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JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

MEETING AGENDA

Thursday, January 17, 2008 - 10:00 a.m.

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES – December 13, 2007
6. CHAIRMAN'S REPORT (and Council Member Reports)
7. EXECUTIVE DIRECTOR'S REPORT
8. COMMITTEE REPORTS
 - a. Natural Resources Committee - Council Member Dillingham
 - b. Budget and Finance Committee - Council Member Cogger
9. CONSIDERATION OF RESOLUTION - *Proposed Amendment to Upper Delaware WQMP, Huntington Knolls (Holland Township)* - (voting matter with public comment)
10. CONSIDERATION OF RESOLUTION - *Proposed Amendment to Upper Raritan WQMP, Canfield Development aka Kushner-Mine Hill (Mine Hill Twp.)* - (voting matter with public comment)
11. CONSIDERATION OF RESOLUTION – *Electing the Officers of the Highlands Water Protection and Planning Council for 2008* - (voting matter with public comment)
12. PUBLIC COMMENTS
13. EXECUTIVE SESSION - *Litigation (ADB Liberty v. State, Warren County v. State)*
14. ADJOURN

**NEW JERSEY HIGHLANDS WATER PROTECTION
AND PLANNING COUNCIL
MINUTES OF THE MEETING OF JANUARY 17, 2008**

PRESENT

JOHN WEINGART)

CHAIRMAN

KURT ALSTEDE)

COUNCIL MEMBERS

ELIZABETH CALABRESE)

TRACY CARLUCCIO)

BILL COGGER)

TIM DILLINGHAM)

JANICE KOVACH)

MIMII LETTS)

ERIK PETERSON)

JACK SCHRIER)

TAHESHA WAY)

SCOTT WHITENACK)

VIA TELECONFERENCE

DEBBIE PASQUARELLI)

ABSENT

GLEN VETRANO)

CALL TO ORDER

The Chairman of the Council, John Weingart, called the 61st meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:23 am.

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 was then recited.

CHAIRMAN'S REPORT

Chairman Weingart asked for a motion to approve the Minutes of December 13, 2007. A motion was made and seconded. Ms. Swan made one correction that the record should reflect that Tahesha Way, Debbie Pasquarelli, and Elizabeth Calabrese were absent from the December 13th meeting. The minutes were approved with two abstentions, Ms. Way and Ms. Calabrese.

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Mr. Weingart announced the dates for the three public hearings on the Regional Master Plan: February 6th at 4 pm in Morristown, February 11th in Paterson at 6 pm and February 13th at 6:30 pm in Glen Gardner. The details of all the hearings are on the Highlands Council website. He invited all Council Members to come and announced that the hearings would adjourn after everyone had had an opportunity to speak. He also mentioned that detailed written comments are encouraged.

Mr. Weingart indicated that Kurt Alstede will represent the Council at the Mt. Arlington train station opening on Sunday at 11 am.

Mr. Weingart then announced that he was reexamining the Council's committee structure and would welcome any input from Council members. He announced that the Personnel Committee will be meeting after the Council meeting today in Executive Session and that there will be an Executive Session for the Council to discuss matters in litigation. Lastly, he announced that the next Council meeting will be February 28, 2008 at 10 am.

Mr. Schrier asked why there was a court reporter present at the meeting and Mr. Weingart explained that one of the applicants, on Agenda item # 10, was preparing a transcript of the proceedings. There were no additional Council Members reports and Mr. Weingart asked for the Executive Director's report.

EXECUTIVE DIRECTOR'S REPORT

Ms. Swan described that the Council staff had been working on many issues since the release of the Final Draft Regional Master Plan (RMP) and our last meeting of December 13th, 2007. She indicated that copies of the RMP had been sent to all Highlands municipalities and counties and to the Governor's Office, all legislators and numerous State agencies. Also, all GIS files for the Land Use Capability Map Series are available on the website. She continued reviewing that the Property Search Tool had been updated and continues to be enhanced. See: <http://maps.njhighlands.us/>

Ms. Swan also noted that the updated Atlas had been moved to the 1st page of the website at the request of a Council Member and indicated that the Atlas shows the Highlands Region along with block and lot mapping and RMP zone overlays. See: http://www.highlands.state.nj.us/njhighlands/draft_nov_2007/atlas/atlas_grid_grid1.pdf

The RMP can also be downloaded from the website and information is also available on the website for ordering printed versions of the RMP. She also mentioned that the CDs are available for \$2.00 if picked up from this office and \$5.00 if mailed.

Ms. Swan reported that the Memorandum of Understanding amongst the Highlands Council, the State Planning Commission, and the Office of Smart Growth was executed after SPC and Highlands Council voted to approve. Other MOUs are under discussion with units of NJDEP including water supply, watershed management, and land use regulation as well as an additional MOU with COAH.

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With the assistance of the Council's Financial Consultant, the Council completed an analysis of accounts since the inception of the Council. Members of the Audit Evaluation Committee have been contacted to set up a meeting for the review of an RFP to solicit bids from the State list of accredited auditors to conduct an audit of Highlands's accounts since start up.

Ms. Swan noted work to advance the TDR program and development of a TDR bank. At a previous TDR Committee meeting, we committed to having additional public discussion on the TDR process. She noted that staff is continuing to work on the development of the TDR Bank Board and capitalizing of same.

The Comment and Response document for 2006 RMP is being finalized and process for evaluation of 2007 comments will be complete by end of comment period to assist Council in response.

In addition, a work plan to complete items committed to in RMP has been outlined by staff. This includes but is not limited to: Priorities for preservation, Plan Conformance and project review standards, Plan Conformance Grant Guidelines, amending and finalizing technical reports, Transportation programs, Guidelines for Critical Habitat conservation, forest conservation, and a build out analysis under the RMP. Ms. Swan notes that staff has also started a work plan to lay out future commitments for a science agenda.

Ms. Swan mentioned that the Budget and Finance Committee had met on January 10th to review the RMP budget and that Chair Cogger would give a report on that meeting. She then summarized the schedule of meetings as there have been numerous requests from agencies and municipalities.

Municipal and County Outreach:

December 14th – County Planners Meeting (Staff - Van Abs, Danis)

December 18th – Washington Borough Warren County information meeting (Staff - Swan, Borden)

December 20th – Town of Clinton to discuss Water Management Planning/grant (Staff - Swan, Borden, Van Abs)

January 7th – Jefferson Township informational meeting with Mayor and municipal representatives (Staff - Swan, Borden)

January 11th – Mt. Arlington informational meeting with Mayor and municipal representatives (Staff - Swan, Borden)

State and Federal Agency Coordination:

December 19th OSG and Highlands meeting to discuss Guidelines for Plan Endorsement for RMP (Staff - Swan, Borden, Van Abs, Danis, Webb, Haddock-Weiler)

December 20th meeting with Transportation Center to discuss Transportation Strategy for RMP (Staff - Swan, Borden, Van Abs, Danis)

December 21 OSG Smart Growth Policy Team in Trenton (Staff - Borden)

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January 8th – Meeting with DEP Divisions: Division of Water Supply, Division of Watershed Management and Division of Land Use Regulation to discuss issues relating to RMP and coordination of efforts between DEP and Highlands Council.

January 11th – Meeting with COAH to discuss MOU (Staff - Swan, Borden)

Stakeholder Coordination:

December 14th – Presentation on RMP to NJ Future (Staff - Swan)

December 18th – Society of American Foresters (Staff - Swan, Van Abs)

December 19th – NJ Highlands Coalition LANDS model (Staff - Swan, Borden, Keren)

January 7th – PlanSmart NJ met with (Staff - Swan, Borden, Van Abs) to discuss growth areas for Highlands

January 10th – NJ Highlands Coalition Natural Resources Comm. (Staff - Swan, Borden, Van Abs and Lynam)

January 15th – Meeting with Advance Group re: marketing strategy for agro-tourism grant for Sussex County

January 15th – Presentation to ANJEC for Environmental Commissioners and Municipal officials on RMP 75 people in attendance (Staff - Swan). She noted that subsequent to the ANJEC meeting, there have been four more requests for meetings.

Upcoming Meetings

January 17th – Informational Meeting Harding Township (Staff - Swan, Borden)

January 18th – Smart Growth Policy Meeting with OSG (Staff - Swan, Borden)

January 22nd – Informational Meeting Bedminster (Staff - Swan, Borden)

January 23rd – Informational Meeting Jefferson Township (Staff - Swan, Borden)

January 28th – Meeting with NJEIT to discuss TDR financing (Staff - Swan, Borden, LeJava and Council Chair Weingart)

January 30th – Presentation to Hunterdon County municipalities on RMP and Plan Conformance. (Staff - Swan, Borden)

Ms. Swan also mentioned that informational meetings had been the scheduled through March.

Ms. Swan introduced Judy Thornton, a new staff member, who has joined as a Principal Planner leading on Plan Conformance issues. She brings a wealth of experience in municipal planning.

Chairman Weingart asked if any Council members had any comments. Mr. Schrier asked if there were any substantive decisions being made in the conversations on MOUs with the various agencies. Ms. Swan commented that DEP had taken into consideration what was in the RMP when rules were created and that any other decisions would be brought back to the Council for decision making. Ms. Schrier also asked about primacy of one agency over another; asking about COAH in particular. Ms. Swan noted that the COAH meeting was the first substantive meeting regarding how COAH should consider the Highlands Act and the RMP when doing the third round certification and how to work with the Highlands Council in the future. She said that they had discussed build out analysis and will be working with them on those issues. Mr. Schrier continued that there was great concern to municipalities

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about the new numbers and wanted to know what the understanding would be on Planning Area towns. Ms. Swan and Mr. Weingart said that those issues would be covered in the MOU. Ms. Swan specified that the Highlands Act requires that COAH consider the RMP in reviewing third round certifications. Mr. Schrier asked what the word “consider” means in the context of these reviews and Mr. Borden commented that the MOU would provide a more thorough framework for coordinated planning with the Highlands Council and COAH.

Ms. Letts supports the idea of an agreement of coordinated planning process. Ms. Pasquarelli joined the meeting via teleconference and supported the Council providing formal comments on COAH’s proposed rules. Mr. Dillingham asked whether the Council could anticipate formal comments prepared by staff on COAH’s proposed rules. Ms. Swan committed that the staff would work on formal comments as the Council members requested.

Mr. Alstede asked whether, with the resignation of Anthony Cortese and Ross MacDonald previously, there was a plan for hiring a staff member for economic analysis. Ms. Swan commented that there was always an attempt to look for broad skill sets and she noted that Lindsey Interlante had a background in economics and would be working in that area. Mr. Alstede encouraged Council staff work to address the economic impact of the RMP. Ms. Swan noted that Anthony Cortese decision to leave was based on his long commute from New York.

Mr. Weingart announced the new position of Adam Zellner as Director of Policy and Planning for the Governor, noting that Adam had been the first Executive Director of the Highlands Council.

BUDGET AND FINANCE COMMITTEE REPORT

Mr. Cogger, as Chair of the Budget and Finance Committee, reported that the accounts had been reconciled by the Council’s Financial Consultant with help from Ranji Persaud and that the record keeping would be moving to a program like Quickbooks. He also reported that there was 60% of the operating budget remaining for the balance of the year. He noted the RMP budget items listed were proposed projects, but not necessarily all projects that would be completed. He also explained that contract negotiations are continuing hence the blank column. He also commented that the financial accounts were ready for an audit and that process would be undertaken by the Audit Evaluation Committee.

NATURAL RESOURCES COMMITTEE REPORT

Mr. Dillingham asked Ms. Swan to begin with an overview. Ms. Swan explained why the Huntington Knolls application and the Canfield applications have both been seen twice by the Natural Resources Committee. In the case of Huntington Knolls, after the determination was first made, on December 28th the applicant asked to submit additional site plan information. The applicant for Canfield also asked to submit additional information. In both cases, Ms. Swan requested that the information be shared with NJDEP. Ms. Swan said that the 2007 Final draft Plan had been used for the reviews.

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Mr. Dillingham then asked Mr. Borden to speak to the nature of the Water Quality Management Plan (WQMP) reviews. Mr. Borden commented that the reviews were based on both statutory and regulatory requirements. He continued that the Highlands Act includes a requirement for state agency coordination and also amended various existing statutes of sister state entities to require a coordination in analysis of the Highlands Regional Master Plan. To coordinate the planning under the Water Quality Planning Act, NJDEP incorporated a requirement to review input from the Highlands Council prior to the approval of a WQMP amendment in both the Planning Area and Preservation Area. This requirement is consistent with the Water Quality Planning Act's mandate of a continuing planning process. In the rules at N.J.A.C. 7:38-1.1, NJDEP will not approve a WQMP amendment in either the Planning Area or Preservation Area without obtaining a recommendation from the Highlands Council. Once the Regional Master Plan is adopted, the regulatory standard changes to require that NJDEP not approve a plan before obtaining a consistency determination from the Highlands Council.

Mr. Dillingham continued that there were three items on the agenda for the Natural Resources Committee. The first was for a project named Hawk Point. The project was deemed a WQMP revision as there were no changes to the wastewater or footprint of disturbance. He indicated that the Committee was recommending to the full Council that a letter recommending approval of the revision be sent to the NJDEP. Ms. Swan reviewed the agreed upon process that staff would prepare the letter and it would be sent to all Council members who would have 10 days from receipt and, absent a call up from members, the letter will be sent to NJDEP.

Mr. Dillingham reviewed the second project, named Huntington Knolls, where the Committee determined that there were inconsistencies with 300 foot buffers, clustering requirements, steep slopes, riparian areas and C1 streams. Mr. Weingart asked Mr. Dillingham whether the Committee would recommend the original recommendation from staff.

There was discussion begun by Erik Peterson asking whether the letter of recommendation could just identify the issues and provide resolution or recommendations for resolution. He did not advocate that the letter should contain an approval or denial. He indicated that NJDEP would look at the application differently with an approval or denial. Mr. Peterson indicated that the Council should not want to say no to all development in the Planning Area. Other Council members spoke to the issue of using the language of approval or denial. Chair Weingart clarified that comments to NJDEP had been sent previously using the language recommending an approval or denial.

**CONSIDERATION OF RESOLUTION ON RECOMMENDATION ON
PROPOSED WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR
HUNTINGTON KNOLLS**

Mr. Dillingham introduced a motion to send a letter to NJDEP recommending a denial of the proposed WQMP amendment for Huntington Knolls. Ms. Kovach seconded it. There was additional discussion among Council members regarding the use of approve or deny language and the merits of offering a recommendation. Mr. Schrier offered an amendment

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to the motion that recommended approval contingent upon the applicant coming into conformance with the inconsistencies in the application with respect to the RMP and that motion was seconded by Mr. Peterson. Mr. Borden clarified that in the Mansfield application the letter categorized approval contingent upon inconsistencies being addressed.

There was also discussion regarding the extent of the inconsistencies, e.g. the 300 foot buffer, and whether the project is close to consistency or grossly out of compliance with the RMP. Ms. Swan asked that if Council members wanted to review the projects would it be preferable to hold separate Council meetings to address these reviews rather than use the Natural Resources Committee to make recommendations to the full Council.

Chairman Weingart stated that having a staff recommendation and Natural Resources Committee unanimously recommending denial and then reviewing the application at the full Council will impede the process from going forward.

Mr. Borden again clarified that in the NJDEP regulations, the NJDEP shall not approve a WQMP amendment in the Planning or Preservation Area without first obtaining a recommendation from the Highlands Council. Ms. Pasquarelli noted that the directive says a recommendation relative to the action the NJDEP would take on this project. She believes that it should not be an approval with conditions.

Mr. Schrier offered to withdraw his motion for an amendment to the original motion. Mr. Peterson again raised the issue of whether the Council had the right to approve or deny or just point out whether the application is consistent with the RMP. He believes that if the letter says approval or denial that the full Council should review the applications. In response to concerns about the voluntary nature of conformance Mr. Borden clarified that the Highlands Act sets up a framework where state agencies are required to coordinate their activities irrespective of municipal decision making process. Mr. Borden noted that the municipal conformance with the RMP is a separate process. Chairman Weingart commented that if the Council voted that an application was inconsistent there has to be some action associated with the decision.

Ms. Carluccio spoke in support of denial of the application based on the staff and Natural Resource Committee recommendations. She noted that staff has identified issues that will aid the application in coming into compliance and that staff does not recommend denial unless the application is so far out of compliance with the RMP.

Mr. Cogger spoke in favor of making a decision and that information can be provided to NJDEP. Mr. Whitenack spoke to quantifying the inconsistencies. It was noted that there was a checklist and memo from the staff on the recommendations. Mr. Schrier added that some explanation might be included with the letter to NJDEP. Mr. Dillingham noted that these applications are being measured against standards in the RMP and those objectives should be measured objectively.

Ms. Pasquarelli spoke in support of the motion introduced by Mr. Dillingham and that the recommendation should be meaningful, and perhaps add another whereas that the Natural

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Resources Committee and the staff has determined that there is significant inconsistency in the application

PUBLIC COMMENT – HUNTINGTON KNOLLS WQMP

Sylvia Kovacs – Warren County Environmental Commission

She cautioned the Council about using the Mansfield language as the standard. She noted that in the case of Mansfield there were some inconsistencies represented. She spoke about her concern about using language of conditional approvals.

Peter Craig, Chair Holland Township Planning Board

He noted that he understood the difficulty in making a recommendation on this application. He believes that this application is completely inconsistent with the RMP; however, he did comment that this project did have a ten year history and that there were NJDEP approvals already in place that had primacy. He encouraged the Council to avoid language seeking to approve or deny.

