four Natural Heritage Priority sites, should be addressed in the Council's Consistency Determination.
- Supports the Council staff opinion that construction of access roads would result in long-lasting (if not permanent) disturbance.
- Agrees with Council staff that the HAD application has not addressed scenic resource protection goals.
- In addition to the lands listed in the Council staff's Consistency Determination, other nearby lands will be scenically impacted. A list of these impacted lands was provided.
- The applicant has not submitted any stormwater plans to the NJDEP for their review; therefore the project is currently inconsistent with the Stormwater Management Rules, Flood Hazard Area Rules and Freshwater Wetland Rules. The Highlands Council cannot reach a finding of consistency on a non-existent Stormwater Management Plan. Until such time as PSE&G has a Council approved stormwater plan for the proposed project and the Jefferson Switching Station, the project must be found inconsistent with the goals, policies and objectives relating to preparation of stormwater management plans.
- The applicant has stated at numerous public workshops that the locations of access roads are subject to change. The Consistency Determination should reflect that the applicant's submission is incomplete and subject to change, therefore any changes or modifications to the project in any shape or form will invalidate the consistency review conducted by the Highlands Council, thereby invalidating any NJDEP permits, exemptions and/or waivers.
- Required information regarding the cost of the project was not provided in the HAD application. Blocks and lots required were not provided. The total acreage of the project site is significantly understated. The required site plan(s) has not been provided.
- The definition of "project site" has, it appears, been narrowly interpreted by the applicant, to include only the existing right-of-way, the new switching station and the travel surfaces of the construction access routes. The definition of "project site" should include all Highlands areas utilized for the project, whether or not they are owned by PSE&G, and whether use of the site is considered permanent or temporary.

Applicant's Comments

- Believes that the Council staff's reliance on the goals, policies and objectives of the Regional Master Plan (as required by Regional Master Plan Objective 7F1f) in the Draft Consistency Determination is

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not supported by and directly contravenes the Highlands Act. Feels that the applicant should be entitled to confirmation from NJDEP that the project is exempt as a utility line upgrade, which requires only that the activity be consistent with the goals and purposes of the Act.

- Is of the opinion that the project ensures that economic growth can proceed in a sound manner (one of the goals of the Act). Believes that the project is being constructed in order to maintain electric reliability in the State of New Jersey and in the eastern region of PJM Interconnection, L.L.C.
- Believes that the applicant's actions to meet the goals and purposes of the Act can be summarized in three words: avoid, minimize, and mitigate.
- The applicant provided a project need description and noted that the issue of "need" will be fully considered within the context of the pending construction authorization proceeding at the New Jersey Board of Public Utilities. The applicant has submitted extensive testimony on the issue of need.
- The applicant provided a summary of the alternatives analysis that was conducted. The summary included the route selection criteria (e.g., minimizing impacts to the natural and human environment, minimizing crossing designated natural resource lands, avoid new crossing of large lakes), the route selection (based on evaluation of three alternatives), and a listing of factors that shows that the selected route alternative would result in the least impacts to the natural and human environment.
- With respect to potential forest impacts, the applicant states that forest resources would be protected through the use of Low Impact Development (LID) and Best Management Practices (BMPs). The applicant proposes to mitigate the loss of forest resources through the use of land preservation, conservation easements, community grants for tree planting and reforestation of off-ROW properties. The applicant states that a forestry management plan for property surrounding the Jefferson Switching Station site will be developed. In addition, the applicant states that a Forest Management Plan will be developed and submitted when all ROW and access agreements have been completed and that site specific forest mitigation measures and forestry and endangered species management plans will be forwarded to the appropriate regulatory agencies during the environmental approval process.
- With respect to potential impacts to Highlands Open Waters and Riparian Areas, the applicant is proposing to utilize structural and non-structural LID-BMPs (examples of which are listed) to minimize impacts to buffers and riparian areas. The applicant notes that upon completion of the design, all riparian areas will be shown on plans submitted to regulatory agencies and that as part of the NJDEP permitting process for wetlands and flood hazard permits pursuant to N.J.A.C. 7:7A and N.J.A.C. 7:13, the appropriate Stream Corridor Restoration and Protection Plans required by the NJDEP will be prepared. The applicant anticipates development of wetland and riparian zone mitigation plans as part of the NJDEP Land Use Regulation Program Applications. At the Jefferson Switching Station, the applicant states that impacts to wetlands and transition areas have been minimized.
- With respect to steep slopes, the applicant notes that the Highlands Rules concerning steep slopes allow for linear development when there are no feasible alternative for the linear development outside of the steep slope areas. As the majority of the project is along an existing ROW which limits impacts to other Highlands Resources, the project minimizes impacts to steep slopes. The applicant

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is proposing to utilize structural and non-structural LID-BMPs (examples of which are listed) to minimize impacts in steep slope areas.

- With respect to critical habitat, the applicant noted that as part of the initial site assessment process, a Threatened and Endangered Species Habitat Assessment was conducted for the project area. The study concluded that the proposed utility upgrade would not affect species such as the long-eared owl, woodland raptors and grassland birds such as the bobolink, grasshopper sparrow, and redheaded woodpecker. The ROW consisted largely of successional habitats and not mature woodland habitat or maintained grasslands typically utilized by these species. The study concluded that consultation with the United States Fish and Wildlife Service (USFWS) and NJDEP Endangered and Non-game Species Program would be necessary to determine the necessary species specific surveys which would need to be conducted. Further site specific and species specific studies are currently in the planning stages.
- The applicant notes that as part of the initial site assessment process, a Vernal Habitat Survey for the Project area was conducted. The applicant provided details of the study and noted that 15 wetlands areas were identified along the length of the ROW which contained vernal habitats. No vernal pools were found on the proposed Jefferson Switching Station site.
- The applicant notes that it has conducted the initial surveys to determine the presence or absence of critical habitat throughout the project area. It is noted that additional studies will be conducted at the appropriate times of the year for the species of concern. The applicant states that a critical habitat avoidance plan will be prepared in coordination with the USFWS, NJDEP Endangered and Non-game Species Program, NJDEP Land Use Regulation Program and the Highlands Council biological staff to determine the appropriate avoidance and mitigation measures necessary to insure no impacts to these critical resources.
- With regard to Land Preservation and Stewardship, the applicant states while new structures are being proposed within the Special Environmental Zone, existing structures would be removed and previously disturbed areas would be destroyed; which will ultimately result in zero percent increase in disturbance with the Special Environmental Zone.
- With respect to Carbonate Rock, the applicant indicates that there are three structures along the existing ROW proposed in the Carbonate Rock Area. The applicant states that prior to conducting any work on any of the structures, an extensive geotechnical boring program already in progress will be completed. The results of these studies will determine the suitability of the area to support structures and determine which methodologies will be used to prevent foundation failure. Further, the applicant states that during the design of the project, all necessary measures to control drainage around structures within karst formations will be employed.
- In terms of Lake Management, the applicant notes that for more than 80 years, the existing ROW has crossed lake areas. The project will not change the location of the utility structures; it replaces one structure with another structure. As part of the scenic resources analysis, the applicant states that it will examine the impacts of the proposed new structures on the Highlands Lake Management Areas.
- The applicant acknowledges that the majority of the ROW falls within mapped Prime Ground Water Recharge Areas but notes that the project will create less than 4,300 square feet of new impervious

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surface (for tower foundations) along the ROW. The applicant notes that construction of the Jefferson Switching Station will entail encroachment into a Prime Ground Water Recharge Area and notes that in preparing the Stormwater Management Plan for the site, there will be an examination of methods to achieve at least 125% of ground water infiltration (some generic techniques are briefly discussed). The applicant notes that it anticipates utilizing LID-BMPs to conform to the New Jersey Stormwater Management Rules and that Soil Erosion and Sediment Control Plans and Stormwater Management Plans will be forwarded to the appropriate regulatory agencies for review.

- The applicant states that in coordination with the New Jersey State Historic Preservation Office (SHPO), it is in the process of completing a Phase 1A/1B Historic and Archaeological Survey for the project area. In addition, the applicant is preparing a Visual Modeling Study. These studies will be forwarded to the appropriate regulatory agencies for review.
- With respect to Regional Guidance for Development and Redevelopment, the applicant notes that the project will protect, restore and/or enhance sensitive environmental resources including forests, critical habitats; Highlands Open Waters and their buffers, steep slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas and Agricultural Resource Areas.
- With respect to smart growth, the applicant notes that it will, as necessary, conduct hydrologic studies documenting velocity, volume and pattern of water flow through the Jefferson Switching Station site. The project will also incorporate LID-BMPs. The applicant states that overall, the project supports smart growth. By maintaining the reliability of the electric transmission system, the project will allow for growth in urban areas and other parts of State Planning Areas 1 and 2. It is a smart growth project in every sense.
- The applicant states that with respect to air quality, the project does not include any new statutory emission sources in the Highlands Region.
- The applicant provides a summary statement which states that there is a clear need for this project for the economic well-being of the State. Without the project, the reliability of the grid may be jeopardized. The Legislature established that such utility upgrades, when conducted in existing rights-of-way, are exempt from the Highlands Act.

**Highlands Council Consistency Determination Edits – Post Dec-Jan 2009 Comment Period**

The numerous comments received that stated support or opposition for the proposed project were read carefully by Council staff and are summarized above. As the majority of those opinions do not directly relate to the policies and objectives listed in the Consistency Determination template, they are not reflected in the Consistency Determination. Similarly, comments regarding legal interpretations, such as the language and intent of the exemption, while carefully reviewed and considered by Council, are not reflected in the Consistency Determination. Some comments were not addressed in the Consistency Determination as they pertain to issues beyond its scope, such as specific requirements specified in the NJDEP HAD application form (i.e., project cost, block and lot).