Mr. Dillingham commented that Dr. Van Abs had, during the Committee meeting, read a statement that the NJDEP permit approvals were conditioned upon the WQMP amendment and that the project could not go forward until all approvals are obtained.

Julia Somers, NJ Highlands Coalition

She commented that the issue of consistency vs. inconsistency is convoluted and advocated clear language be used rather than a statement that this application is not inconsistent. She noted that using the word approval with conditions is an approval in the land use community. She reviewed the responsibility of the Council members to make decisions and asked that they vote for denial. She asked about conflicts of interest. Mr. Borden noted that clarification had been obtained from the ethics office that county representatives could vote on municipal Project Review and municipal Plan Conformance. However, for their own municipality, if they were a municipal official they should recuse themselves. Mr. Borden noted that additional clarification will be sought for residency issues.

David Pringle, NJ Environmental Federation

He advocated for an unconditional denial of this application and thanked the staff for the analysis. He commented that the Council had the legal right to make a decision.

Deborah Post, Chester Township

She did not support the Council actions. She advocated that the Council should take action without contingencies.

Dave Peifer, ANJEC

He commented based on his attendance at meetings and review of Highlands staff work that the Council should deny the application. He noted that the notion that there are bright line indicators, he commented that the Council would not necessarily have the information to make those kinds of decisions. He believes that the fact that NJDEP has already issued permits does not necessarily take into account consistency with the RMP and that the

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Council has a right to deny the application. He advocated that the Council trust the staff recommendations. He noted that the greatest leverage was denial.

Michael Keady, Friends of Holland Township

He urged denial of the application.

Darren J. Leotti, Esq., Mauro, Savo, Camerino & Grant, PA

Mr. Leotti stated that he represents the developer. He commented that whether the project is consistent with the RMP is not the only issue upon which to make a decision. This project was approved by the NJDEP prior to the Highlands Act. He indicated that \$1,400,000 in engineering has been expended for a project brought to his client by the municipality. He also indicated that there had been representations by the Township attorney that the project would be grandfathered and sewer permit issued. . He also said that 2nd and 3rd rounds of COAH are dependent on this project. Mr. Schrier commented that the NJDEP approvals were not before this council, only the WQMP.

Chairman Weingart called for a vote on the original motion introduced by Mr. Dillingham to recommend to NJDEP that they deny the application. There was a roll call vote: Mr. Alstede, nay; Ms. Calabrese, aye; Ms. Carluccio, aye; Mr. Cogger, aye; Mr. Dillingham, aye; Ms. Kovach, aye; Ms. Letts, aye; Ms. Pasquarelli, aye; Mr. Peterson, nay; Mr. Schrier, aye; Ms. Way, aye; Mr. Whitenack, aye; Mr. Weingart, aye. Eleven members voted to approve and two voted against. The motion was APPROVED.

There was a short adjournment.

Mr. Hutzelmann summarized the staff findings for the proposed WQMP on the project known as Canfield Development. He indicated that the original recommendations were submitted at the Natural Resources Committee in September. The current project footprint is smaller than that previously reviewed – 275 units. Highlands open water buffers, riparian, wellhead protection, vernal pools are some of the areas where the project is inconsistent with the RMP. He reviewed the memorandum prepared by staff addressing critical habitats, Prime ground water recharge areas, net water availability deficits and clustering. He noted that the applicant had provided some additional analysis with respect to the steep slope and wetland information.

Ms. Swan asked that Mr. Hutzelmann discuss the critical habitat analyses. The analysis used by the staff utilized Landscape Project Version 3 showing that there was wood turtle habitat. A study was provided by the applicant to rebut this but staff raised concerns about the report, in particular as to if access for the report was on the property or limited to public rights of way.

Chairman Weingart asked what inconsistencies remained unaddressed on this application. Ms. Swan noted that the applicant had shown a willingness and ability to avoid certain inconsistencies, but with the critical habitat, staff suggested that the applicant send that report to NJDEP. She also spoke to the unresolved inconsistencies of water availability requiring 125% mitigation and clustering. If those issues are addressed, there is a remaining

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concern over prime groundwater recharge. Mr. Whitenack noted that the staff had addressed many issues with the applicant. Mr. Dillingham cautioned about placing too much emphasis on collaborative applicants. He also commented on the fact the critical habitat study was not done in connection with this application. Chair Weingart asked if there was a motion to approve the resolution.

**CONSIDERATION OF RESOLUTION ON RECOMMENDATION ON
PROPOSED WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR
CANFIELD DEVELOPMENT aka KUSHNER - MINE HILL**

Mr. Dillingham made a motion recommending denial of the proposed WQMP amendment for Canfield Development based upon the significant inconsistencies related to core policies of the RMP. He stated that this would provide the applicant with the opportunity to redress these issues. Ms. Carluccio seconded the motion.

Mr. Alstede advocated for a review for an application that has fewer inconsistencies. Ms. Carluccio reiterated that there are a set of standards that all applications must be measured against. The staff did point out to the applicant that they could address certain issues, and then become consistent; however, Ms. Carluccio noted that avoiding the prime recharge area would be impossible unless the project was not built. She did not believe that there should be two levels of review. Mr. Alstede continued with the discussion addressing the compliance differences between the Planning and Preservations Areas.

Chair Weingart asked Natural Resource Committee members Mr. Whitenack and Mr. Peterson for their views on this application. Mr. Whitenack indicated that he viewed the review process as one in which all factors should be considered and particularly whether the applicant has utilized the RMP in the design. Mr. Peterson was not a part of the entire meeting. He concurred with Mr. Whitenack's comments that this project is not as inconsistent as the previous one. He continued that because the project was in the Planning Area and the municipality has not opted in as yet that there should be a comfort level for the Council in how to handle these applications. Ms. Kovach rejoined the meeting.

Ms. Calabrese asked if there was a staff recommendation and the response was the recommendation from staff was that the application was inconsistent. Mr. Schrier commented that there was a good suggestion by Mr. Peifer that the Council rely on staff; however, he believes that this is a deliberative body and that is important. Ms. Carluccio asked if using the Landscape Version 3 data that the application is still inconsistent for critical habitat and Mr. Hutzelmann confirmed that statement. She also spoke to what guarantees there would be that the applicant would address issues like steep slopes. Mr. Borden noted that there could be specific restrictions put on the application.

PUBLIC COMMENT ON CANFIELD DEVELOPMENT APPLICATION

Marion Harris, President, Mt. Hope Historical Conservancy

She noted that this project is the site of the Dickerson mine – one of the two oldest mine sites in northwest New Jersey. The mining industry being the earliest economic engine

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makes it an important resource. – This site is not listed on the register and noted that there are very few historic resources listed. This site continues across the road where the Dickerson house was located and there are auxiliary buildings and miner's housing. She stated that industrial archaeology can be above or below ground and she believes that the site should be investigated and is an important resource to the community. She commented that the township engineer at a previous hearing had discussed the dangers of mine shafts and how the veins can be slanted in different directions. There could be negative impacts to a building. She also noted that the community character would be impacted by this development from a design point of view. She advocated that the archaeological investigation be completed.

Deborah Post, Chester Township

She believes that the staff is biased in favor of environmental protection. She advocated that the Council makes its own decisions.

Cindy Ehrenclou, URWA Executive Director

She asked for clarification on the clustering provision – how the developer would meet the 80% provision. The township purchased 190 acres last summer as open space. She asked for ownership clarification. She urged the Council to deny the application.

Wilma Frey, NJCF

She commented that this project was one of those that led to the passage of the Highlands Act. She does not believe that there is any difference in consistency to this project from the previous one. She urged denial. She noted that the open space does not belong to the applicant and did not believe that it could be considered open space for the cluster provision.

Peggy Snyder, Engineer representing URWA

She noted that she had attended the previous meeting on this application. She was asked to review the project for engineering and environmental impacts. She supports the technical comments from the staff. She believes that the site is a prime groundwater recharge area and the applicant has not provided for infiltration. She also noted that the soils are perhaps too permeable for infiltration. She recommended that soil borings would be helpful for analysis. There were two areas that she took issue with staff – forest area. She does not agree that this development is utilizing low impact stormwater management. She also did not believe that the steep slopes impact can be addressed unless the project is scaled back. She also noted that there is only ½ of the parking required according to her calculations. Ms. Snyder reiterated her concerns that she had communicated to the NJDEP that there would be significant impacts of discharged wastewater if there is a hydrological connection between the site and Alamatong Wellfield and was concerned about what level of treatment would be required. She also noted that she was concerned about the impact with a history of mining on site.

Mark Zakutansky, New Jersey Highlands Coalition

He spoke in support of denial of this application.

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Dave Peifer, ANJEC

As former Executive Director of URWA, he participated in the Alamatong Well study. He indicated that there was modeling used then that could not anticipate groundwater impacts relating to groundwater recharge. He commented that there was not a natural condition with mining operations 1,000 feet or 500-600 feet below where the wells are located. He also mentioned that the abandoned iron mines are mapped, but cannot connect them to the review. The checklist does not show archaeological features. Historic iron mines are not just assets from an historic perspective but could pose public health and safety concerns with collapse. He reiterated the soil permeability discussion raised by Ms. Snyder. He advocated that the RMP include catching abandoned mines. He recommended denial. The NJ Environmental Federation also supports denial.

Stephen Severud, Esq. Township Attorney Mine Hill

He asked that the Council take into consideration that the open space closing took place before the funding sources expired. He also indicated that the open space transaction was part of a settlement agreement. He reviewed that the project was next to the Randolph Industrial park and across from another apartment complex and that the number of units had been significantly reduced and the town acquired portions that will only have paths. He also mentioned that the MCMUA was looking into using one of the mines for water storage. The town supports the applications with conditions if that is what the Council wants.

Glen Geiger, Day Pitney, LLC, attorney for the applicant

He addressed the concerns about mines. He reviewed that there has been close to \$100,000 spent to review the archaeological features and he also mentioned that there had been a study costing upwards of \$1,000,000 of the mining features completed. The settlement was designed to effectuate cluster on 46 acres. He noted that the vernal pool could be accommodated as well as steep slopes. He commented on Ms. Snyder's review and noted that she was working with a concept plan not a site plan. He reviewed that soil borings had been done, there was an onsite sewage treatment designed. He complimented the staff approach on getting the facts correct. He emphasized that the context of this review is with the Draft Regional Master Plan with a township that was asking for changes to accommodate this project. The first issue he discussed was critical habitat and NJDEP has not raised it as an issue since 2001 using the Landscape Version 2. He reviewed Prime ground water recharge area with respect to the township's desire to move forward and he noted that the 125% mitigation would help with the recharge. There is already an allocation of water and although there is a deficit noted in the staff recommendation, he asked that the staff make recommendations to NJDEP as to how the project could move forward. Any growth in the planning area will require balancing the goals of the RMP.

In response to Ms. Letts, he noted that 125% requirement of predevelopment recharge will mitigate the issues raised by staff. He also explained that all requirements of RSIS and stormwater rules will have to be met for the project to move forward and the ultimate number of units will be affected by compliance.

Chairman Weingart said there is a motion on the floor to deny. Mr. Cogger remarked that the archaeological resources were not noted on the checklist. State and national register of

**NEW JERSEY HIGHLANDS WATER PROTECTION
AND PLANNING COUNCIL
MINUTES OF THE MEETING OF JANUARY 17, 2008**

historic sites is the review standard according to Dr. Van Abs. The RMP says that the register is standard for review in the RMP. Ms. Carluccio commented that the prime groundwater recharge area takes up the entire site and that the RMP says that this area should not be disturbed, that does not mean that 125% mitigation can be used to allow disturbance of a prime groundwater recharge area. The other outstanding issue is the critical habitat.

Mr. Schrier noted that the county had originally opposed the project. He summarized the funding grants that were provided totaling some \$6 million. He also mentioned that the MCMUA provided some funding. He commented that those funds were granted with the expectation of a smaller project. He further discussed the storage project of water in the Dickerson mine as an important one for the residents of Morris County. He noted that the former NJDEP commissioner had pledged \$500,000 for analysis of the project. He believes that it is the applicant's responsibility to bring the project into compliance and that the council's charge is to make a recommendation to NJDEP and he advocated for approval with conditions.

Mr. Borden responded to a question about Mr. Schrier's involvement in the mine project for water storage that if there were a specific county project associated with this application he would strongly encourage recusal. However, it was further noted that the mine project is not inclusive of the Canfield property. Mr. Borden stated that given the fact that the projects are not interrelated that he did not believe there was a conflict.

There was additional discussion regarding the approach to take including Approval, Denial or Approval subject to conditions.

Chairman Weingart asked for a roll call vote on the original motion to recommend denial the application. The vote was as follows: Mr. Alstede, nay; Ms. Calabrese, aye; Ms. Carluccio, aye; Mr. Cogger, nay; Mr. Dillingham, aye; Ms. Kovach, aye; Ms. Letts, nay; Ms. Pasquarelli, aye; Mr. Peterson, nay; Mr. Schrier, nay; Ms. Way, aye; Mr. Whitenack, nay; Mr. Weingart, aye. The motion was not approved.

A new motion was introduced by Mr. Schrier to recommend approval of the application subject to the conditions in the staff memo along with safety issues with respect to the mine requested by Ms. Way. Mr. Whitenack seconded it. There was additional discussion about the mine issues and Mr. Geiger noted that the settlement agreement included a mine investigation study.

Mr. Weingart asked for a roll call vote. The vote was as follows: Mr. Alstede, aye; Ms. Calabrese, aye; Ms. Carluccio, nay; Mr. Cogger, aye; Mr. Dillingham, nay; Ms. Kovach, aye; Ms. Letts, aye; Ms. Pasquarelli, nay; Mr. Peterson, aye; Mr. Schrier, aye; Ms. Way, aye; Mr. Whitenack, aye; Mr. Weingart, aye. The motion is APPROVED.

He noted that the process for reviewing these applications should be reviewed.

NEW JERSEY HIGHLANDS WATER PROTECTION
AND PLANNING COUNCIL
MINUTES OF THE MEETING OF JANUARY 17, 2008

**CONSIDERATION OF ELECTION OF OFFICERS OF THE HIGHLANDS
COUNCIL**

Chairman Weingart asked for nominations for Vice Chairman. Ms. Letts nominated Mr. Schrier for Vice Chairman and Mr. Peterson seconded the nomination. All members present voted in the affirmative. Ms. Letts nominated Mr. Cogger for Treasurer and Ms. Kovach seconded the nomination. All members present voted in the affirmative.

PUBLIC COMMENT

Deborah Post, Chester Township

Ms. Post read a statement that she submitted for public comment. She asked for compensation for her land which she asserted could have been subdivided into 17 lots and for which she had a site plan, Block 33 Lot 4.

Ms. Carluccio made a motion to adjourn to Executive Session and Mr. Dillingham seconded it at 2:15pm.

The meeting was adjourned after the Executive Session at 2:25pm.

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: 3/10/08

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

**Vote on the Approval of
these Minutes**

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

TRUE COPY

PUBLIC COMMENTS SUBMITTED

Comments to Highlands Council – January 17, 2008

My name is Deborah Post.

I first addressed this body over three years ago when this Council was gleefully handing out a half mill or so in municipal grant checks amidst much photo flashing and handshaking and smiles. That day I thought it was appropriate that we landowners join the good cheer of check distribution so I asked you: Where's my check? You didn't have an answer.

I submitted site specific Master Plan comments last spring to this Council advising of the suitability of my property for community zone designation. As is its typical modus operandi, the Council turned a deaf ear to my, and all landowner, comments. So I am back today to again ask you: Where's my check? Where's my just compensation? I would like to be paid. We landowners feel caught in a Beckett play waiting for compensation with no exit available to us.

To assist you in making out the check, I have brought a subdivision conceptual for my property, Block 33 Lot 4 in Chester Township, prepared solely for this exercise. Utilizing pre-Highlands Chester Township municipal land use law, requiring no variances, I have seventeen buildable lots. There are no wetlands and no steep slopes on my property. It abuts an existing development which is designated a community zone. It would be humorous to note that your hydrological science seems to, stunningly, show that water sensitivity stops and starts along the zig-zag line of my deer fence, if the intellectual dishonesty of this finding weren't so morally reprehensible.

And I am formally asking you to be paid my just compensation for the seventeen buildable lots in Chester Township that the Highlands Act has denied me. ~~By the way, Mr. Ventrano, this multi-million dollar loss buys me a heck of a lot of mean-spiritedness.~~

My farm is a model of good environmental stewardship. I work with the land every day. No one on this Council, excepting Mr. Alstede, actually work with their hands to care for the environment in their daily life. No, the paid environmental lobbyists on this Council do not qualify as genuinely working with the land. You are all armchair greenies, feeling self-important on this powerful and dysfunctional Council. When the farmers who are the real environmentalists are kicked and tortured and punished as viciously as the Act and your Plan does, it should be no surprise to society when there simply are no farmers left. Remember Pavlov's dog.

Section 6n of the Highlands Act orders this Council to identify lands in the Preservation Area where development shall not occur and to recognize the need for just compensation. You have not done this...your Plan is silent...you have not fulfilled your mandate. What part of Section 6n does this Council not understand?

Section 8a of the Highlands Act says, I quote, "The Council shall not adopt a Regional Master Plan unless it recommends receiving zones in the planning area and

capacity therefore for each receiving zone pursuant to the transfer of development rights program.” You must identify a receiving zone in the planning area for all Preservation Area sending zones. That’s what the legislature told you to do. You have not done this...your Plan is silent...you have not fulfilled your mandate. What part of Section 8a does this Council not understand?

Sections 6n and 8a are the essence of what this Council was supposed to do. You were to specifically identify those lands that were sincerely water sensitive and then establish a program to compensate their owners. You have not done this. Instead you have listened to the slick Mr. Borden who has advised you to just finesse your statutory mandates. Sections 6n and 8a are written in clear English. Before you vote for this Plan each one of you might want to read up on whether or not you have done what the legislature told you to do.

About that check...I will be looking for it. Please make sure it’s in the mail.



JON S. CORZINE
Governor

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JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

January 30, 2008

Ms. Terry Pilawski, Chief
Bureau of Watershed Regulation
New Jersey Department of Environmental Protection
P.O. Box 418
401 E. State St.
Trenton, NJ 08625-0418

Re: Asbury Farms/Hawk Pointe Golf Community
Washington Township, Warren County
Washington Township Wastewater Management Plan
Proposed Revision to the Upper Delaware Water Quality Management Plan

Dear Ms. Pilawski:

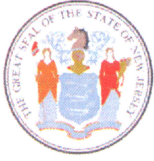
The Natural Resources Committee of the Highlands Council has reviewed the above-referenced revision to the Upper Delaware Water Quality Management Plan. Based upon the review by the Committee, the Highlands Council has no objections to New Jersey Department of Environmental Protection approval of the revision.

If you have any questions or comments regarding this matter, please feel free to contact Christine Ross at (908) 879-6737, x116.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Eileen Swan".

Eileen Swan
Executive Director



JON S. CORZINE
Governor

State of New Jersey

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EILEEN SWAN
Executive Director

January 28, 2008

Ms. Terry Pilawski, Chief
Bureau of Watershed Regulation
New Jersey Department of Environmental Protection
P.O. Box 418
401 E. State St.
Trenton, NJ 08625-0418

Re: Proposed Amendment to the Upper Delaware Water Quality Management Plan (WQMP) - Milford Sewage Treatment Plant Wastewater Management Plan (WMP) Huntington Knolls - Holland Township, Huntington County

Dear Ms. Pilawski:

On behalf of the Highlands Water Protection and Planning Council (Highlands Council), in accordance with N.J.A.C. 7:38-1.1(k), please accept the following recommendation on the above-referenced proposed amendment to the Upper Delaware Water Quality Management Plan (Proposed Amendment) through the Milford Sewage Treatment Plant Wastewater Management Plan. The Highlands Council approved a resolution on January 17, 2008 to recommend that the New Jersey Department of Environmental Protection (NJDEP) deny the Proposed Amendment due the extensive inconsistencies with the Final Draft Regional Master Plan (Final Draft RMP) as discussed more fully below.

Overview and Procedural History

The Proposed Amendment would allow for the expansion of the sewer service area of the Milford Borough Sewage Treatment Plant to include Block 24, Lots 3 and 13 in Holland Township, Hunterdon County, the site of the proposed Huntington Knolls development. The 84-acre site is located west of County Route 519 (Milford Warren Glen Road) and south of Fox Hill Place. The proposed development includes the construction of 29 residential buildings which will contain 38 one-bedroom units and 78 two-bedroom units, a clubhouse, an assisted living unit with 50 beds, 10,000 square feet of office space, and 17,000 square feet of retail space. The Proposed Amendment was reviewed by NJDEP in accordance with Executive Order No. 109 (2000) and N.J.A.C. 7:15. On

September 4, 2007, the NJDEP provided public notice of the Proposed Amendment in the New Jersey Register (see 39 N.J. R. 3788(a)). The Highlands Council was asked to provide recommendations in accordance with N.J.A.C. 7:38.

The Highlands Council's Natural Resource Committee reviewed the Proposed Amendment at meetings on December 6, 2007 and January 17, 2008. On December 6, 2007, the Natural Resources Committee considered the staff recommendation that the Proposed Amendment was inconsistent with the Final Draft RMP due to the fact that the site contains numerous sensitive environmental resources including Steep Slopes, Highlands Open Waters Protection Areas, Riparian Areas, Critical Habitats, Forests, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resources. In addition, the HUC14 subwatershed within which the project is located has a deficit of net water availability, and the Final Draft RMP includes a policy that extension of public sewer in the Conservation Zone requires the use of cluster development with 80% preservation of agricultural and open space features and meeting minimum lot densities and floor area ratios. Based on this analysis, the Committee recommended denial of the Proposed Amendment unless the applicant could demonstrate that the project, through a point-by-point analysis, is consistent with the goals, policies, and objectives of the Final Draft RMP.

The Proposed Amendment was scheduled to be considered by the Highlands Council at its regularly scheduled meeting on December 13, 2007. Due to adverse weather conditions, the Chairman deferred consideration of the matter until the January 17, 2008 meeting of the Council. On December 20, 2007, the Highlands Council wrote to the applicant's attorney regarding the deferred consideration and attached the staff recommendation and project review checklist, dated December 2, 2007, along with the Chair Report of the Natural Resources Committee. In response to the opportunity to respond to the staff and Committee recommendations, the applicant submitted a hard copy site plan on January 8, 2008, with no further technical information.

The Highlands Council staff updated its recommendation, based upon the site plan, and reiterated its recommendation that NJDEP not approve the Proposed Amendment. The Natural Resources Committee, on January 17, 2008, reviewed the Proposed Amendment and the staff recommendation and heard testimony from representatives of the applicant, Holland Township, and members of the public. The Committee then referred the matter for consideration by the full Council with a recommendation to deny the Proposed Amendment. On January 17, 2008 after due consideration and public comment, the Highlands Council authorized the issuance of the following findings and recommendations. The Highlands Council determined that the site is highly constrained and that the Proposed Amendment is substantially inconsistent with the Final Draft RMP. For the reasons detailed below, the Highlands Council recommends that NJDEP deny the Proposed Amendment.

Findings and Recommendations

1. Critical Habitat: The Proposed Amendment proposes to disturb areas identified by Highlands Council staff as Critical Habitat for Cooper's Hawk, a state-threatened species (Rank 3) using NJDEP's Landscape Project data version 3. The proposed disturbance of Critical Habitat is inconsistent with the Final Draft RMP. NJDEP's public notice indicated no conflict with threatened and endangered species habitat using Landscape Project data version 2, which does not include Cooper's Hawk habitat. The Highlands Council recommends that NJDEP review the Proposed Amendment utilizing the most current version of the Landscape Project data to protect Critical Habitat.

2. Highlands Open Waters and Riparian Areas: The Proposed Amendment would result in extensive disturbance of Highlands Open Water protection areas and Riparian Areas, and such activities are inconsistent with the Final Draft RMP. Wetlands, classified as Highlands Special Waters, exist on the site. Spring Mills Brook, a C-1 tributary of Hakikokake Creek and the Delaware River exists on the northern portion of the site. Highlands Open Water protection areas for on-site wetlands and streams are present on-site. The proposed development footprint encroaches upon the Highlands Open Water protection 300-foot buffers, riparian areas, specifically flood prone areas, wetlands and hydric soil complexes that exist throughout the site. The Highlands Council recognizes that NJDEP would protect a smaller buffer along the C-1 stream through the project's Stream Encroachment Permit; however, that permit is conditioned in part on the WQMP amendment (Condition #25). The Highlands Council recommends full protection of the Highlands Open Water protection 300-foot buffers through the WQMP process, consistent with the Final Draft RMP.

3. Steep Slopes: The Proposed Amendment includes disturbance of steep slopes which is inconsistent with the Final Draft RMP. The site contains Severely Constrained Slopes (i.e., slopes of 20% or greater and lands within the riparian areas with slopes of 10% and greater) and Moderately Constrained Slopes (i.e., slopes between 15%-20% that are forested).

4. Forests: The Proposed Amendment includes disturbance of forest resources. Consistency with the Final Draft RMP would require that the project implement very low impact design Best Management Practices (BMPs).

5. Net Water Availability deficits: The Proposed Amendment would exacerbate the deficit of net water availability in a HUC14 subwatershed through additional consumptive uses, which is inconsistent with the Final Draft RMP. The project includes a proposed water main extension from the adjacent Aqua New Jersey systems. Source wells are located within the project site's HUC14 subwatershed. Water diversions are not transferred outside of the subwatershed, so they result only in consumptive uses, not depletive uses. The subwatershed currently has a deficit of net water availability. Any additional consumptive uses in the subwatershed would be allowable to a maximum of 28,900 gpd, upon the condition of satisfying the 125% deficit mitigation requirement. Based on the proposed wastewater demands, consumptive uses from this project area likely to be somewhat less than 12,000 gpd, but this value has not been verified. No information was provided from the applicant on potential mitigation. The proposed consumptive water demand should be calculated by the applicant, not to exceed a pro rata share of the subwatershed conditional water availability. The additional consumptive water use should be allowed only under the requirements of providing 125% mitigation of the additional consumptive use using water conservation techniques and enhanced recharge, with the latter occurring on-site to the maximum extent practicable.

6. Clustering and Agricultural Protection: The wastewater and water policies of the Final Draft RMP regarding extension of utility services and residential development in the Agricultural Resource Area and the Conservation Zone require clustering of development such that 80% of the site is preserved for agriculture or natural resource open space. The site is entirely within the Agricultural Resource Area and portions of the site have agricultural uses and important farmland soils. Other non-agricultural development must avoid conflicts with agricultural activities, protect agricultural production, and protect farmland and sensitive environmental resources. Future increases in

January 28, 2008

Page 4

impervious cover on the preserved site trigger requirements for a farm conservation plan or resource management system plan at 3% and 9% respectively.

7. Water Quality: The Proposed Amendment includes development activities in the wellhead protection areas (WHPA) on-site. Development activities should not contribute to ground water quality degradation, reflecting Final Draft RMP policies relating to the three WHPA tiers.

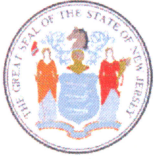
If you have any questions or comments regarding this matter, please feel free to contact me at (908) 879-6737.

Very truly yours,



Eileen Swan
Executive Director

Enc.: Project Review, Checklist, Maps
cc: Attached Service List



JON S. CORZINE
Governor

State of New Jersey

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EILEEN SWAN
Executive Director

January 28, 2008

Ms. Terry Pilawski, Chief
Bureau of Watershed Regulation
New Jersey Department of Environmental Protection
P.O. Box 418
401 E. State St.
Trenton, NJ 08625-0418

Re: Proposed Amendment to the Upper Raritan Water Quality Management Plan (WQMP)
Mine Hill Township Wastewater Management Plan (WMP)
Canfield Builders Associates
Mine Hill Township, Morris County

Dear Ms. Pilawski:

On behalf of the Highlands Water Protection and Planning Council (Highlands Council), in accordance with N.J.A.C. 7:38-1.1(k), please accept the following recommendation on the above-referenced proposed amendment to the Upper Raritan Water Quality Management Plan (Proposed Amendment) through the Mine Hill Township Wastewater Management Plan.

Based on a review of the conceptual site plan as applied to the 46.7-acre project site and its relationship to the remainder of the original 228 acre parcel under the settlement agreement for this project, the Highlands Council approved a resolution on January 17, 2008 to recommend that the New Jersey Department of Environmental Protection (NJDEP) approve the proposed WQMP amendment, contingent upon changes to address the inconsistencies with the Final Draft Regional Master Plan (Final Draft RMP) as discussed more fully below. Please be advised that this recommendation is not for immediate adoption, as some of the issues will require significant effort. Some, but not all, of these inconsistencies with the RMP may be addressed through relatively minor modifications of the site development plan, and recommendations are provided regarding these options. Also, the Council is providing recommendations that could mitigate the project's impact for other inconsistencies with the RMP and it is recommended that NJDEP require resolution of these matters prior to approval of the amendment.

Overview and Procedural History

The Proposed Amendment would allow for the construction of the Canfield residential development on an approximately 228-acre property located on Block 411, Lot 1; Block 606, Lot 1; Block 1002, Lot 1; and Block 1101, Lot 1 in Mine Hill, Morris County. The Proposed Amendment was reviewed by NJDEP in accordance with Executive Order No. 109 (2000) and N.J.A.C. 7:15. On December 18, 2006, the NJDEP provided public notice of the Proposed Amendment in the New Jersey Register (see 38 N.J.R. 5413(b)). On March 5, 2007, notice of a thirty day extension of the public comment period was published in the New Jersey Register (see 39 N.J.R. 800(a)). The Highlands Council was subsequently asked for its recommendations in accordance with N.J.A.C. 7:38.

The Highlands Council's Natural Resource Committee reviewed the Proposed Amendment at meetings on September 20, 2007, and again on January 17, 2008 subsequent to receipt of additional technical information from the applicant. The staff recommendation and project review checklist, dated January 12, 2008 (attached with accompanying mapping showing the entire parcel and the proposed development footprint), provides updated information based upon the Final Draft RMP and the information submitted by the applicant. On January 17, 2008, the Highlands Council reviewed the staff recommendation and heard testimony from representatives of the applicant, Mine Hill Township, and members of the public. After due consideration, the Highlands Council authorized the issuance of the following findings and recommendations.

Findings and Recommendations

1. Critical Wildlife Habitat: The Proposed Amendment would result in significant disruption of Critical Habitat for wood turtle identified through NJDEP's Landscape Project Version 3, covering much of the project area, which likely cannot be avoided by limited reductions in the development footprint. The applicant has submitted a report prepared for Mine Hill Township by Herpetological Associates, which concluded a lack of threatened and endangered species on site. The Highlands Council did not independently judge this conclusion but rather recommends that the NJDEP, as the source of the Landscape Project data, evaluate the report and determine whether this conclusion is warranted in part or in whole, which could reduce or eliminate the level of inconsistency with the Final Draft RMP. The applicant has expressed a willingness to provide on-site evaluations that would augment the report's evaluations, which were conducted from public rights-of-way.
2. Net Water Availability deficits: This site would exacerbate the deficit of net water availability in a HUC14 subwatershed through additional consumptive or depletive uses, which is inconsistent with the Final Draft RMP. This conflict can be resolved by the applicant providing 125% mitigation of consumptive and depletive uses in the source HUC14 through water conservation, enhanced recharge or a combination of these techniques. The Final Draft RMP considers the project site and the source wells to be in separate HUC14s. Therefore, the increased water use is considered depletive and the mitigation should occur in the source subwatershed. The mitigation required would be 102,228 gpd (81,782 gpd * 125%). This mitigation requirement is completely independent of the recharge mitigation cited in #8 below, as the site of mitigation would be in two different subwatersheds. Each must be addressed separately in the two different HUC14s.

However, based on the current USGS aquifer model that the applicant references in their comments, there is the potential that the two HUC14s are hydrogeologically connected and may be addressed as a composite hydrologic unit. The Highlands Council did not independently verify this

conclusion, but NJDEP may do so if sufficient documentation is provided by the applicant to justify this approach. If the HUC14s are addressed as a composite unit, the additional water use would be considered consumptive and require a 29,646 gpd ($81,782 \text{ gpd} * 29\% * 125\%$) mitigation. If this is the case, the water use mitigation requirement could be met in either HUC14, including through additional on-site recharge. However, the water use mitigation volume is in addition to the recharge volume requirement cited in #8 below.

3. Sensitive Areas: The proposed development site includes some lands that are within steep slopes, open water protection areas, riparian areas, and the 1,000 foot buffer for NJDEP certified vernal pools, all of which are inconsistent with the Final Draft RMP. Based on a review of the conceptual site plan, a modification of the site plan may be feasible regarding these resources. Consistency with the Final Draft RMP can only be achieved if these resources are excluded from the development footprint, and the applicant has indicated a willingness to do so. In addition, a conservation easement (enforceable by the Highlands Council and NJDEP) must be required as a condition of approval to ensure that all environmentally sensitive lands outside of the development footprint are protected from future activities.

4. Clustering: The wastewater and water policies of the Final Draft RMP regarding extension of utility services into the Protection Zone require clustering of development such that 80% of the site is preserved for environmental resources protection. It is not clear, based on the applicant's material, whether this requirement has been satisfied by the accompanying settlement agreement. Based on the Highlands Council's analysis, the 228-acre parcel would require a minimum of 182.4-acres dedicated to open space for environmental resources protection. While the applicant has referenced that 190 acres will be dedicated from the original 228-acre site and an adjacent parcel (apparently next to a school and potentially to be used for active recreation), the conservation restrictions placed on those areas are not clear. A 178-acre dedication on the site is also referenced but that does not fully satisfy the 80% dedication. Due to the need to avoid other resources on the project site, it should not prove difficult for the applicant to fulfill the 80% requirement. NJDEP should require that additional documentation be submitted detailing the parcel location, size, and nature of the easement being dedicated, to confirm that the 80% requirement is met.

5. Forest Resources: The proposed development site includes disturbance of forest resources. Consistency with the Final Draft RMP would require that the project implement very low impact design Best Management Practices (BMPs).

6. Smart Growth and Conservation: In addition to the use of low impact design BMPs, consistency has not been specified with water conservation policies of the Final Draft RMP, and compliance with those RMP requirements should be included as a requirement of any adopted WQMP amendment.

7. Mines: The Final Draft RMP does not include specific policies regarding site-specific impacts of public health and safety regarding abandoned mines. However, this site is known to have mine features and the Highlands Council recommends that the applicant's responsibility, under both State and local regulations to ensure that the development does not cause or contribute to health or safety problems due to former mines, be incorporated as a requirement of the WQMP amendment approval as well. The applicant has indicated a willingness to accept this requirement.

8. Prime ground water recharge areas: Most of the development site is located within, and would result in the development of, a prime ground water recharge area in the Protection Zone, which is inconsistent with the Final Draft RMP. This conflict cannot be resolved due to its extensive intersection with the development footprint. However, if the applicant is able to resolve

January 28, 2008

Page 4

all of the above inconsistencies with the Final Draft RMP, the Highlands Council recommends that the Proposed Amendment be approved with the condition that the applicant: 1) uses very low impact development design techniques to minimize impervious surfaces and disturbance to native vegetation; and 2) designs the stormwater facilities to recharge 125% of pre-development site recharge volumes within the same HUC14 subwatershed, to meet the recharge mitigation requirements of the Final Draft RMP. The latter provision is in addition to the mitigation of consumptive and depletive water uses cited in #2.