Since the end of the December 2008/January 2009 public comment period, and based upon the findings of the Highlands Council staff draft Consistency Determination, further input from the Highlands Council staff, NJDEP, the public and other agencies, the applicant revised the proposed project (submitted on May 19, 2009) to reduce the environmental impacts. Specifically, the revised project:

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- Relocates the proposed switching station from Jefferson Township to the Borough of Hopatcong, significantly reducing the permanent impacts from this upgrade;
- Provides for use of existing roads for access to the maximum extent possible; and
- Incorporates a framework for a Comprehensive Mitigation Plan (CMP) in response to project impacts to Highlands and other resources as part of the proposed project. The applicant commits that the CMP will be prepared consistent with the Highlands RMP using the approach of avoid, minimize and mitigate. It will provide an approach and process for identifying the specific resource issues, the means to avoid and minimize the specific impact, and ultimately the ability to define ways that would help mitigate unavoidable environmental impacts. With respect to mitigation, the proposed approach is nested in a planning approach where individual plans would be interwoven to meet multiple resource objectives. The combined effect of these plans is intended to effectively deal with the proposed project as a whole unit.

The applicant's revisions to the application to reduce the environmental impacts are substantial. Therefore, the Highlands Council developed a revised Draft Consistency Determination and solicited a second round of public comments on that document. The public comments to the revised Consistency Determination are reflected in a separate public comment/response document.

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**Public Comments Received on the Highlands Water Protection and Planning Council Staff Draft Consistency Determination for PSE&G Susquehanna-Roseland 500-kV Transmission Line (May 21 – June 12, 2009 Comment Period):**

- Public Service Electric and Gas Company (PSE&G)
- NJ Transit
- New York-New Jersey Trail Conference
- New Jersey Highlands Coalition
- Stop the Lines
- New Jersey Conservation Foundation
- New Jersey Sierra Club
- Morris County Chamber of Commerce
- Newark Regional Business Partnership
- International Brotherhood of Electric Workers
- Chemistry Council of New Jersey
- Township of Byram
- Numerous (approximately 90) private citizens

**Public Comment Summary**

The public comments received included statements of both support for and opposition to the proposed project, and also included comments from the applicant. Some comments included specific comments on the Highlands Council’s Draft Consistency Determination (CD), others were general comments on the project. In summary, the comments address the following issues:

Supportive Comments

- Believes that it is in the public interest to grant this exemption to protect public health and safety from the potential for blackouts and brownouts by 2012.
- Believes that PSE&G has a strong record of environmental stewardship in New Jersey to build this project in a manner that is sensitive to the natural environment. Feels that PSE&G is not only concerned about the environment but “walks the walk” through beneficial programs like Environmental Education Grants for teachers and Support for Sports.
- Is of the opinion that the Comprehensive Mitigation Plan proposed by PSE&G addresses concerns raised by the Highlands Council, the New Jersey Department of Environmental Protection (NJDEP), environmental organizations, and the public. Feels that by using the existing right of way, redesigning parts of the project in response to public input, and mitigating the impact on environmentally sensitive land, that PSE&G has taken great efforts to protect natural resources during the course of this project.
- States that the legislature and governor recognized the need to upgrade power lines in enacting the Highlands law. Feels that denial of this application would render the exemption provision of the law meaningless as no one could ever qualify for an exemption.
- Believes that this project recognizes northern New Jersey’s growing demand for energy usage that stands to outpace the supply within the next two to three years. Feels that the failure of public policy

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makers to prepare this region for the impending shortage of reliable, adequate energy to power our homes and businesses will have a devastating impact on our regional and local economies, including the loss of industry and job opportunities. Further, feels that failure to support this project will, ultimately, diminish the quality of life for our residents through higher energy costs, unreliable energy supply, and a crippled economy.