If you have any questions or comments regarding this matter, please feel free to contact me at (908) 879-6737.

Very truly yours,



Eileen Swan
Executive Director

Enc.: Project Review, Checklist, Maps
cc: Attached Service List



JON S. CORZINE
Governor

State of New Jersey

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JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

MEMORANDUM

To: Natural Resources Committee
Highlands Water Protection and Planning Council

From: Eileen Swan, Executive Director
Jim Hutzelmann, Water Resource Engineer
Erin Lynam, Resource Management Specialist
Christine Ross, Senior Resource Management Specialist

Date: December 2, 2007

Re: Application Type: *Proposed Amendment to Upper Delaware WQMP*
Name: *Huntington Knolls*
Municipality: *Holland Township*
County: *Hunterdon*
Highlands Act Area: *Planning Area*
LUCM Location: *Conservation Zone and Conservation Constrained Sub-Zone*
Property: *Block 24, Lots 3 and 13*
Proposed Use: *Age-restricted housing, Institutional Use, Commercial and Office Space*
Nearest Waterway (Name): *Spring Mills Brook*
Wastewater: *Public Wastewater Collection and Treatment (Milford STP)*
Water: *Public Community Water System (Aqua New Jersey, Inc.)*

1.0 PROJECT DESCRIPTION

This is a proposed amendment to the Upper Delaware Water Quality Management Plan (WQMP) that would expand the sewer service area of the Milford Sewage Treatment Plant to include Block 24, Lots 3 and 13 in Holland Township, Hunterdon County, site of the proposed Huntington Knolls development. The approximately 87-acre site is located west of County Route 519 (Milford Warren Glen Road) and south of Fox Hill Place. The proposed development includes the construction of 29 residential buildings which will contain 38 one-bedroom units and 78 two-bedroom units, a clubhouse, an assisted living unit with 50 beds, group home, 10,000 square feet of office space, and 17,000 square feet of retail space. The projected wastewater flow for this facility is 32,950 gallons per day (gpd).

No site plan for the project was forwarded by the applicant. Therefore, the entire parcel was reviewed as a potential sewer service area, as the development footprint is undetermined. The review of the proposed Huntington Knolls development amendment is the result of an analysis of infrastructure capacity and the extent of environmentally sensitive resources. This review is based upon the standards and policies set forth in the Final Draft Highland Regional Master Plan (Final Draft RMP).

2.0 RECOMMENDATIONS

Analysis

The Highlands Council has identified instances where the Huntington Knolls proposed development site and sewer service area are inconsistent with the goals, requirements, and provisions of the Final Draft RMP. These conflicts are discussed below:

Environmentally Sensitive Lands within the Proposed Development Footprint

During the review of the proposed service area, the Highlands Council staff identified the presence of environmentally sensitive lands whose development or alteration would be inconsistent with the Final Draft RMP.

Steep Slopes

The site contains Severely Constrained Slopes (i.e., slopes of 20% or greater and lands within the riparian areas with slopes of 10% and greater) and Moderately Constrained Slopes (i.e., slopes between 15%-20% that are forested). The Council staff recommends that the sewer service area be limited to areas without severely constrained or moderately constrained slopes, as proposed.

Highlands Open Waters and Riparian Areas

Wetlands, classified as Highlands Special Waters, exist on the site. Spring Mills Brook, a C-1 tributary of Hakikokake Creek and the Delaware River exists on the northern portion of the site. Highlands Open Water protection buffers for on-site wetlands and streams are present on-site. The proposed development footprint apparently does encroach upon the Highlands Open Water protection 300-foot buffers; however, the applicant has already received NJDEP wetlands and stream encroachment permits. The Highlands Council staff also identified the potential disturbance of riparian areas, specifically floodprone areas, wetlands and hydric soil complexes that exist throughout the site. The Council staff recommends that the application be modified to exclude Highlands Open Water protection buffers. The staff further recommends that riparian areas be excluded from the sewer service area and development activities throughout the site should limit the increase of impervious areas to the minimum extent necessary. Alteration of natural vegetation should also be minimized beyond the Highlands Open Water protection buffers.

Forests

The site contains forested lands that are outside the Forests Resource Area. The Council staff recommends that the applicant should be required to identify upland forest areas in accordance with the Highland's Council's Alternative Method for Identifying Upland Forest Areas in the Highlands Region. In addition, the staff recommends that development activities should be required to utilize very low impact residential development techniques when disturbing woody vegetation.

Critical Habitat

The site contains Significant Natural Areas, and wooded areas identified by Highlands Council staff using NJDEP's Landscape Project data version 3 as habitat for Cooper's Hawk, a state-threatened species (Rank 3). NJDEP's public notice indicated no conflict with threatened and endangered (T&E) species habitat using Landscape Project data version 2, which does not include Cooper's Hawk habitat. Therefore, the applicant's submittal using Version 2 data shows no conflict with the proposed sewer service area and development footprint. Highlands Council staff recommends that NJDEP review the WQMP amendment utilizing the most current version of the Landscape Project data for T&E species. The staff further recommends that the applicant should be required to exclude the Critical Wildlife Habitat and Significant Natural Areas from the proposed development footprint.

Agriculture

The Highlands staff identified portions of the site as agricultural uses within an Agricultural Resource Area. Important farmland soils occur on-site. Residential development within the Agricultural Resource Area requires clustering with a minimum of 80% of the parcel preserved as agriculture or natural resource area. Other non-agricultural development must avoid conflicts with agricultural activities, protect agricultural production, and protect farmland and sensitive environmental resources. Future increases in impervious cover on the preserved site trigger requirements for a farm conservation plan or resource management system plan at 3% and 9% respectively.

The applicant should delineate the portion of the site reserved for the 80% agricultural or natural resource preservation in a manner that protects agricultural production and activities. The applicant should also identify the means by which the conservation easement will be enforced, and whether ownership of the land will be a landowners association, government entity or private party.

Water Quality

The Highlands staff identified prime ground water recharge areas and wellhead protection areas on-site. Further, a Total Maximum Daily Load (TMDL) for pathogens exists for the subwatershed. The staff recommends that development activities should not reduce ground water recharge volumes or contribute to ground water quality degradation. Wastewater discharge to the Milford Sewage Treatment Plant and non-point source loads from the site should not violate loads associated with adopted TMDLs for pathogens.

Water Capacity

The proposed project includes a proposed water main extension from the adjacent Aqua New Jersey systems. Source wells are located within the project site's subwatershed. Water diversions are not transferred outside of the subwatershed, so they result only in consumptive uses, not depletive uses. The subwatershed currently has a deficit of net water availability. Any additional consumptive uses in the subwatershed would be allowable to a maximum of 28,900 gpd, upon the condition of satisfying the 125% deficit mitigation requirement. Based on the proposed wastewater demands, consumptive uses from this project area likely to be somewhat less than 12,000 gpd, but this value has not been verified. No information was provided from the applicant on potential mitigation. The Highlands staff recommends that the development should be required to satisfy the smart growth clustering provisions while maximizing the protection of sensitive environmental resources. The proposed consumptive water demand should be calculated by the applicant, not to exceed a pro rata share of the subwatershed conditional water availability. The staff also recommends that the

December 2, 2007

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additional consumptive water use be allowed only under the requirements of providing 125% mitigating of the additional consumptive use using water conservation techniques and enhanced recharge, with the latter occurring on-site to the maximum extent practicable.

Wastewater Capacity

The project proposes to connect into the Milford Sewage Treatment Plant Collection System. The Highlands staff recommends that the proposed development should be required to satisfy the smart growth clustering provisions of the Final Draft RMP while maximizing the protection of sensitive environmental resources using low impact design techniques. The density of the developed portions of the site should be a minimum density of 1/2 acre per lot for residential development, and a Floor-to-Area Ratio (FAR) of at least 0.84 for non-residential development.

Conclusions and Staff Recommendations

The site contains numerous sensitive environmental resources including steep slopes, Highlands Open Waters Protection Areas, Riparian Areas, Critical Habitats, Forests, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resources. These areas should be excluded from the sewer service area and development activities should avoid these areas. Further, wastewater discharge to the Milford Sewage Treatment Plant and on-site stormwater best management practices should not violate loads associated with adopted TMDLs for pathogens.

The site is proposed to be served by public water and wastewater and appears to be adjacent to those utilities. The precise extent of these utility service areas should be confirmed by the applicant. Extension of utilities to the site requires a cluster development at the appropriate densities and 80% preservation of the site's agriculture or natural resources. Mitigation of the additional consumptive water use at 125% should be required as a condition of approval and incorporated on-site to the maximum extent feasible to ensure that the mitigation occurs at the same time as the development.

Prior to final adoption of the RMP, the Highlands Council's purview is to provide recommendations to NJDEP on WQMP amendments. Given that the NJDEP may ultimately approve the amendment despite the Council's findings and recommendations, it would be prudent to include suggestions that could mitigate the project's impact if NJDEP would include them as conditions in their approval. Specifically, the disturbance of steep slopes, the open water buffers, riparian areas, critical habitat, and prime recharge areas should be reduced to the maximum extent possible and a conservation easement should be instituted around the remaining environmentally sensitive lands. There should be a requirement, where land disturbance is otherwise permitted, that low impact development best management practices be followed to minimize any potential for habitat or water quality impairment. For any development activity within the riparian area, it is recommended that low impact development best management practices be required to minimize both alterations of natural vegetation and increases in impervious area, and to provide for mitigation through restoration of impaired Riparian Areas in the same HUC14 subwatershed. Finally, ground water recharge should be implemented beyond the requirements of the Stormwater Management Rules (N.J.A.C. 7:8) as mitigation for the additional consumptive water uses.



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Governor

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JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

MEMORANDUM

To: Natural Resources Committee
Highlands Water Protection and Planning Council

From: Eileen Swan, Executive Director
Jim Hutzelmann, Water Resource Engineer
Erin Lynam, Resource Management Specialist
Christine Ross, Senior Resource Management Specialist

Date: January 12, 2008

RE: Application Type: *Proposed Amendment to Upper Delaware WQMP*
Name: *Huntington Knolls*
Municipality: *Holland Township*
County: *Hunterdon*
Highlands Act Area: *Planning Area*
LUCM Location: *Conservation Zone and Conservation Constrained Sub-Zone*
Property: *Block 24, Lots 3 and 13*
Proposed Use: *Age-restricted housing, Institutional Use, Commercial and Office Space*
Nearest Waterway (Name): *Spring Mills Brook*
Wastewater: *Public Wastewater Collection and Treatment (Milford STP)*
Water: *Public Community Water System (Aqua New Jersey, Inc.)*

In early December, the Highlands Council staff performed the Regional Master Plan (RMP) consistency review for the proposed Holland Township WMP amendment (Upper Delaware WQMP) for the Huntington Knolls Condominiums for Block 24, Lot 3 & 13 in Holland Township, Hunterdon County, New Jersey. On December 6, 2007 the Natural Resources Committee considered and concurred with the staff recommendation that this amendment should not be adopted by NJDEP, voting to forward the recommendation to the full Highlands Council. The applicant was notified of the meeting but was not represented.

During the review of the application file, Highlands Council staff did not have an electronic or paper copy of the applicant's proposed site plan or footprint of disturbance. When applications are missing this information, during this interim review phase before the RMP is adopted, the Highlands Council performs the review for the entire site parcel(s).

After the December 6, 2007 Natural Resources Committee Meeting, the Highlands Council sent the Natural Resources Committee Meeting Chair Report, the Highlands Staff Recommendation, and Review Checklist to service list which included the applicant and other interested parties. Upon receiving the information, the applicant called the Highlands Council on December 28, 2007 and advised that he and his professionals would be submitting documentation to rebut the Highlands Staff Recommendation. The applicant submitted a hard copy site plan on January 8, 2008, with no further information. Highlands Council staff visually compared the hard copy site plan to the GIS review of the entire site parcel. Because an electronic copy has not been used in this review, all site inconsistencies with the RMP are visually estimated.

After comparing the Huntington Knolls hard copy site plan with our GIS review for resource constraints, it was determined that the proposed development will infringe on:

- Highlands Open Waters (HOW) 300-foot buffers;
- Portions of steep slopes;
- Portions of the riparian area of Spring Mills Brook (FW2TP-C1);
- A high integrity forested subwatershed; and
- Portions of mapped critical wildlife habitat for Cooper's Hawk (State Threatened).

Additionally, the proposed development includes a road that would bisect the mapped critical habitat onsite. The site is entirely within the Agricultural Resource Area. The proposed site plan does not appear to cluster development on 20% of the site with an 80% dedication of the site to agriculture or natural resource open space. Clustering to 20% of the total site area (87 acres) would be 17.4 acres of developed area. The proposed site plan indicates the development footprint is approximately 30-35 acres (34-40% of the site). The proposed site plan indicates a dedication of approximately 32 acres (36.4%) of the site to open space.

As a result of the review of the site plan, the Highlands Council Staff reaffirms its recommendation from December that NJDEP deny the proposed amendment.



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WQMP AMENDMENT
REVIEW CHECKLIST

PROJECT INFORMATION	
WQMP Name: HUNTINGTON KNOLLS	Date: DECEMBER 2, 2007
Sewer Service Area/Facility: MILFORD STP	
WQMP: UPPER DELAWARE	
WMP Agency: MILFORD STP	
Name of Facility: HUNTINGTON KNOLLS	
Name of Applicant: HUNTINGTON KNOLLS, LLC	
Sewer Service Area/Facility: New <input type="checkbox"/> Existing <input checked="" type="checkbox"/> <i>If existing provide the following:</i>	
Proposed Change in Service Area Wastewater Flow: 32,950 GPD	
NJPDES No: NJ0021890	
Permit Discharge (MGD): 0.40	
Type of Discharge: GW <input type="checkbox"/> SW <input checked="" type="checkbox"/>	
Total Proposed Service Area (acres): ~87 ACRES	
Lot and Block, if applicable: Block 24, Lots 3 and 13	
Description of Project: 29 MULTIPLE-UNIT, AGE-RESTRICTED DWELLING UNITS; 1 ASSISTED LIVING UNIT; 1 GROUP HOME; 17,000 SF OF COMMERCIAL SPACE; AND 10,000 SF OF COMMERCIAL SPACE	

LAND USE CAPABILITY MAP ZONES	
Sewer Service Areas Encroach Within Which LUCM Zone? (Check all that apply.):	
Protection Zone <input type="checkbox"/>	Conservation Constrained Zone <input checked="" type="checkbox"/>
Conservation Zone <input checked="" type="checkbox"/>	Existing Community Constrained Zone <input type="checkbox"/>
Existing Community Zone <input type="checkbox"/>	

HIGHLANDS ACT AREAS	
Project located in which Highlands Act Area? (Check all that apply.):	
Preservation Area <input type="checkbox"/>	
Planning Area <input checked="" type="checkbox"/>	

TOPOGRAPHY	
Parcel Underlain by Limestone?	No
Steep Slopes >20% in Any Areas?	Yes
Steep Slopes >15% in Forested Areas?	Yes
Steep Slopes >10% in Riparian in Undeveloped Lands?	Yes
Findings: THE SITE CONTAINS SLOPE CONSTRAINTS OF 20%, 15%, AND 10% WITHIN THE RIPARIAN AREA. WE DO NOT HAVE THE PROPOSED DEVELOPMENT FOOTPRINT TO DETERMINE IF IT WILL DISTURB THESE AREAS.	
Policy Statement: PROHIBIT LAND DISTURBANCE WITHIN AREAS WHICH ARE SEVERELY CONSTRAINED SLOPES AND MODERATELY CONSTRAINED SLOPES.	

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Recommendation: LIMIT SEWER SERVICE AREA TO AREAS WITHOUT SEVERELY CONSTRAINED OR MODERATELY CONSTRAINED SLOPES, AS PROPOSED.

HIGHLANDS OPEN WATERS

Parcel includes Highlands Open Waters Protection Area Buffer? <i>If No, disregard remainder of Highlands Open Waters checklist.</i>	Yes
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Highlands Open Waters description:
Drainage HUCs Name and Number: 02040105170020
Name of nearest waterway: SPRING MILLS BROOK

Open Waters Protection Areas within the Service Area:

Streams
 Lakes & Ponds
 Wetlands

Highlands Open Waters category:

Highlands Waters
 Special Waters
 Exceptional Waters
 Intermediate Waters

Watershed Value (Check one):

High
 Medium
 Low

Findings: WETLANDS, CLASSIFIED AS HIGHLANDS SPECIAL WATERS, EXIST ON SITE. SPRING MILLS BROOK, A C-1 TRIBUTARY OF HAKIHOKAKE CREEK AND THE DELAWARE RIVER EXISTS ON NORTHERN PORTION OF SITE. EXTENSIVE COVERAGE OF HIGHLANDS OPEN WATER PROTECTION BUFFERS FOR ONSITE WETLANDS AND STREAM ARE PRESENT ONSITE. THE PROJECT FOOTPRINT APPARENTLY DOES ENCROACH ON THE 300 FOOT BUFFER; THE APPLICANT HAS RECEIVED NJDEP WETLANDS AND STREAM ENCROACHMENT PERMITS.