- Believes that PSEG made the environmentally smart and sensitive call by selecting a route that follows an existing power line and does not require the taking of property for the project. Feels that while a project such as this will have a variety of negative impacts, the long-term benefits gained by the improvement of the electric grid far outweigh this impact. Believes that electric energy distributed well and reliably is key to the Highland's, the State of New Jersey's, and the nation's future.
- States that the right-of-way is less than one mile away from his/her home and views the current lines every day; feels that the proposed upgrade would not be an eyesore. Based on review of pictures of the proposed new towers, feels they would actually be an improvement.
- Believes that this project fits neatly with the Highland Act's vision for economic development. Feels that the project accommodates responsible economic development that follows smart growth principles. Is of the opinion that natural resource preservation and putting people to work in New Jersey by expanding the economy are priorities for our state. Feels that if the project is significantly delayed, it may have a negative effect on future electric reliability, which in turn, may add further imbalance to an already troubled economy.
- States that the entire project will cost \$1.26 billion, create 4,000 jobs for one year and generate close to \$20 million dollars for state and local tax coffers. States that the project will provide a \$400 million boost to the states gross domestic product and that the new jobs represent several hundred million dollars in compensation for New Jersey workers and multi-million dollar contracts for materials and services for our states businesses. Feels that the project is very timely as we work ourselves out of the economic recession we have been in for much of 2008 and 2009.
- Feels that business owners have seen significant increases in the cost of electricity over the last decade driven by global fuel prices and other factors. Costs for the new line will be shared by all of PJM's customers which is a plus for New Jersey electricity consumers. States that projections indicate that consumers could see net annual savings of \$24 million dollars when the upgrade is completed with the potential for additional savings.
- Notes that scientific studies by the World Health Organization and others fail to establish a link between electromagnetic frequency (EMF) and illness or disease.

Opposition Comments

- Is opposed to the project because it directly contravenes the goals and purposes of the Highlands Act in numerous areas, including protection of surface and ground waters, preservation of land in its natural state, and protecting the scenic and other resources of the Highlands Region.
- Believes that the decision made by Highlands Council staff in December 2008 that found the power line project inconsistent on 56 determinations is correct.

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- States that the major difference between the December 2008 and the May 2009 determinations, besides moving the switching station from Jefferson to Hopatcong, is the proposal by PSE&G to give the Highlands Council \$18.6 million. Strongly believes that accepting or soliciting donations when an application is in front of the Highlands Council is wrong. Believes that the purpose of this money is for mitigation; however, feels one cannot mitigate these power lines. Feels that the determination of consistency must be based on the impacts of the proposed power line, not after paying for some offsite land acquisition that is used as mitigation.
- Is of the opinion that the \$18 million mitigation fund cannot be accepted by the Highlands Council under the conditions as proposed. Believes that the dollar amount proposed cannot be deemed acceptable until a full accounting is made of the impacts that the proposed project will have on Highlands environmental, cultural and historic resources, both immediate and over time. Feels that the necessary effort involved in such an accounting cannot be overestimated because a dollar value equivalent must be placed on “absolute mitigation”, i.e., compensation for “no net loss.”
- With respect to the mitigation fund, believes an oversight committee must be established, independent of the Highlands Council (but with Council representation) to disburse such funding. Feels that the funds must be disbursed following a priority allocation: 1) acquisition of land directly impacted by the project within the Highlands; and 2) acquisition of land within Highlands municipalities through which the transmission line passes and any new facilities are located.
- States that buying undeveloped property that is already woodlands and is current open space would not mitigate for the damage of this project, since those lands are already part of a healthy ecosystem. Feels that the destruction cannot be offset just through the purchase of open space that may already be protected under the Highlands Act. Further, states that the Highlands Act does not give the Council authority to buy land.
- States that at a time when budgets are being cut, there are furloughs and potential layoffs, the Highlands Council could use the proposed money intended for land acquisition to instead meet its budget needs and to pay staff salaries.
- Believes that the proposed project will encourage increased pollution from dirty coal-fired power plants. Feels that the increase in carbon emissions will pollute our waterways and add mercury to our streams and reservoirs. States that Pennsylvania’s coal plants are the major source of mercury in our reservoirs and the reason for fish advisories in the Highlands Region.
- Believes that in order to complete the project, hundreds of acres of trees will be cut down to widen the right of way and that miles of access roads will be created to bring in equipment. Feels that the access roads will destroy habitats for threatened and endangered species, impact wetlands, invite the possibility of ATVs, and will lead to more fragmentation of forests, allowing for invasive species.
- Believes that the new towers will present a visual eyesore and ecological disaster to the Highlands Region.
- Believes that there would be a significant health risk imposed by electromagnetic fields created from these even higher voltage transmission lines.
- Does not know anyone living within the vicinity of the right-of-way that supports the proposed project.

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- Believes that critical information and electronic project files have not been available to public agencies and the public, thus hampering evaluation of the project. States that it is impossible to evaluate the location, length or impact of the currently proposed construction access routes – a key element of the amended proposal – without the GIS shape file data.
- Requests that the public comment period be extended at least 15 days beyond the date that maps of the project’s proposed changes become available.
- States that since PSE&G has not amended its application before the New Jersey Board of Public Utilities, there has not been any expert testimony about the Hopatcong site available anywhere.
- States that the May 21, 2009 Updated Public Notice did not include any notification regarding the availability of site maps at the Highlands Council offices. Notes that if the information was available for public inspection, the public was not adequately noticed of this fact.
- Feels that the proposed Jefferson/Hopatcong switching station should be rejected from consideration as part of the HAD application for Exemption 11, and instead treated as an application for a major Highlands development, which is what it is. Believes that the proposed switching station is a new facility, not a rehabilitation, reconstruction, repair or upgrade of a facility, and it is not part of the existing ROW. Furthermore, believes that it is a permanent, non-residential development, greater than one acre in size, which disturbs one quarter acre or more of forest and results in an increase in impervious surface by one-quarter acre or more: it meets all the criteria for a “major Highlands development.”
- States that the applicant indicates that use of existing roads for the construction access routes is a major element in minimizing environmental impacts. However, feels that the HAD application made available to the public does not provide adequate verification of this point. Indicates that it cannot be determined if there are route changes to the access roads without the new GIS shape file data.
- States that the construction of access routes will require extensive clearing and straightening, as well as grading and removal of rocks and adjacent vegetation, resulting in substantial soil compaction and local habitat destruction adjacent to the roadway itself. Feels that this would result in more significant impact than the HAD application indicates. Feels that the accuracy of the amended HAD application may be questionable. Believes that the Highlands Council should obtain from PSE&G detailed information regarding the construction access routes.
- Believes that the large vehicles and equipment required for construction will likely necessitate removal of tree canopy to accommodate them, thus causing extensive forest fragmentation in interior forest areas as well as nearby direct impacts. Feels that the acreages of forest fragmentation impacts from the construction access routes need to be calculated into any mitigation plan.
- Believes that the proposed Comprehensive Mitigation Plan (CMP) is severely flawed. Feels that the CMP does not fully address the Region’s natural and cultural resources, nor does it provide meaningful guidance for mitigation in the Highlands. Feels that the CMP lacks detail and is sketchy. Believes that the CMP lacks a dependable implementation mechanism and is therefore unlikely to be effectively implemented. Is of the opinion that its acceptance appears to have been based on verbal assurances, and questions how verbal assurances be enforced.

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- Is of the opinion that the Avian Management Protection Plan element of the CMP lacks any relevance to New Jersey Highlands avian issues. States that the proposed Avian Management Protection Plan draws extensively and almost exclusively on a document that addresses the daytime electrocution of large raptors, “*Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996.*” That document does not address the significant Highlands avian issues associated with rare nocturnal migrant birds. Avian electrocution is not the issue with small birds.
- Believes that there should be a substantial performance bond posted to ensure the proper implementation of the CMP, and questions who will administer such a bond and ensure implementation. Believes that no regulatory agency has the staff to do so, particularly given the size of the project in the Highlands Region.
- Believes that the premise of the proposed Critical Habitat/Endangered Species Mitigation Plan element of the CMP is flawed. States that the first sentence of PSE&G’s plan reads as “achieve no net loss of habitat value” and to maximize habitat value “through improvement of habitat on existing preserved lands.” Believes that the proper objective is “no net loss of habitat,” not “habitat *value.*” Further, believes that the use of public lands as mitigation sites for private development projects is objectionable. Feels that preserved lands must not be utilized as free mitigation sites for development projects and that the developers of such projects must themselves purchase the lands on which they propose to do mitigation.
- Notes that the Critical Habitat/Endangered Species Mitigation Plan includes a field survey of all proposed access roads, etc. that includes an investigation of rare, threatened, and endangered plants. But feels that it is not clear whether the rare plant species populations on the proposed roads sites will be avoided. Questions how this will be monitored and how impacts minimization will be accomplished.
- Notes that the Forest Management Plan element of the CMP states that “where appropriate, replanting the restored temporary access areas using native deer resistant species of shrubs, sub-canopy trees and canopy trees.” Is of the opinion that there is no such thing as “native deer resistant species” and that all such plantings must be fenced to ensure their survival. Believes that mitigation for forest fragmentation cannot occur on existing public land, but must happen on newly purchased lands. Feels that PSE&G’s submittal must state the forest mitigation to impact ratios. Concerned about monitoring and follow-up of any forest restoration. Questions what happens if native seedlings fail and invasive species take over and spread into new areas.
- Maintains that the amended HAD application and the Comprehensive Mitigation Plan do not address impacts on scenic and recreational resources. The comments call for the Highlands Council to require that these be addressed prior to a decision on consistency. Furthermore, in the absence of an adequate impact assessment, the comments declare that the PSE&G transmission line project is inconsistent with the goals of the Highlands Act as they relate to scenic resource protection and recreational values.
- Describes the historic trails systems that cross the Highlands and point out that scenic viewpoints are an important part of the recreational experience in northern New Jersey, and impacts from the doubled height of the proposed new towers will be severe. The comments state that the scenic and recreational impacts will have long-term effects on eco-tourism, agri-tourism, heritage tourism, and public recreation. The Highlands Trail has been identified as one trail which will be affected;

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specifically the property proposed for the Hopatcong switching station is also the location of part of the Trail. The comments indicate that PSE&G was party to the agreement for use of the trail.