Policy Statement: REQUIRE A PROTECTION BUFFER OF 300 FEET FROM THE EDGE OF ALL HIGHLANDS OPEN WATER FEATURES. IN THE CONSERVATION ZONE, PROHIBIT MODIFICATIONS TO HIGHLANDS OPEN WATER BUFFER REQUIREMENTS OR RIPARIAN AREAS, EXCEPT AS NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY, OR TO PROVIDE FOR MINIMUM PRACTICAL USE IN THE ABSENCE OF ANY ALTERNATIVE.

Recommendation: THE APPLICATION SHOULD EXCLUDE HIGHLANDS OPEN WATER BUFFER AREAS FROM THE SEWER SERVICE AREA AND DEVELOPMENT ACTIVITIES SHOULD AVOID THESE AREAS.

RIPARIAN AREA

Parcel includes Riparian Area? <i>If No, disregard remainder of Riparian Area checklist.</i>	Yes
--	-----

Specific Riparian Area Features (Check all that apply.):

Flood Prone Areas Waters

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Riparian Soils	<input checked="" type="checkbox"/>	Wetlands	<input checked="" type="checkbox"/>
Wildlife Corridor	<input checked="" type="checkbox"/>		

Riparian Integrity Value (Check one):

High

Medium

Low

Findings: EXTENSIVE RIPARIAN AREAS EXISTS ONSITE. THE PROPOSED DEVELOPMENT SITE INCLUDES RIPARIAN AREAS CONSISTING OF RIPARIAN SOILS (HYDRIC, ALLUVIAL, SHALLOW DEPTH TO GW), FLOOD PRONE AREAS, OPEN WATERS, WETLANDS, AND WILDLIFE CORRIDORS.

Policy Statement: IN THE CONSERVATION ZONE, PROHIBIT MODIFICATIONS TO RIPARIAN AREAS, EXCEPT AS NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY, OR TO PROVIDE FOR MINIMUM PRACTICAL USE IN THE ABSENCE OF ANY ALTERNATIVE.

RESTRICT NEW LAND USES OR THE ALTERATION OF EXISTING LAND USES THAT WOULD ALTER OR BE DETRIMENTAL TO THE WATER QUALITY AND HABITAT VALUE OF A HIGHLANDS OPEN WATER OR A RIPARIAN AREA.

LIMIT ALTERATIONS TO EXISTING NATURAL VEGETATION OR INCREASES IN IMPERVIOUS AREA WITHIN HIGH AND MODERATE INTEGRITY RIPARIAN AREAS TO THE MINIMUM EXTENT FEASIBLE IN AREAS BEYOND THE HIGHLANDS OPEN WATER BUFFER REQUIREMENT; PROTECT THE WATER QUALITY OF ADJACENT HIGHLANDS OPEN WATER; AND MAINTAIN OR RESTORE HABITAT VALUE OF THE RIPARIAN AREA.

Recommendation: THE APPLICATION SHOULD EXCLUDE RIPARIAN AREAS FROM THE SEWER SERVICE AREA AND DEVELOPMENT ACTIVITIES THROUGHOUT THE SITE SHALL LIMIT THE INCREASE OF IMPERVIOUS AREAS TO THE MINIMUM EXTENT NECESSARY. ALTERATION OF NATURAL VEGETATION SHALL ALSO BE MINIMIZED BEYOND THE HIGHLANDS OPEN WATER BUFFERS.

FOREST

Parcel within Forest Resource Area?	No
--	----

If yes to above, is there Encroachment into a Forest within Forest Resource Area? <i>If No, disregard remainder of Forest checklist.</i>	NA
--	----

Forest Indicators (check all that apply):

Total Forest

Core Forest

Forest Patch

Forest Integrity Value (check one):

High

Medium

Low

Findings: THE SITE CONTAINS FORESTED LANDS THAT AREA OUTSIDE THE FOREST RESOURCE AREA.

Policy Statement: TO LIMIT HUMAN DEVELOPMENT OF FORESTS TO VERY LOW

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IMPACT RESIDENTIAL DEVELOPMENT IN THE PROTECTION ZONE AND THE CONSERVATION ZONE IN THE PLANNING AREA.

TO ENSURE THAT FOREST RESOURCES ARE PROTECTED ON A SITE SPECIFIC BASIS DURING LOCAL DEVELOPMENT REVIEW AND HIGHLANDS PROJECT REVIEW.

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 HIGHLAND COUNCIL'S ALTERNATE METHOD FOR IDENTIFYING UPLAND FOREST AREAS IN THE HIGHLANDS REGION.

Recommendation: THE APPLICANT SHOULD BE REQUIRED TO IDENTIFY UPLAND FOREST AREAS IN ACCORDANCE WITH THE HIGHLANDS' COUNCIL ALTERNATE METHOD FOR IDENTIFYING UPLAND FOREST AREAS IN THE HIGHLANDS REGION.

DEVELOPMENT ACTIVITIES SHOULD BE REQUIRED TO UTILIZE VERY LOW IMPACT RESIDENTIAL DEVELOPMENT TECHNIQUES WHEN DISTURBING WOODY VEGETATION.

CRITICAL HABITAT

Critical Habitat (Landscape 2-5)?							Yes
Significant Natural Area?							Yes
Vernal Habitat +1,000 ft?							No
Species of Concern:	COOPERS HAWK						
Landscape Rank:	3						

Findings: THE SITE CONTAINS SIGNIFICANT NATURAL AREAS AND WOODED AREAS AS SHOWN AS CRITICAL HABITAT FOR COOPER'S HAWK, A STATE-THREATENED SPECIES, BASED ON LANDSCAPE PROJECT VERSION 3. NJDEP STATES IN THE PUBLIC NOTICE FOR THIS PROJECT THAT NO T&E HABITAT EXISTS ON SITE, BASED ON LANDSCAPE PROJECT VERSION 2.0.

Policy Statement: PROHIBIT ALTERATION OR DISTURBANCE OF CRITICAL WILDLIFE HABITAT, SIGNIFICANT NATURAL AREAS, AND WITHIN 1,000 FEET OF VERNAL POOLS, EXCEPT AS NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY, OR TO PROVIDE FOR MINIMUM PRACTICAL USE OF IN THE ABSENCE OF ANY ALTERNATIVE. PROHIBIT THE INDIRECT IMPACT OF ANY HUMAN DEVELOPMENT ACTIVITY WHICH WOULD RESULT IN DAMAGE OR DESTRUCTION OF HABITAT FOR RARE, THREATENED, OR ENDANGERED SPECIES OF ANIMAL OR PLANT.

REQUIRE THAT ANY DISTURBANCE TO A CRITICAL HABITAT FEATURE INCLUDE MITIGATION FOR ALL ADVERSE MODIFICATION AND PROVIDE FOR NO NET LOSS OF HABITAT VALUE.

Recommendation: THE APPLICANT SHOULD BE REQUIRED TO EXCLUDE THE CRITICAL WILDLIFE HABITAT AND SIGNIFICANT NATURAL AREAS FROM THE PROPOSED SEWER SERVICE AREA.

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DEVELOPMENT ACTIVITIES SHOULD BE REQUIRED TO AVOID DIRECT ALTERATION OR DISTURBANCE OF CRITICAL WILDLIFE HABITAT AND SIGNIFICANT NATURAL AREAS. THESE AREAS SHOULD ALSO BE PROTECTED FROM DAMAGE OR DESTRUCTION RESULTING FROM INDIRECT IMPACT OF DEVELOPMENT ACTIVITIES.

AGRICULTURE

Parcel within Agricultural Resource Area?	Yes
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Important Farmland Soils?	Yes
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Findings: PORTIONS OF THE SITE ARE IDENTIFIED AS AGRICULTURAL USES WITHIN AN AGRICULTURAL RESOURCE AREA. IMPORTANT FARMLAND SOILS OCCUR ONSITE.

Policy Statement: IMPLEMENT REGULATIONS WHICH ENSURE NON-AGRICULTURAL LAND DEVELOPMENT WITHIN AN AGRICULTURAL RESOURCE AREA PROTECTS AND ENHANCES AGRICULTURAL PRODUCTION, PROTECTS IMPORTANT FARMLAND SOILS, AND MEETS OTHER NATURAL RESOURCE MANAGEMENT AND PROTECTION REQUIREMENTS.

IMPLEMENT REGULATIONS WHICH PROVIDE THAT ALL NON-AGRICULTURAL DEVELOPMENT WHICH IS PROPOSED IN AN AGRICULTURAL RESOURCE AREA COMPLY WITH OPEN SPACE DESIGN REQUIREMENTS TO AVOID CONFLICTS BETWEEN SUCH DEVELOPMENT AND AGRICULTURAL ACTIVITIES AND PROTECT FARMLAND AND SENSITIVE ENVIRONMENTAL RESOURCES.

IMPLEMENT REGULATIONS WHICH REQUIRE MANDATORY CLUSTERING FOR RESIDENTIAL DEVELOPMENT IN AN AGRICULTURAL RESOURCE AREA WITH ADEQUATE PROVISION FOR THE PRESERVATION OF AT LEAST 80 PERCENT OF THE PROJECT AREA IN PERPETUITY FOR ENVIRONMENTAL PROTECTION OR AGRICULTURE PURPOSES PROVIDED THAT THE PROPOSED DEVELOPMENT IS OTHERWISE CONSISTENT WITH THE GOALS AND REQUIREMENTS OF THE PLAN. WHERE AGRICULTURAL PURPOSES ARE INVOLVED, INCREASED IMPERVIOUS SURFACES OF GREATER THAN 3% BUT LESS THAN 9% OF THE AGRICULTURAL LANDS REQUIRES THE APPROVAL OF A FARM CONSERVATION PLAN FROM THE USDA NATURAL RESOURCE CONSERVATION SERVICE AND IMPERVIOUS SURFACES OF 9% OR GREATER REQUIRES THE APPROVAL OF A RESOURCE MANAGEMENT SYSTEM PLAN FROM THE USDA NATURAL RESOURCE CONSERVATION SERVICE.

IMPLEMENTATION OF REGULATIONS WHICH REQUIRE THAT ALL LAND PRESERVED AS FARMLAND OR NATURAL RESOURCE AREA AS A RESULT OF CLUSTERING BE SUBJECT TO A CONSERVATION EASEMENT ENFORCEABLE BY THE APPROPRIATE MUNICIPALITY AND THE HIGHLANDS COUNCIL.

Recommendation: RESIDENTIAL DEVELOPMENT WITHIN THE AGRICULTURAL RESOURCE AREA REQUIRES CLUSTERING WITH A MINIMUM OF 80% OF THE PARCEL PRESERVED AS AGRICULTURE OR NATURAL RESOURCE AREA. FUTURE INCREASES IN IMPERVIOUS COVER ON THE PRESERVED SITE TRIGGER REQUIREMENTS FOR A FARM CONSERVATION PLAN OR RESOURCE MANAGEMENT SYSTEM PLAN AT 3% AND 9%, RESPECTIVELY.

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OTHER NON-AGRICULTURAL DEVELOPMENT MUST AVOID CONFLICTS WITH AGRICULTURAL ACTIVITIES, PROTECT AGRICULTURAL PRODUCTION, AND PROTECT FARMLAND AND SENSITIVE ENVIRONMENTAL RESOURCES.

WATER QUALITY

Parcel Prime Ground Water Recharge Area?	Yes
Parcel Wellhead Protection Area?	Yes

If yes to above, check one box below:

- Tier 1
- Tier 2
- Tier 3

Drainage HUCs Name and Number: 02040105170020

Name of nearest waterway: SPRING MILLS BROOK

SWQS Classification: FW2-TP (C1)

Description of Impairments, or TMDL: ADOPTED TMDL FOR PATHOGENS

Findings: PRIME RECHARGE AREAS AND WELLHEAD PROTECTION AREAS ARE LOCATED ONSITE. TMDL FOR PATHOGENS EXISTS FOR SUBWATERSHED.

Policy Statement: RESTRICT DEVELOPMENT ACTIVITIES AND OTHER ACTIVITIES WHICH RESULT IN A REDUCTION OF GROUND WATER RECHARGE VOLUMES OR WILL CONTRIBUTE TO OR RESULT IN WATER QUALITY DEGRADATION WITHIN PRIME GROUND WATER RECHARGE AREAS.

APPLY STANDARDS WITHIN THE CONSERVATION ZONE TO PROTECT, RESTORE AND ENHANCE THE FUNCTIONALITY AND THE WATER RESOURCE VALUE OF PRIME GROUND WATER RECHARGE AREAS.

NEW LAND USES ARE PROHIBITED 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.

NEW LAND USES ARE PROHIBITED THAT HAVE A SIGNIFICANT POTENTIAL TO RESULT IN THE DISCHARGE OF PERSISTENT ORGANIC CHEMICALS (INCLUDING BUT NOT LIMITED TO 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. NEW LAND USES IN A TIER 3 WELLHEAD PROTECTION AREA MUST ENSURE THAT POLLUTANT DISCHARGES TO GROUND WATER ARE EITHER REGULATED PURSUANT TO A NJPDES PERMIT OR MEET THE LUCM ZONE REQUIREMENT FOR SEPTIC SYSTEM YIELDS WITHOUT CLUSTERING.

WHERE A NEW LAND USE IN TIER 3 INCLUDES THE STORAGE OR USE OF PERSISTENT

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ORGANIC CHEMICALS AND OTHER TOXIC SUBSTANCES BUT DOES NOT PROPOSE A DISCHARGE OF SUCH SUBSTANCES, THE LAND USE MUST INCLUDE MEASURES TO MINIMIZE THE POTENTIAL FOR DISCHARGE, AND TO RESPOND TO ANY DISCHARGE THAT DOES OCCUR.

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.

Recommendation: DEVELOPMENT ACTIVITIES SHALL NOT REDUCE GROUND WATER RECHARGE VOLUMES, OR CONTRIBUTE WATER QUALITY DEGRADATION. WASTEWATER DISCHARGE TO MILFORD STP AND ON-SITE STORMWATER BMPs SHALL NOT VIOLATE LOADS ASSOCIATED WITH ADOPTED TMDLs FOR PATHOGENS.

WATER CAPACITY

Site: HUNTINGTON KNOLLS

Potable Water Supply: YES

Domestic? No

If Domestic, source HUC:

Public Community Water System? Yes

If PCWS, Name of Facility: AQUA AMERICA (CONSUMERS NJ)

PCWS ID No.? 1015003; 1015002

Source Water HUC: 02040105170020

Total Projected Water Demand (MGD): NOT GIVEN, BUT AT LEAST 32,950 GPD

HUC Net Availability (MGD): -0.116553 MGD

HUC Conditional Availability (MGD): 0.0289 MGD

HUC Constraint:

Current Deficit Area

Existing Constrained Area

Findings: PROPOSED WATER MAIN EXTENSION FROM ADJACENT AQUA NJ SYSTEMS. SOURCE WELLS ARE LOCATED WITHIN PROJECT SITE HUC14. DISCHARGE TO POTW WILL RESULT ONLY IN CONSUMPTIVE USES, NOT DEPLETIVE USES. SUBWATERSHED IS CURRENTLY IN DEFICIT. THE WITHDRAWAL FROM AQUA NJ WELLS TO OF APPROXIMATELY 28,900 GPD IS CONDITIONALLY AVAILABLE FOR CONSUMPTIVE AND DEPLETIVE USES, WHICH IS LESS THAN THE PROPOSED WASTEWATER DISCHARGE BUT GREATER THAN THE LIKELY CONSUMPTIVE USE. NO INFORMATION WAS PROVIDED ON POTENTIAL MITIGATION. IT IS NOT CLEAR BASED ON WATER EXISTING AREA SERVED WHETHER THE SITE IS ADJACENT TO A PCWS.

Policy Statements: PREVENT THE EXTENSION OR CREATION OF WATER AND WASTEWATER UTILITY SERVICES IN ENVIRONMENTALLY CONSTRAINED SUB-ZONES UNLESS THEY ARE SHOWN TO BE NECESSARY FOR AND ARE APPROVED BY THE HIGHLANDS COUNCIL TO ADDRESS DOCUMENTED THREAT TO PUBLIC HEALTH AND SAFETY WHERE NO ALTERNATIVE IS FEASIBLE, TO SERVE A HIGHLANDS REDEVELOPMENT AREA OR CLUSTER DEVELOPMENT, OR TO PROVIDE FOR MINIMUM PRACTICAL USE IN THE ABSENCE OF ANY ALTERNATIVE THROUGH ISSUANCE OF A WAIVER BY NJDEP OR THE HIGHLANDS COUNCIL, AND WILL MAXIMIZE THE PROTECTION OF SENSITIVE ENVIRONMENTAL RESOURCES.

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REQUIRE THAT NEW RESIDENTIAL DEVELOPMENT SERVED BY PUBLIC COMMUNITY WATER SYSTEMS BE AT A MINIMUM DENSITY OF 1/2-ACRE PER DWELLING UNIT FOR THE DEVELOPED PART OF THE SITE (I.E., NOT INCLUDING WETLANDS, OPEN WATER BUFFERS, RECREATIONAL SPACE), TO ENSURE COST-EFFECTIVE UTILITY SERVICE.

PREVENT NET INCREASES IN CONSUMPTIVE AND 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.

ALL WATER USERS WITHIN A CURRENT DEFICIT AREA OR EXISTING CONSTRAINED AREA SHALL SEEK FUNDING AND OPPORTUNITIES TO PREVENT EXACERBATION OF AND HELP REDUCE OR ELIMINATE EXISTING DEFICITS TO ENSURE SUSTAINABLE WATER SUPPLY, WATER RESOURCE AND ECOLOGICAL VALUES, EMPHASIZING TECHNIQUES INCLUDING, BUT NOT LIMITED TO WATER REUSE, RECYCLING AND CONSERVATION.

A CURRENT DEFICIT AREA SUBWATERSHED THAT IS PRIMARILY WITHIN THE PROTECTION ZONE OR CONSERVATION ZONE SHALL BE ASSIGNED A CONDITIONAL NET WATER AVAILABILITY OF 1 PERCENT OF GROUND WATER CAPACITY, BASED ON THE LOW FLOW MARGIN METHOD, CONDITIONED UPON PRIOR IMPLEMENTATION OR COMMITMENT FOR IMPLEMENTATION OF THE 125% MITIGATION REQUIREMENT IN OBJECTIVE 2B4B.

Recommendation: THE DEVELOPMENT SHOULD BE REQUIRED TO SATISFY THE SMART GROWTH CLUSTERING PROVISIONS WHILE MAXIMIZING THE PROTECTION OF SENSITIVE ENVIRONMENTAL RESOURCES.

THE ADDITIONAL CONSUMPTIVE WATER USE IS ONLY PERMITTED USING WATER CONSERVATION TECHNIQUES AND UPON A 125% MITIGATION OF THE PROPOSED ADDITIONAL CONSUMPTIVE WATER USE (NOT YET DETERMINED).

WASTEWATER CAPACITY

Name of Facility: HUNTINGTON KNOLLS

NJPDES Permit Number: NJ0021890

Projected Flow (GPD): 32,950

HDSF Facility? MILFORD STP Yes

HDSF Available Capacity (MGD): 0.1 MGD

Subject to Allocation Agreement? UNK

Allocating Capacity: N/A

Extent of HDSF Service Area Included in WMP: Full Partial

Wastewater Treatment Facility:

New: Wastewater Discharge Flow (MGD)

Individual Septic: Existing Proposed Existing: Future:

NJPDES-DGW: Existing Proposed Existing: Future:

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NJPDES-DSW: Existing Proposed Existing: 0.3 Future:

Findings: CONNECTION INTO MILFORD STP COLLECTION SYSTEM.

Policy Statement: PREVENT THE EXTENSION OR CREATION OF WATER AND WASTEWATER UTILITY SERVICES IN ENVIRONMENTALLY CONSTRAINED SUB-ZONES UNLESS THEY ARE SHOWN TO BE NECESSARY FOR AND ARE APPROVED BY THE HIGHLANDS COUNCIL TO ADDRESS DOCUMENTED THREAT TO PUBLIC HEALTH AND SAFETY WHERE NO ALTERNATIVE IS FEASIBLE, TO SERVED A HIGHLANDS REDEVELOPMENT AREA OR CLUSTER DEVELOPMENT, OR TO PROVIDE FOR MINIMUM PRACTICAL USE IN THE ABSENCE OF ANY ALTERNATIVE THROUGH ISSUANCE OF A WAIVER BY NJDEP OR THE HIGHLANDS COUNCIL, AND WILL MAXIMIZE THE PROTECTION OF SENSITIVE ENVIRONMENTAL RESOURCES.

PROHIBIT NEW, EXPANDED, OR EXTENDED WASTEWATER COLLECTION OR TREATMENT OUTSIDE OF EXISTING AREAS SERVED UNLESS THEY ARE SHOWN TO BE NECESSARY FOR AND ARE APPROVED BY THE HIGHLANDS COUNCIL TO ADDRESS DOCUMENTED THREAT TO PUBLIC HEALTH AND SAFETY WHERE NO ALTERNATIVE IS FEASIBLE, TO SERVE A HIGHLANDS REDEVELOPMENT AREA, OR CLUSTER DEVELOPMENT, OR TO PROVIDE FOR MINIMUM PRACTICAL USE IN THE ABSENCE OF ANY ALTERNATIVE THROUGH ISSUANCE OF A WAIVER BY NJDEP OR THE HIGHLANDS COUNCIL, AND WILL MAXIMIZE THE PROTECTION OF SENSITIVE ENVIRONMENTAL RESOURCES.

PERMIT CLUSTER DEVELOPMENT SERVED BY EXISTING OR EXPANDED WASTEWATER COLLECTION AND TREATMENT SYSTEMS IN AN AGRICULTURAL RESOURCE AREA ONLY WHERE SUCH DEVELOPMENT IS WITHIN OR IMMEDIATELY ADJACENT TO AN EXISTING AREAS SERVED AND ADEQUATE PROVISION IS MADE FOR THE PRESRVATION OF AT LEAST 80 PERCENT OF THE PROJECT AREA IN PERPETUITY FOR ENVIRONMENTAL PROECTION OR AGRICULTURAL PURPOSES AND PROVIDED THAT THE PROPOSED DEVELOPMENT IS OTHERWISE CONSISTENT WITH THE GOALS AND REQUIREMENTS OF THE PLAN.

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 (I.E., NOT INCLUDING WETLANDS, OPEN WATER BUFFERS, AND RECREATIONAL SPACE) TO ENSURE COST-EFFECTIVE UTILITY SERVICE.

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 (I.E., NOT INCLUDING WETLANDS, OPEN WATER BUFFERS, RECREATIONAL SPACE) TO THE MAXIMUM EXTENT FEASIBLE, AS A MEANS TO MAXIMIZE PARKING AND EMPLOYMENT EFFICIENCY AND COMPACT DEVELOPMENT.

Recommendation: THE DEVELOPMENT SHOULD BE REQUIRED TO SATISFY THE SMART GROWTH CLUSTERING PROVISIONS WHILE MAXIMIZING THE PROTECTION OF

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SENSITIVE ENVIRONMENTAL RESOURCES.

DENSITY OF THE DEVELOPED PORTIONS OF THE SITE MUST BE AT A MINIMUM OF 1/2-ACRE PER LOT FOR RESIDENTIAL DEVELOPMENT, AND A F.A.R. OF 0.84 FOR NON-RESIDENTIAL DEVELOPMENT.

HISTORIC, ARCHAEOLOGICAL AND SCENIC

Presence of Absence of Resources:

Highlands Historic District Polygons	Absence
Highlands Historic Properties Polygons	Absence
Highlands Historic Property Points	Absence
Archaeological Grids	Absence
Highlands Scenic Resource Inventory	Absence

Description of Resources:

Findings: HISTORIC, ARCHAEOLOGICAL, AND SCENIC RESOURCES ARE NOT LOCATED ON-SITE.

Policy Statement: N/A

Recommendation: NO RECOMMENDATION

CONCLUSIONS AND RECOMMENDATIONS

THE SITE CONTAINS NUMEROUS SENSITIVE ENVIRONMENTAL RESOURCES, INCLUDING STEEP SLOPES, HIGHLANDS OPEN WATER PROTECTION AREAS, RIPARIAN AREAS, CRITICAL HABITATS, FORESTS, PRIME GROUND WATER RECHARGE AREAS, WELLHEAD PROTECTION AREAS, AND AGRICULTURAL RESOURCES. THESE AREAS SHOULD BE EXCLUDED FROM THE SEWER SERVICE AREA AND DEVELOPMENT ACTIVITIES SHOULD AVOID THESE AREAS.

THE SITE IS PROPOSED TO BE SERVED BY PUBLIC WATER AND WASTEWATER AND APPEARS ADJACENT TO THOSE UTILITIES. EXTENSION OF UTILITIES TO THE SITE REQUIRES A CLUSTER DEVELOPMENT AT THE APPROPRIATE DENSITIES AND 80% PRESERVATION OF AGRICULTURE OR NATURAL RESOURCE FEATURES. MITIGATION OF THE ADDITIONAL CONSUMPTIVE WATER USE AT 125% SHOULD BE REQUIRED AS A CONDITION OF APPROVAL, AND INCORPORATED ON-SITE TO THE MAXIMUM EXTENT FEASIBLE TO ENSURE THAT THE MITIGATION OCCURS AT THE SAME TIME AS THE DEVELOPMENT.



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



WQMP AMENDMENT
REVIEW CHECKLIST

PROJECT INFORMATION	
WQMP Name: HUNTINGTON KNOLLS	Date: DECEMBER 2, 2007
Sewer Service Area/Facility: MILFORD STP	
WQMP: UPPER DELAWARE	
WMP Agency: MILFORD STP	
Name of Facility: HUNTINGTON KNOLLS	
Name of Applicant: HUNTINGTON KNOLLS, LLC	
Sewer Service Area/Facility: New <input type="checkbox"/> Existing <input checked="" type="checkbox"/> <i>If existing provide the following:</i>	
Proposed Change in Service Area Wastewater Flow: 32,950 GPD	
NJPDES No: NJ0021890	
Permit Discharge (MGD): 0.40	
Type of Discharge: GW <input type="checkbox"/> SW <input checked="" type="checkbox"/>	
Total Proposed Service Area (acres): ~87 ACRES	
Lot and Block, if applicable: Block 24, Lots 3 and 13	
Description of Project: 29 MULTIPLE-UNIT, AGE-RESTRICTED DWELLING UNITS; 1 ASSISTED LIVING UNIT; 1 GROUP HOME; 17,000 SF OF COMMERCIAL SPACE; AND 10,000 SF OF COMMERCIAL SPACE	

LAND USE CAPABILITY MAP ZONES	
Sewer Service Areas Encroach Within Which LUCM Zone? (Check all that apply.):	
Protection Zone <input type="checkbox"/>	Conservation Constrained Zone <input checked="" type="checkbox"/>
Conservation Zone <input checked="" type="checkbox"/>	Existing Community Constrained Zone <input type="checkbox"/>
Existing Community Zone <input type="checkbox"/>	
HIGHLANDS ACT AREAS	
Project located in which Highlands Act Area? (Check all that apply.):	
Preservation Area <input type="checkbox"/>	
Planning Area <input checked="" type="checkbox"/>	

TOPOGRAPHY	
Parcel Underlain by Limestone?	No
Steep Slopes >20% in Any Areas?	Yes
Steep Slopes >15% in Forested Areas?	Yes
Steep Slopes >10% in Riparian in Undeveloped Lands?	Yes
Findings: THE SITE CONTAINS SLOPE CONSTRAINTS OF 20%, 15%, AND 10% WITHIN THE RIPARIAN AREA. WE DO NOT HAVE THE PROPOSED DEVELOPMENT FOOTPRINT TO DETERMINE IF IT WILL DISTURB THESE AREAS.	
Policy Statement: PROHIBIT LAND DISTURBANCE WITHIN AREAS WHICH ARE SEVERELY CONSTRAINED SLOPES AND MODERATELY CONSTRAINED SLOPES.	

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Recommendation: LIMIT SEWER SERVICE AREA TO AREAS WITHOUT SEVERELY CONSTRAINED OR MODERATELY CONSTRAINED SLOPES, AS PROPOSED.

HIGHLANDS OPEN WATERS

Parcel includes Highlands Open Waters Protection Area Buffer? <i>If No, disregard remainder of Highlands Open Waters checklist.</i>	Yes
---	-----

Highlands Open Waters description:
Drainage HUCs Name and Number: 02040105170020
Name of nearest waterway: SPRING MILLS BROOK

Open Waters Protection Areas within the Service Area:

Streams
 Lakes & Ponds
 Wetlands

Highlands Open Waters category:

Highlands Waters
 Special Waters
 Exceptional Waters
 Intermediate Waters

Watershed Value (Check one):

High
 Medium
 Low

Findings: WETLANDS, CLASSIFIED AS HIGHLANDS SPECIAL WATERS, EXIST ON SITE. SPRING MILLS BROOK, A C-1 TRIBUTARY OF HAKIHOKAKE CREEK AND THE DELAWARE RIVER EXISTS ON NORTHERN PORTION OF SITE. EXTENSIVE COVERAGE OF HIGHLANDS OPEN WATER PROTECTION BUFFERS FOR ONSITE WETLANDS AND STREAM ARE PRESENT ONSITE. THE PROJECT FOOTPRINT APPARENTLY DOES ENCROACH ON THE 300 FOOT BUFFER; THE APPLICANT HAS RECEIVED NJDEP WETLANDS AND STREAM ENCROACHMENT PERMITS.

Policy Statement: REQUIRE A PROTECTION BUFFER OF 300 FEET FROM THE EDGE OF ALL HIGHLANDS OPEN WATER FEATURES. IN THE CONSERVATION ZONE, PROHIBIT MODIFICATIONS TO HIGHLANDS OPEN WATER BUFFER REQUIREMENTS OR RIPARIAN AREAS, EXCEPT AS NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY, OR TO PROVIDE FOR MINIMUM PRACTICAL USE IN THE ABSENCE OF ANY ALTERNATIVE.

Recommendation: THE APPLICATION SHOULD EXCLUDE HIGHLANDS OPEN WATER BUFFER AREAS FROM THE SEWER SERVICE AREA AND DEVELOPMENT ACTIVITIES SHOULD AVOID THESE AREAS.

RIPARIAN AREA

Parcel includes Riparian Area? <i>If No, disregard remainder of Riparian Area checklist.</i>	Yes
--	-----

Specific Riparian Area Features (Check all that apply.):

Flood Prone Areas Waters

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Riparian Soils	<input checked="" type="checkbox"/>	Wetlands	<input checked="" type="checkbox"/>
Wildlife Corridor	<input checked="" type="checkbox"/>		

Riparian Integrity Value (Check one):

High

Medium

Low

Findings: EXTENSIVE RIPARIAN AREAS EXISTS ONSITE. THE PROPOSED DEVELOPMENT SITE INCLUDES RIPARIAN AREAS CONSISTING OF RIPARIAN SOILS (HYDRIC, ALLUVIAL, SHALLOW DEPTH TO GW), FLOOD PRONE AREAS, OPEN WATERS, WETLANDS, AND WILDLIFE CORRIDORS.

Policy Statement: IN THE CONSERVATION ZONE, PROHIBIT MODIFICATIONS TO RIPARIAN AREAS, EXCEPT AS NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY, OR TO PROVIDE FOR MINIMUM PRACTICAL USE IN THE ABSENCE OF ANY ALTERNATIVE.

RESTRICT NEW LAND USES OR THE ALTERATION OF EXISTING LAND USES THAT WOULD ALTER OR BE DETRIMENTAL TO THE WATER QUALITY AND HABITAT VALUE OF A HIGHLANDS OPEN WATER OR A RIPARIAN AREA.

LIMIT ALTERATIONS TO EXISTING NATURAL VEGETATION OR INCREASES IN IMPERVIOUS AREA WITHIN HIGH AND MODERATE INTEGRITY RIPARIAN AREAS TO THE MINIMUM EXTENT FEASIBLE IN AREAS BEYOND THE HIGHLANDS OPEN WATER BUFFER REQUIREMENT; PROTECT THE WATER QUALITY OF ADJACENT HIGHLANDS OPEN WATER; AND MAINTAIN OR RESTORE HABITAT VALUE OF THE RIPARIAN AREA.

Recommendation: THE APPLICATION SHOULD EXCLUDE RIPARIAN AREAS FROM THE SEWER SERVICE AREA AND DEVELOPMENT ACTIVITIES THROUGHOUT THE SITE SHALL LIMIT THE INCREASE OF IMPERVIOUS AREAS TO THE MINIMUM EXTENT NECESSARY. ALTERATION OF NATURAL VEGETATION SHALL ALSO BE MINIMIZED BEYOND THE HIGHLANDS OPEN WATER BUFFERS.

FOREST

Parcel within Forest Resource Area?	No
--	----

If yes to above, is there Encroachment into a Forest within Forest Resource Area? <i>If No, disregard remainder of Forest checklist.</i>	NA
--	----

Forest Indicators (check all that apply):

Total Forest

Core Forest

Forest Patch

Forest Integrity Value (check one):

High

Medium

Low

Findings: THE SITE CONTAINS FORESTED LANDS THAT AREA OUTSIDE THE FOREST RESOURCE AREA.

Policy Statement: TO LIMIT HUMAN DEVELOPMENT OF FORESTS TO VERY LOW

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IMPACT RESIDENTIAL DEVELOPMENT IN THE PROTECTION ZONE AND THE CONSERVATION ZONE IN THE PLANNING AREA.

TO ENSURE THAT FOREST RESOURCES ARE PROTECTED ON A SITE SPECIFIC BASIS DURING LOCAL DEVELOPMENT REVIEW AND HIGHLANDS PROJECT REVIEW.

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 HIGHLAND COUNCIL'S ALTERNATE METHOD FOR IDENTIFYING UPLAND FOREST AREAS IN THE HIGHLANDS REGION.

Recommendation: THE APPLICANT SHOULD BE REQUIRED TO IDENTIFY UPLAND FOREST AREAS IN ACCORDANCE WITH THE HIGHLANDS' COUNCIL ALTERNATE METHOD FOR IDENTIFYING UPLAND FOREST AREAS IN THE HIGHLANDS REGION.

DEVELOPMENT ACTIVITIES SHOULD BE REQUIRED TO UTILIZE VERY LOW IMPACT RESIDENTIAL DEVELOPMENT TECHNIQUES WHEN DISTURBING WOODY VEGETATION.

CRITICAL HABITAT

Critical Habitat (Landscape 2-5)?							Yes
Significant Natural Area?							Yes
Vernal Habitat +1,000 ft?							No
Species of Concern:	COOPERS HAWK						
Landscape Rank:	3						

Findings: THE SITE CONTAINS SIGNIFICANT NATURAL AREAS AND WOODED AREAS AS SHOWN AS CRITICAL HABITAT FOR COOPER'S HAWK, A STATE-THREATENED SPECIES, BASED ON LANDSCAPE PROJECT VERSION 3. NJDEP STATES IN THE PUBLIC NOTICE FOR THIS PROJECT THAT NO T&E HABITAT EXISTS ON SITE, BASED ON LANDSCAPE PROJECT VERSION 2.0.