- Points out that the DEP Highlands Rules require consideration of impact on public lands that have been designated scenic and recreational, and that activities should be limited to “minimum practicable degradation” to scenic attributes.
- Determined through a deed research that PSE&G has additional parcels under contract besides the one designated for the proposed Hopatcong switching station site. Is of the opinion that these parcels give PSE&G a wider area of choice for placing the switching station while still taking advantage of the local confluence of transmission lines.
- Believes that there may be an error in the underlying parcel data of the proposed Hopatcong switching site and adjacent parcels. States that when the Highlands Trail was originally planned, the subject segment of the route was planned with PSE&G and Weldon Quarry to run on the western Weldon Quarry border, so they would be able to maximize their quarry area. States that perhaps Weldon acquired part of the parcel planned for the proposed switching station, but through deed research, no evidence was found of a recorded transfer. States that it may also be possible that Weldon leased some of the land targeted for the switching station, or that they are simply quarrying off their land. Urges the Highlands Council to investigate this matter as it may pose an issue with respect to the proposed Hopatcong switching station site.
- Notes that the PSE&G submittal states that “because the proposed project continues to be refined with respect to proposed access roads, tower locations and other elements, the various actual plans listed in the Comprehensive Mitigation Plan have not yet been finalized.” Questions that if these plans are not yet finalized – and it appears that an essential and substantial level of detail and accuracy is currently lacking – how can the Council accurately assess the project's consistency with the Highlands RMP, the Highlands Act and the Highlands rules?

Applicant's Comments

- In order to implement the Comprehensive Mitigation Plan (CMP), PSE&G states that it plans to enter into an agreement with the Highlands Council and NJDEP that will provide, among other things: a) process for submission and review by the Council and NJDEP of specific mitigation plans as they are prepared, and before commencement of construction; b) process for posting of a surety bond or other financial instrument in an amount to be agreed upon with staff to secure implementation of the CMP; c) a schedule for payments in two installments of the monetary portion of the mitigation and for the use of these funds for property acquisition and preservation and not for staff salaries or other expenses; and d) such other terms as may be necessary to implement the CMP.
- PSE&G states that the draft staff Consistency Determination indicates that it should obtain a determination from the Council on Affordable Housing whether the project creates an obligation to make a contribution under the state non-residential development fee statute. PSE&G states that the proposed project is exempt from the provisions of that statute as it is classified under Use Group U-Public Utility. As it has done for other similar projects, PSE&G stated that they will provide a Non-Residential Development Fee Certification/Exemption form to the appropriate agencies to verify the exempt status of the project.

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Comments Regarding Consistency Determination

- States that the Consistency Determination should find the project ‘inconsistent’ with Policy 4B5 and Objectives 4B5a and 4B5c. Policy 4B5 requires “that the impact of proposed human development on the scenic resources of the Highlands Region be addressed during local development review and Highlands Project Review and approval.” Comments maintain that the scenic impacts are not being addressed. Objective 4B5a calls for all development applications to identify any scenic resources that are listed on the Highlands Scenic Resources Inventory and may be affected by the proposed development. The comments state that these resources are not identified. Objective 4B5c states that, “Any proposed action that requires federal permits, involves federal grants, or involves other federal actions that may impact the resource values of the Musconetcong National Scenic and Recreational River and the Lower Delaware National Scenic and Recreational River, pursuant to section 10(a) of the National Wild and Scenic Rivers Act, shall require review by the National Park Service, National Wild and Scenic Rivers Program.” The comments maintain that the resource value of the headwaters of the Musconetcong may be impacted and therefore this objective should not be considered “not applicable.”

**General Responses and Highlands Council Consistency Determination Edits**

The numerous comments received that stated support or opposition for the proposed project were read carefully by Council staff and are summarized above. As the majority of those opinions do not directly relate to the policies and objectives listed in the Consistency Determination template, they are not reflected in the Consistency Determination. As one general response, the Highlands Council will defer to the Board of Public Utilities regarding a determination as to whether this project is needed for the integrity of New Jersey’s energy system. If the Board of Public determines that the project is not needed, then any Highlands Council actions will be considered moot.

A general theme emerges from those comments that express opposition to the proposed project – that there is a lack of information of sufficient detail by which to evaluate the proposed project and that the Comprehensive Mitigation Plan (CMP) lacks details and does not fully address impacts. By way of a general response, the development of all elements of the proposed project and the CMP (including construction and mitigation elements) will be done in coordination with the Highlands Council. Site plans, mitigation plans, and habitat plans will be reviewed by all pertinent agencies (the Highlands Council, NJDEP, Soil Conservation Districts, and US Fish and Wildlife Service) as appropriate and will be made available to the public. Many of the more detailed opposing comments regarding specific components of the CMP will be addressed through this process. The CMP will require professional scientists and engineers to be on-site during construction and to carefully monitor all construction activities to ensure avoidance and minimization of impacts to resources. The applicant will be required to post a performance bond to ensure no net loss of natural resources value and function through the project and implementation of the CMP. In consideration of each of these elements, the proposed project, as amended and viewed as a whole (with minimization of environmental impacts and the development of the Comprehensive Mitigation Plan), is found to be made consistent with the goals and purposes of the Act.