Policy Statement: PROHIBIT ALTERATION OR DISTURBANCE OF CRITICAL WILDLIFE HABITAT, SIGNIFICANT NATURAL AREAS, AND WITHIN 1,000 FEET OF VERNAL POOLS, EXCEPT AS NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY, OR TO PROVIDE FOR MINIMUM PRACTICAL USE OF IN THE ABSENCE OF ANY ALTERNATIVE. PROHIBIT THE INDIRECT IMPACT OF ANY HUMAN DEVELOPMENT ACTIVITY WHICH WOULD RESULT IN DAMAGE OR DESTRUCTION OF HABITAT FOR RARE, THREATENED, OR ENDANGERED SPECIES OF ANIMAL OR PLANT.

REQUIRE THAT ANY DISTURBANCE TO A CRITICAL HABITAT FEATURE INCLUDE MITIGATION FOR ALL ADVERSE MODIFICATION AND PROVIDE FOR NO NET LOSS OF HABITAT VALUE.

Recommendation: THE APPLICANT SHOULD BE REQUIRED TO EXCLUDE THE CRITICAL WILDLIFE HABITAT AND SIGNIFICANT NATURAL AREAS FROM THE PROPOSED SEWER SERVICE AREA.

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DEVELOPMENT ACTIVITIES SHOULD BE REQUIRED TO AVOID DIRECT ALTERATION OR DISTURBANCE OF CRITICAL WILDLIFE HABITAT AND SIGNIFICANT NATURAL AREAS. THESE AREAS SHOULD ALSO BE PROTECTED FROM DAMAGE OR DESTRUCTION RESULTING FROM INDIRECT IMPACT OF DEVELOPMENT ACTIVITIES.

AGRICULTURE

Parcel within Agricultural Resource Area?	Yes
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Important Farmland Soils?	Yes
----------------------------------	-----

Findings: PORTIONS OF THE SITE ARE IDENTIFIED AS AGRICULTURAL USES WITHIN AN AGRICULTURAL RESOURCE AREA. IMPORTANT FARMLAND SOILS OCCUR ONSITE.

Policy Statement: IMPLEMENT REGULATIONS WHICH ENSURE NON-AGRICULTURAL LAND DEVELOPMENT WITHIN AN AGRICULTURAL RESOURCE AREA PROTECTS AND ENHANCES AGRICULTURAL PRODUCTION, PROTECTS IMPORTANT FARMLAND SOILS, AND MEETS OTHER NATURAL RESOURCE MANAGEMENT AND PROTECTION REQUIREMENTS.

IMPLEMENT REGULATIONS WHICH PROVIDE THAT ALL NON-AGRICULTURAL DEVELOPMENT WHICH IS PROPOSED IN AN AGRICULTURAL RESOURCE AREA COMPLY WITH OPEN SPACE DESIGN REQUIREMENTS TO AVOID CONFLICTS BETWEEN SUCH DEVELOPMENT AND AGRICULTURAL ACTIVITIES AND PROTECT FARMLAND AND SENSITIVE ENVIRONMENTAL RESOURCES.

IMPLEMENT REGULATIONS WHICH REQUIRE MANDATORY CLUSTERING FOR RESIDENTIAL DEVELOPMENT IN AN AGRICULTURAL RESOURCE AREA WITH ADEQUATE PROVISION FOR THE PRESERVATION OF AT LEAST 80 PERCENT OF THE PROJECT AREA IN PERPETUITY FOR ENVIRONMENTAL PROTECTION OR AGRICULTURE PURPOSES PROVIDED THAT THE PROPOSED DEVELOPMENT IS OTHERWISE CONSISTENT WITH THE GOALS AND REQUIREMENTS OF THE PLAN. WHERE AGRICULTURAL PURPOSES ARE INVOLVED, INCREASED IMPERVIOUS SURFACES OF GREATER THAN 3% BUT LESS THAN 9% OF THE AGRICULTURAL LANDS REQUIRES THE APPROVAL OF A FARM CONSERVATION PLAN FROM THE USDA NATURAL RESOURCE CONSERVATION SERVICE AND IMPERVIOUS SURFACES OF 9% OR GREATER REQUIRES THE APPROVAL OF A RESOURCE MANAGEMENT SYSTEM PLAN FROM THE USDA NATURAL RESOURCE CONSERVATION SERVICE.

IMPLEMENTATION OF REGULATIONS WHICH REQUIRE THAT ALL LAND PRESERVED AS FARMLAND OR NATURAL RESOURCE AREA AS A RESULT OF CLUSTERING BE SUBJECT TO A CONSERVATION EASEMENT ENFORCEABLE BY THE APPROPRIATE MUNICIPALITY AND THE HIGHLANDS COUNCIL.

Recommendation: RESIDENTIAL DEVELOPMENT WITHIN THE AGRICULTURAL RESOURCE AREA REQUIRES CLUSTERING WITH A MINIMUM OF 80% OF THE PARCEL PRESERVED AS AGRICULTURE OR NATURAL RESOURCE AREA. FUTURE INCREASES IN IMPERVIOUS COVER ON THE PRESERVED SITE TRIGGER REQUIREMENTS FOR A FARM CONSERVATION PLAN OR RESOURCE MANAGEMENT SYSTEM PLAN AT 3% AND 9%, RESPECTIVELY.

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OTHER NON-AGRICULTURAL DEVELOPMENT MUST AVOID CONFLICTS WITH AGRICULTURAL ACTIVITIES, PROTECT AGRICULTURAL PRODUCTION, AND PROTECT FARMLAND AND SENSITIVE ENVIRONMENTAL RESOURCES.

WATER QUALITY

Parcel Prime Ground Water Recharge Area?	Yes
Parcel Wellhead Protection Area?	Yes

If yes to above, check one box below:

- Tier 1
- Tier 2
- Tier 3

Drainage HUCs Name and Number: 02040105170020

Name of nearest waterway: SPRING MILLS BROOK

SWQS Classification: FW2-TP (C1)

Description of Impairments, or TMDL: ADOPTED TMDL FOR PATHOGENS

Findings: PRIME RECHARGE AREAS AND WELLHEAD PROTECTION AREAS ARE LOCATED ONSITE. TMDL FOR PATHOGENS EXISTS FOR SUBWATERSHED.

Policy Statement: RESTRICT DEVELOPMENT ACTIVITIES AND OTHER ACTIVITIES WHICH RESULT IN A REDUCTION OF GROUND WATER RECHARGE VOLUMES OR WILL CONTRIBUTE TO OR RESULT IN WATER QUALITY DEGRADATION WITHIN PRIME GROUND WATER RECHARGE AREAS.

APPLY STANDARDS WITHIN THE CONSERVATION ZONE TO PROTECT, RESTORE AND ENHANCE THE FUNCTIONALITY AND THE WATER RESOURCE VALUE OF PRIME GROUND WATER RECHARGE AREAS.

NEW LAND USES ARE PROHIBITED 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.

NEW LAND USES ARE PROHIBITED THAT HAVE A SIGNIFICANT POTENTIAL TO RESULT IN THE DISCHARGE OF PERSISTENT ORGANIC CHEMICALS (INCLUDING BUT NOT LIMITED TO 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. NEW LAND USES IN A TIER 3 WELLHEAD PROTECTION AREA MUST ENSURE THAT POLLUTANT DISCHARGES TO GROUND WATER ARE EITHER REGULATED PURSUANT TO A NJPDES PERMIT OR MEET THE LUCM ZONE REQUIREMENT FOR SEPTIC SYSTEM YIELDS WITHOUT CLUSTERING.

WHERE A NEW LAND USE IN TIER 3 INCLUDES THE STORAGE OR USE OF PERSISTENT

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ORGANIC CHEMICALS AND OTHER TOXIC SUBSTANCES BUT DOES NOT PROPOSE A DISCHARGE OF SUCH SUBSTANCES, THE LAND USE MUST INCLUDE MEASURES TO MINIMIZE THE POTENTIAL FOR DISCHARGE, AND TO RESPOND TO ANY DISCHARGE THAT DOES OCCUR.

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.

Recommendation: DEVELOPMENT ACTIVITIES SHALL NOT REDUCE GROUND WATER RECHARGE VOLUMES, OR CONTRIBUTE WATER QUALITY DEGRADATION. WASTEWATER DISCHARGE TO MILFORD STP AND ON-SITE STORMWATER BMPs SHALL NOT VIOLATE LOADS ASSOCIATED WITH ADOPTED TMDLs FOR PATHOGENS.

WATER CAPACITY

Site: HUNTINGTON KNOLLS

Potable Water Supply: YES

Domestic? No

If Domestic, source HUC:

Public Community Water System? Yes

If PCWS, Name of Facility: AQUA AMERICA (CONSUMERS NJ)

PCWS ID No.? 1015003; 1015002

Source Water HUC: 02040105170020

Total Projected Water Demand (MGD): NOT GIVEN, BUT AT LEAST 32,950 GPD

HUC Net Availability (MGD): -0.116553 MGD

HUC Conditional Availability (MGD): 0.0289 MGD

HUC Constraint:

Current Deficit Area

Existing Constrained Area

Findings: PROPOSED WATER MAIN EXTENSION FROM ADJACENT AQUA NJ SYSTEMS. SOURCE WELLS ARE LOCATED WITHIN PROJECT SITE HUC14. DISCHARGE TO POTW WILL RESULT ONLY IN CONSUMPTIVE USES, NOT DEPLETIVE USES. SUBWATERSHED IS CURRENTLY IN DEFICIT. THE WITHDRAWAL FROM AQUA NJ WELLS TO OF APPROXIMATELY 28,900 GPD IS CONDITIONALLY AVAILABLE FOR CONSUMPTIVE AND DEPLETIVE USES, WHICH IS LESS THAN THE PROPOSED WASTEWATER DISCHARGE BUT GREATER THAN THE LIKELY CONSUMPTIVE USE. NO INFORMATION WAS PROVIDED ON POTENTIAL MITIGATION. IT IS NOT CLEAR BASED ON WATER EXISTING AREA SERVED WHETHER THE SITE IS ADJACENT TO A PCWS.

Policy Statements: PREVENT THE EXTENSION OR CREATION OF WATER AND WASTEWATER UTILITY SERVICES IN ENVIRONMENTALLY CONSTRAINED SUB-ZONES UNLESS THEY ARE SHOWN TO BE NECESSARY FOR AND ARE APPROVED BY THE HIGHLANDS COUNCIL TO ADDRESS DOCUMENTED THREAT TO PUBLIC HEALTH AND SAFETY WHERE NO ALTERNATIVE IS FEASIBLE, TO SERVE A HIGHLANDS REDEVELOPMENT AREA OR CLUSTER DEVELOPMENT, OR TO PROVIDE FOR MINIMUM PRACTICAL USE IN THE ABSENCE OF ANY ALTERNATIVE THROUGH ISSUANCE OF A WAIVER BY NJDEP OR THE HIGHLANDS COUNCIL, AND WILL MAXIMIZE THE PROTECTION OF SENSITIVE ENVIRONMENTAL RESOURCES.

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REQUIRE THAT NEW RESIDENTIAL DEVELOPMENT SERVED BY PUBLIC COMMUNITY WATER SYSTEMS BE AT A MINIMUM DENSITY OF 1/2-ACRE PER DWELLING UNIT FOR THE DEVELOPED PART OF THE SITE (I.E., NOT INCLUDING WETLANDS, OPEN WATER BUFFERS, RECREATIONAL SPACE), TO ENSURE COST-EFFECTIVE UTILITY SERVICE.

PREVENT NET INCREASES IN CONSUMPTIVE AND 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.

ALL WATER USERS WITHIN A CURRENT DEFICIT AREA OR EXISTING CONSTRAINED AREA SHALL SEEK FUNDING AND OPPORTUNITIES TO PREVENT EXACERBATION OF AND HELP REDUCE OR ELIMINATE EXISTING DEFICITS TO ENSURE SUSTAINABLE WATER SUPPLY, WATER RESOURCE AND ECOLOGICAL VALUES, EMPHASIZING TECHNIQUES INCLUDING, BUT NOT LIMITED TO WATER REUSE, RECYCLING AND CONSERVATION.

A CURRENT DEFICIT AREA SUBWATERSHED THAT IS PRIMARILY WITHIN THE PROTECTION ZONE OR CONSERVATION ZONE SHALL BE ASSIGNED A CONDITIONAL NET WATER AVAILABILITY OF 1 PERCENT OF GROUND WATER CAPACITY, BASED ON THE LOW FLOW MARGIN METHOD, CONDITIONED UPON PRIOR IMPLEMENTATION OR COMMITMENT FOR IMPLEMENTATION OF THE 125% MITIGATION REQUIREMENT IN OBJECTIVE 2B4B.

Recommendation: THE DEVELOPMENT SHOULD BE REQUIRED TO SATISFY THE SMART GROWTH CLUSTERING PROVISIONS WHILE MAXIMIZING THE PROTECTION OF SENSITIVE ENVIRONMENTAL RESOURCES.

THE ADDITIONAL CONSUMPTIVE WATER USE IS ONLY PERMITTED USING WATER CONSERVATION TECHNIQUES AND UPON A 125% MITIGATION OF THE PROPOSED ADDITIONAL CONSUMPTIVE WATER USE (NOT YET DETERMINED).

WASTEWATER CAPACITY

Name of Facility: HUNTINGTON KNOLLS

NJPDES Permit Number: NJ0021890

Projected Flow (GPD): 32,950

HDSF Facility? MILFORD STP Yes

HDSF Available Capacity (MGD): 0.1 MGD

Subject to Allocation Agreement? UNK

Allocating Capacity: N/A

Extent of HDSF Service Area Included in WMP: Full Partial

Wastewater Treatment Facility:

New: Wastewater Discharge Flow (MGD)

Individual Septic: Existing Proposed Existing: Future:

NJPDES-DGW: Existing Proposed Existing: Future:

WMP Name: Upper Delaware
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NJPDES-DSW: Existing Proposed Existing: 0.3 Future:

Findings: CONNECTION INTO MILFORD STP COLLECTION SYSTEM.

Policy Statement: PREVENT THE EXTENSION OR CREATION OF WATER AND WASTEWATER UTILITY SERVICES IN ENVIRONMENTALLY CONSTRAINED SUB-ZONES UNLESS THEY ARE SHOWN TO BE NECESSARY FOR AND ARE APPROVED BY THE HIGHLANDS COUNCIL TO ADDRESS DOCUMENTED THREAT TO PUBLIC HEALTH AND SAFETY WHERE NO ALTERNATIVE IS FEASIBLE, TO SERVED A HIGHLANDS REDEVELOPMENT AREA OR CLUSTER DEVELOPMENT, OR TO PROVIDE FOR MINIMUM PRACTICAL USE IN THE ABSENCE OF ANY ALTERNATIVE THROUGH ISSUANCE OF A WAIVER BY NJDEP OR THE HIGHLANDS COUNCIL, AND WILL MAXIMIZE THE PROTECTION OF SENSITIVE ENVIRONMENTAL RESOURCES.

PROHIBIT NEW, EXPANDED, OR EXTENDED WASTEWATER COLLECTION OR TREATMENT OUTSIDE OF EXISTING AREAS SERVED UNLESS THEY ARE SHOWN TO BE NECESSARY FOR AND ARE APPROVED BY THE HIGHLANDS COUNCIL TO ADDRESS DOCUMENTED THREAT TO PUBLIC HEALTH AND SAFETY WHERE NO ALTERNATIVE IS FEASIBLE, TO SERVE A HIGHLANDS REDEVELOPMENT AREA, OR CLUSTER DEVELOPMENT, OR TO PROVIDE FOR MINIMUM PRACTICAL USE IN THE ABSENCE OF ANY ALTERNATIVE THROUGH ISSUANCE OF A WAIVER BY NJDEP OR THE HIGHLANDS COUNCIL, AND WILL MAXIMIZE THE PROTECTION OF SENSITIVE ENVIRONMENTAL RESOURCES.

PERMIT CLUSTER DEVELOPMENT SERVED BY EXISTING OR EXPANDED WASTEWATER COLLECTION AND TREATMENT SYSTEMS IN AN AGRICULTURAL RESOURCE AREA ONLY WHERE SUCH DEVELOPMENT IS WITHIN OR IMMEDIATELY ADJACENT TO AN EXISTING AREAS SERVED AND ADEQUATE PROVISION IS MADE FOR THE PRESRVATION OF AT LEAST 80 PERCENT OF THE PROJECT AREA IN PERPETUITY FOR ENVIRONMENTAL PROECTION OR AGRICULTURAL PURPOSES AND PROVIDED THAT THE PROPOSED DEVELOPMENT IS OTHERWISE CONSISTENT WITH THE GOALS AND REQUIREMENTS OF THE PLAN.

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 (I.E., NOT INCLUDING WETLANDS, OPEN WATER BUFFERS, AND RECREATIONAL SPACE) TO ENSURE COST-EFFECTIVE UTILITY SERVICE.

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 (I.E., NOT INCLUDING WETLANDS, OPEN WATER BUFFERS, RECREATIONAL SPACE) TO THE MAXIMUM EXTENT FEASIBLE, AS A MEANS TO MAXIMIZE PARKING AND EMPLOYMENT EFFICIENCY AND COMPACT DEVELOPMENT.

Recommendation: THE DEVELOPMENT SHOULD BE REQUIRED TO SATISFY THE SMART GROWTH CLUSTERING PROVISIONS WHILE MAXIMIZING THE PROTECTION OF

WMP Name: Upper Delaware
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SENSITIVE ENVIRONMENTAL RESOURCES.

DENSITY OF THE DEVELOPED PORTIONS OF THE SITE MUST BE AT A MINIMUM OF 1/2-ACRE PER LOT FOR RESIDENTIAL DEVELOPMENT, AND A F.A.R. OF 0.84 FOR NON-RESIDENTIAL DEVELOPMENT.