With respect to comments regarding scenic resources, although the amended HAD application does not identify the specific scenic resources by name, all of the scenic resources listed in the original Consistency Determination have been included in the calculations found in Appendix D “Highlands Council Contribution Methodology: Estimating the Area of Potential Impacts on Existing and Potential Public Resources within

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the Highlands Region from the proposed Susquehanna- Roseland 500 kV Transmission Line.” The methodology refers to lands identified by GIS data layers for 1) Highlands Preserved Lands; 2) Special Environmental Zones; 3) Conservation Priority Areas (high and moderate); and 4) Agriculture Priority Areas (high and moderate). The scenic resource lands are included in the Highlands Preserved Lands category.

The funding available for purchase of additional open space and recreation lands is intended to support the continuance and expansion of eco-tourism, agri-tourism, heritage tourism, and public recreation. The Highlands Council will work diligently to identify appropriate lands for acquisition and stewardship. While the amended PSE&G application and the Consistency Determination recognize that some impacts will be unavoidable, the mitigation plan has been devised to mitigate those impacts and support the tourism and recreation goals of the Highlands Act and the Regional Master Plan in areas affected by the project. The Highlands Council will coordinate with PSE&G on the issue of the Highlands Trail.

The Musconetcong National Wild and Scenic River, as identified in the Musconetcong River Management Plan, encompasses 28.5 miles of river covering waters from Allamuchy and Mount Olive Townships to Pohatcong and Holland Townships. The headwaters are not included in the designation and therefore not subject to Objective 4B5c.

Text was added in the “Description of Project” section of the Consistency Determination that indicates that the applicant will enter into an agreement with the Highlands Council that will provide, among other things: a) process for submission and review of specific mitigation plans as they are prepared, and before commencement of construction; b) process for posting of a surety bond or other financial instrument in an amount to be agreed upon with staff to secure implementation of the CMP; c) a schedule for payments in two installments of the monetary portion of the mitigation and for the use of these funds for property acquisition and preservation and not for staff salaries or other expenses; and d) such other terms as may be necessary to implement the CMP.

A sentence was added to the Consistency Determination that the applicant will be required to design the proposed project in accordance with the *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* (as was recommended by the US Fish Wildlife Service in their March 17, 2008 correspondence to the applicant). The Consistency Determination was changed to reflect the fact that the proposed project is exempt from the provisions of the Council on Affordable Housing since it is classified under Use Group U-Public Utility. A note was added that the applicant will provide a Non-Residential Development Fee Certification/Exemption form to the appropriate agencies to verify the exempt status of the project.

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**HIGHLANDS ACT EXEMPTION AND CONSISTENCY DETERMINATION**

**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**, in Section 2 of the Highlands Act, the Legislature declared that the protection of the New Jersey Highlands, because of its vital link to the future of the State's drinking water supplies and other key natural resources, is an issue of State level importance;

**WHEREAS**, in Section 2 of the Highlands Act, the Legislature further recognized that the Highlands Region is an essential source of drinking water, provides clean and plentiful drinking water for one-half of the State's population, contains other exceptional natural resources such as clean air, contiguous forest lands, wetlands, pristine watersheds, and habitat for fauna and flora, includes many sites of historic significance, and provides abundant recreational opportunities for the citizens of the State; and

**WHEREAS**, the Highlands Act creates two areas within the Highlands Region – the Preservation Area, an area of the New Jersey Highlands with exceptional natural resource value that should be subject to stringent water and natural resource protection standards, policies, planning and regulation and the Planning Area, the area outside of the Preservation Area that should 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 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 Act required that the New Jersey Department of Environmental Protection (NJDEP) adopt stringent water and natural resource protection standards governing major development in the Preservation Area;

**WHEREAS**, NJDEP has adopted Preservation Area rules at N.J.A.C. 7:38-1.1 et seq. governing the NJDEP's review of projects in the Highlands Region; and

**WHEREAS**, Section 30 of the Highlands Act includes seventeen exemptions (N.J.S.A. 13:20-28) and qualification under this section specifies that the project or activity is exempt from the provisions of the Highlands Act, the Regional Master Plan (RMP), any rules or regulations adopted by NJDEP pursuant to the Act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit to specifically conform with the RMP; and

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**WHEREAS**, exemption #11 in Section 30 (N.J.S.A. 13:20-28.a (11)) specifies that the following activity is exempt from the Highlands Act: “(11) the routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights of way, or systems, by a public utility, provided that the activity is consistent with the goals and purposes of this act”; and

**WHEREAS**, NJDEP has adopted rules at N.J.A.C. 7:38-2.3 governing the NJDEP’s review of exemption determinations in the Preservation Area; and

**WHEREAS**, the Highlands Council has adopted Objective 7F1d in the RMP which specifies that the Highlands Council shall issue exemption determinations in the Planning Area; and

**WHEREAS**, the Highlands Council has adopted Objective 7F1f in the RMP which specifies that “[a]ctivities authorized under exemptions #9 and #11, which require a finding that the activity is consistent with the goals and purposes of the Highlands Act, shall be based upon a finding that the proposed activities are consistent with Highlands Act, the RMP, any rules or regulations adopted by the NJDEP pursuant to the Highlands Act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP”; and

**WHEREAS**, PSE&G submitted an application for a Highlands Applicability Determination for Exemption #11 on September 5, 2008 to NJDEP, with a copy to Highlands Council, for PSE&G’s proposed project to construct a new 500-kV transmission line between the Susquehanna switching station in Pennsylvania and PSE&G’s existing East Hanover/Roseland switching station (Project), portions of which are located in the Highlands Region in both the Preservation and Planning Areas; and

**WHEREAS**, the Highlands Council and NJDEP initiated a coordinated review of the Project due to the fact the Project is proposed to traverse 26 miles through the Highlands Region with 17 miles in the Preservation Area and 9 miles in the Planning Area; and

**WHEREAS**, on December 22, 2008, the Highlands Council completed an analysis of the Project using a Highlands RMP Consistency Determination (CD) template as a tool to examine whether the Project is consistent with the goals and purposes of the Highlands Act as required by N.J.S.A. 13:20-28.a.(11) and in accordance with Objective 7F1f; and

**WHEREAS**, on December 22, 2008, the Highlands Council posted its draft CD for the proposed Project on its website for public comment, extending the original public comment period from January 7, 2009 to January 30, 2009; and

**WHEREAS**, on May 19, 2009, PSE&G submitted a revised application for Exemption #11 to NJDEP and the Highlands Council and the proposed Project was substantially revised based upon the findings of the draft CD, input from the Highlands Council staff, NJDEP, the public, and other agencies; and

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**WHEREAS**, the May 19, 2009 revised Project included the following: 1) relocation of the proposed switching station from Jefferson Township to the Borough of Hopatcong, significantly reducing the permanent impacts from this upgrade, 2) use of existing roads for access to the maximum extent possible, and 3) incorporation of a framework for a Comprehensive Mitigation Plan in response to project impacts to Highlands and other resources as part of the proposed Project; and

**WHEREAS**, on May 21, 2009, the Highlands Council posted a second draft CD for the revised Project on its website for public comment for a period ending June 12, 2009; and

**WHEREAS**, the Highlands Council staff analyzed the revised Project and the extensive public comments received during the two public comment periods and, on June 19, 2009, posted the following documents on the Council's website for the regularly scheduled June 25, 2009 Highlands Council meeting: 1) June 19, 2009 CD showing changes made in response to public comment, 2) Summary and responses to public comments received during comment period ending June 12, 2009, and, 3) Summary and responses to public comments received during comment period ending January 30, 2009; and

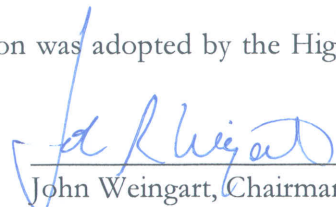
**WHEREAS**, the Highlands Council has duly considered PSE&G's revised Project, the Highlands Council staff draft CD, staff summaries and responses to public comments, all testimony and comment at Council meetings.

**NOW, THEREFORE, BE IT RESOLVED** the Highlands Council hereby finds that the revised Project constitutes "routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights of way, or systems, by a public utility" and that the proposed Project in both the Planning Area and Preservation Area "is consistent with the goals and purposes" of the Highlands Act;

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Highlands Council that the Executive Director is hereby authorized, consistent with the Council's deliberations, to: 1) issue a final RMP Consistency Determination for this Project, 2) issue a Highlands Act exemption determination with appropriate conditions; and 3) enter into any agreements necessary to implement these determinations.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 25<sup>th</sup> day of June, 2009.

  
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John Weingart, Chairman

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**Vote on the Approval of  
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Calabrese						✓
Councilmember Carluccio					✓	
Councilmember Cogger			✓			
Councilmember Kovach			✓			
Councilmember Letts					✓	
Councilmember Pasquarelli				✓		
Councilmember Peterson			✓			
Councilmember Schrier	✓		✓			
Councilmember Vetrano		✓	✓			
Councilmember Way				✓		
Councilmember Whitenack			✓			
Councilmember Weingart			✓			