HISTORIC, ARCHAEOLOGICAL AND SCENIC

Presence of Absence of Resources:

Highlands Historic District Polygons	Absence
Highlands Historic Properties Polygons	Absence
Highlands Historic Property Points	Absence
Archaeological Grids	Absence
Highlands Scenic Resource Inventory	Absence

Description of Resources:

Findings: HISTORIC, ARCHAEOLOGICAL, AND SCENIC RESOURCES ARE NOT LOCATED ON-SITE.

Policy Statement: N/A

Recommendation: NO RECOMMENDATION

CONCLUSIONS AND RECOMMENDATIONS

THE SITE CONTAINS NUMEROUS SENSITIVE ENVIRONMENTAL RESOURCES, INCLUDING STEEP SLOPES, HIGHLANDS OPEN WATER PROTECTION AREAS, RIPARIAN AREAS, CRITICAL HABITATS, FORESTS, PRIME GROUND WATER RECHARGE AREAS, WELLHEAD PROTECTION AREAS, AND AGRICULTURAL RESOURCES. THESE AREAS SHOULD BE EXCLUDED FROM THE SEWER SERVICE AREA AND DEVELOPMENT ACTIVITIES SHOULD AVOID THESE AREAS.

THE SITE IS PROPOSED TO BE SERVED BY PUBLIC WATER AND WASTEWATER AND APPEARS ADJACENT TO THOSE UTILITIES. EXTENSION OF UTILITIES TO THE SITE REQUIRES A CLUSTER DEVELOPMENT AT THE APPROPRIATE DENSITIES AND 80% PRESERVATION OF AGRICULTURE OR NATURAL RESOURCE FEATURES. MITIGATION OF THE ADDITIONAL CONSUMPTIVE WATER USE AT 125% SHOULD BE REQUIRED AS A CONDITION OF APPROVAL, AND INCORPORATED ON-SITE TO THE MAXIMUM EXTENT FEASIBLE TO ENSURE THAT THE MITIGATION OCCURS AT THE SAME TIME AS THE DEVELOPMENT.



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
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www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

MEMORANDUM

To: Natural Resources Committee
Highlands Water Protection and Planning Council

From: Eileen Swan, Executive Director
Dan Van Abs, Senior Director of Science and Planning
Jim Hutzelmann, Water Resource Engineer
Erin Lynam, Resource Management Specialist

Date: January 12, 2008

Re: Application Type: *Proposed Amendment to Upper Raritan WQMP*
Name: *Canfield Builders, or Kushner-Mine Hill*
Municipality: *Mine Hill*
County: *Morris*
Highlands Act Area: *Planning Area*
LUCM Location: *Protection Zone*
Property: *Block 606, Lot 1.01; Block 1101, Lot 1*
Proposed Use: *Age-restricted Residential housing*
Nearest Waterway (Name): *Unnamed Headwater Tributary to Lamington River*
Wastewater: *Proposed new discharge to ground water*
Water: *Distribution - Mine Hill Township Water Department*
Supply - Morris County Municipal Utility Authority (MCMUA)

1.0 Project Description

This is a proposed amendment to the Upper Raritan Water Quality Management Plan (WQMP) through the Mine Hill Township Wastewater Management Plan (WMP) to allow for construction of the proposed Kushner-Mine Hill development (Canfield Builders Associates), a residential development on Block 606, Lot 1.01 and Block 1101, Lot 1 within Mine Hill Township, Morris County. The proposed project includes the area located on the southern portion of the project site between the intersection of Canfield Avenue and Berkley Court and Green Lane.

The amendment, as initially reviewed by the NJDEP, consisted of 736 multi-story townhouse and apartment units comprised of 118 one-bedroom stacked apartments, 354 two-bedroom stacked apartments, 238 two-bedroom townhouses and 26 three-bedroom townhouses, two recreation

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centers and two swimming pools. The Highlands Council staff reviewed and prepared recommendations for consistency with the 2006 Draft RMP. Those recommendations were prepared in an August 14, 2007 memorandum, which recommended denial of the application. The findings were presented to the Natural Resource Committee at their September 20, 2007 meeting.

As a result of the Natural Resource Committee review, the applicant provided updated information regarding the scale and impact of the development proposal. Specifically, a 2007 settlement agreement between Canfield Builders Associates and the Township of Mine Hill dedicates approximately 178-acres portion of the site to open space preservation, thereby reducing the scale of the project significantly. The revised concept plan, although not final, includes 275 age-restricted residential units on approximately 46.7 acres of the site. The projected wastewater flow from the proposed homes, consisting of 100 two-bedroom units and 175 three-bedroom units, and recreation center, would be 59,747 gpd. The wastewater would be treated by the proposed on-site discharge to ground water (DGW) wastewater treatment system.

Based on this and other information that the applicant has since submitted, Highlands Council staff has reviewed the application again in accordance with the Final Draft RMP. The Council staff used the additional applicant information if it was deemed relevant and reliable (e.g., two-foot contour topography for steep slopes and Letter of Interpretation delineation of wetlands). Highlands Council staff also met with Kushner representatives on December 18, 2007 to discuss their concerns.

This review of the proposed Kushner-Mine Hill development amendment is the result of an analysis of infrastructure capacity and the extent of environmentally resources. This review is based upon the Goals, Policies, and Objectives set forth in the Final Draft Highland Regional Master Plan - November 2007 (Final Draft RMP).

2.0 FINDINGS AND RECOMMENDATIONS

Findings

The Highlands Council staff has identified instances where the Canfield proposed development and sewer service area are inconsistent with the Goals, Policies, and Objectives of the Final Draft RMP. These conflicts are discussed below:

Environmentally Sensitive Lands within the Proposed Sewer Service Area

During the review of the proposed service area and conceptual development footprint, the Highlands Council staff identified steep slopes, Highlands open water protection areas and riparian areas, forest resources, critical habitats, vernal pools, wellhead protection areas, and prime ground water recharge areas.

The steep slope areas include 15% forested slopes and 20% slopes in the conceptual development footprint that are considered moderately constrained or severely constrained slopes. The RMP prohibits land disturbance within areas that are severely constrained slopes and moderately constrained slopes. The Open Water Protection Areas are associated with the 300-foot buffer surrounding a Category One stream and associated wetlands. Riparian Areas are associated with a stream-side wildlife corridor, which in this case is equivalent to the C1 buffer. The RMP policies

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and objectives prohibit modifications to Highlands open water buffer requirements or riparian areas, except as necessary to protect public health and safety, or to provide for minimum practical use in the absence of any alternative (Objective 1D6b). Neither public health and safety or the minimum practical use standard would apply. However, the applicant has indicated a willingness to avoid the steep slopes, open water protection areas and riparian areas in final site design. This action would eliminate the conflict with these areas.

The disturbance of forest resources (which are not within a Forest Resource Area) will occur throughout the site to implement the current design. RMP policies do not prohibit this activity, but do require that very low impact development design be incorporated into the site plan, including minimization of disturbance of woody vegetation (Policy 1B2).

The critical habitat on the site is documented (Landscape Project Version 3) as wood turtle habitat. The 1,000 foot buffers of confirmed vernal pools are also present. The conceptual development footprint encroaches on both the critical habitat and the 1,000-ft. buffer surrounding the vernal pools. Any disturbance of these areas is inconsistent with the RMP (Objective 1F5A). To address the critical habitat issue, the wood turtle habitat, the applicant has provided a June 14, 2004 Threatened and Endangered Species Survey report submitted by Herpetological Associates (Zappalorti Report). The Zappalorti Report concludes that wood turtle is absent from the site, but is suitable habitat for the species. The Highlands Council staff notes that the report stated that all observations were made from available public access points including existing paved roads that surround the study site, such as US Highway Route 46, Canfield Avenue, Green Road, and Wharton Avenue. The persons performing the survey walked portions of Jersey Central Power & Light Company's right-of-way, but did not enter directly upon Canfield Builders property. The accuracy of a survey of onsite critical habitat conducted without accessing the Canfield property is thus open to question.

Although the development footprint occurs within a NJDEP delineated wellhead protection area (WHPA), none of the proposed activities would be in conflict with the RMP. Further, more detailed hydrogeological analyses by the USGS indicate that the proposed site is not within a more accurately defined WHPA. In addition, the conceptual development footprint is almost entirely identified as a prime ground water recharge area. In the Protection Zone, the RMP prohibits increases in impervious cover within such areas, except upon demonstration that relief from protection requirements will not impair or reduce recharge quality or volumes and are necessary to protect public health and safety, or to provide for minimum practical use in the absence of any alternative (Objective 2D5b). Neither public health and safety or the minimum practical use standard would apply. It is unlikely the footprint can be reduced to meet these policies in a manner that makes the project economically viable.

Capacity Limitations for the Proposed Development

The proposed water main extension is from the adjacent Mine Hill Twp. MUA, which is supplied by MCMUA. The MCMUA source wells are located in two deficit HUC14s. Therefore, the use is depletive unless demonstration can be made the subwatersheds are sufficiently hydrologically connected, at which point the use would be considered consumptive. Additional consumptive and depletive uses require the assignment of conditional water availability for the project. This standard and other standards require water conservation, reuse, and recycling at the site (Objectives 2J8c & 2B4b). It also requires 125% mitigation of the additional consumptive and depletive uses through

water conservation or recharge. Because the source HUC14s are in separate subwatersheds, the applicant must arrange for the recharge in those source subwatersheds.

The extension of public water and the community wastewater treatment system require the clustering development to a maximum of 20% of the site with dedication of the remaining 80% land to environmental protection. The development density for the developed portion of the project must be at a minimum density of 1/2-acre. Water conservation, reuse, and recycling are required.

Recommendations

As with all WQMP amendments, the Highlands Council at this time is asked to provide recommendations to NJDEP for consideration in its decision. The Highlands Council reviews the proposed amendments based on the Final Draft RMP. Given that the NJDEP may ultimately approve the amendment despite the Council's findings, it would be prudent to include suggestions that could mitigate the project's impact if NJDEP would include them as conditions in their approval. A conservation easement should be required for the remaining environmentally sensitive lands.

The review of the proposed WQMP amendment reveals inconsistencies with the Final Draft RMP, including steep slopes, open water protection areas, riparian areas, forest resources vernal pools, critical habitats, prime ground water recharge areas, and water availability deficits. Many of the conflicts (steep slopes, open water protection areas, vernal pools, riparian areas, forest resources) can be resolved by reducing the development footprint from the current conceptual plan, and the applicant has indicated a willingness to do so. Staff recommends that the final site plan avoid these areas entirely. Additional requirements should also be imposed on the site design such as clustering, low impact design, water conservation measures, which should be incorporated in the final site plan as well.

However, several conflicts cannot be avoided simply by site design changes and should be subject to additional conditions. These conflicts are detailed below:

1. Critical habitats – The extensive wood turtle habitat identified through Landscape Project Version 3 cannot likely be avoided by minimal reductions in the development footprint. In response to this finding, the applicant has submitted a report that while there is suitable habitat for wood turtle, they are not present on the site. Highlands Council staff cannot accept this conclusion without concurrence from the NJDEP. The NJDEP should evaluate the report and determine whether this conclusion is warranted.
2. Prime ground water recharge areas - This conflict cannot be resolved due to its extensive area in the development footprint. Highlands Council staff recommends a finding that the development be considered inconsistent with the Final Draft RMP. As an alternative, the staff recommends that very low impact development design techniques be required to minimize impervious surfaces and disturbance to native vegetation. In addition, a requirement should be implemented that the applicant design their stormwater facilities to recharge 125% of pre-development site recharge volumes within the same HUC14 subwatershed, so that at least the mitigation requirements of the Final Draft RMP are met.

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3. Net Water Availability deficits – The deficits in the MCMUA source subwatersheds would only permit additional consumptive and depletive uses with 125% mitigation in the source HUC14. Because the site location is in another HUC14 than the source wells, the applicant would have to arrange for the mitigation in the source subwatershed. In that instance, the additional use would be considered depletive and require a 102,228 gpd ($81,782 * 125\%$) mitigation requirement. The recharge mitigation cited above may not be used to meet this requirement, as the site of mitigation would be in two different subwatersheds.

However, based on the current USGS aquifer model that the applicant references in their comments, if the underlying crystalline bedrock is sufficiently impervious, then it would be reasonable to assume that any sanitary discharge and engineered stormwater recharge onsite may travel as shallow subsurface flow above the bedrock and to the adjoining valley-fill aquifer and carbonate aquifer. This finding would provide justification that the Canfield site and the Alamatong Wellfield are hydrologically connected. Under that conclusion, the additional water use required would be consumptive and require a 29,646 gpd ($81,782 * 29\% * 125\%$) recharge mitigation. Such additional documentation should be submitted as a condition of approval to justify this approach. In this case, the mitigation requirement could be met in part or in whole through the recharge requirement cited above.

4. Clustering – The wastewater and water policies regarding extension of utility service into the Protection Zone require a clustering provision of 80% of the site for environmental protection. It is not clear based on the applicant's material whether this requirement has been satisfied by the accompanying settlement agreement. Based on staff's analysis, the 228-acre parcel would require a minimum of 182.4-acres dedicated to open space. The applicant has referenced that 190-acres will be dedicated from the Canfield site and an adjacent parcel (apparently related to a school site and potentially to be used for recreation), but conservation restrictions placed on those areas are not clear. A 178-acre dedication on the site is also referenced but that does not satisfy the 80% dedication. Due to the need to avoid other resources on the site, it should not prove difficult for the applicant to fulfill the 80% requirement. Highlands Council staff recommends that, as a condition of approval, additional documentation be submitted detailing the parcel location, size, and nature of the easement being dedicated.

RESOLUTION 2008-1

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL RECOMMENDATION ON PROPOSED WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR HUNTINGTON KNOLLS

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);

WHEREAS, the New Jersey Department of Environmental Protection (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. 7:38-1.1, specifies that pending completion of the Regional Master Plan, NJDEP shall not approve a Water Quality Management Plan (WQMP) amendment for a project proposed in the Planning Area or Preservation Area of the Highlands Region without first obtaining a recommendation from the Highlands Council; and

WHEREAS, the Highlands Rules, at N.J.A.C. 7:38-1.1, were adopted in accordance with the Highlands Act as well as the Water Quality Management Act which specifically requires a continuing planning process to coordinate and integrate water quality management plans with related Federal, State, regional and local comprehensive land use, functional and other relevant planning activities; and

WHEREAS, the Huntington Knolls project is located at Block 24, Lots 3 and 13 in Holland Township, Hunterdon County and consists of the construction of 29 residential buildings which will contain 38 one-bedroom units and 78 two-bedroom units, a clubhouse, an assisted living unit with 50 beds, group home, 10,000 square feet of office space, and 17,000 square feet of retail space (Huntington Knolls Project); and

WHEREAS, the sponsors of the Huntington Knolls Project have sought an amendment to the Upper Delaware WQMP that would expand the sewer service area of the Milford Sewage Treatment Plant to include the Huntington Knolls Project; and

WHEREAS, the NJDEP has proposed adoption of the amendment for the Huntington Knolls Project through publication of a notice in the New Jersey Register and is seeking a recommendation from the Highlands Council in accordance with the Highlands Rules at N.J.A.C. 7:38-1.1; and

WHEREAS, consistent with NJDEP's Highlands Rules at N.J.A.C. 7:38-1.1, and the procedures adopted by the Highlands Council pursuant to Resolution 2007-18 for review of WQMP amendments for a proposed project, Highlands Council staff conducted a review of the WQMP amendment for the Huntington Knolls Project based upon the standards and policies set forth in the Final Draft Highland Regional Master Plan (Final Draft RMP); and

WHEREAS, the review of the Huntington Knolls Project revealed a number of inconsistencies with the Final Draft RMP, including policies and standards relating to steep slopes, Highlands Open Waters Protection Areas, Riparian Areas, Critical Habitats, Forests, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resources; and

WHEREAS, the Highlands Council staff presented the results of its review and recommendation regarding the Huntington Knolls Project to the Natural Resources Committee at the Committee's December 6, 2007 meeting; and

RESOLUTION 2008-1

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL RECOMMENDATION ON PROPOSED WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR HUNTINGTON KNOLLS

WHEREAS, public notice and a copy of the Highlands Council staff recommendation to the Natural Resources Committee was provided on the Council's website and notice was specifically provided to project representatives prior to the Committee meeting; and

WHEREAS, based upon the Highlands Council staff recommendation, the Natural Resources Committee voted to recommend that the Highlands Council that a letter be sent to NJDEP recommending the denial of the WQMP amendment for the Huntington Knolls Project;

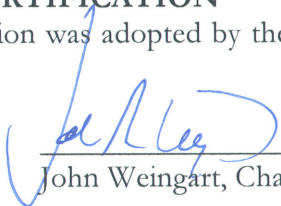
WHEREAS, thereafter the Highlands Council staff received a site plan from the applicant and based upon the plan prepared an updated recommendation reaffirmed its prior recommendation to the Natural Resources Committee at the Committee's January 17, 2008 meeting; and

WHEREAS, the Natural Resources Committee and the Highlands Council, at their meetings on January 17, 2008, voted to authorize the issuance of a letter to NJDEP recommending denial of the proposed WQMP amendment for the Huntington Knolls Project;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director is hereby authorized to issue a letter to NJDEP recommending denial of the proposed WQMP amendment for the Huntington Knolls Project.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 17th day of January, 2008.



John Weingart, Chairman

Vote on the Approval of this Resolution

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

RESOLUTION 2008-2

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL RECOMMENDATION ON PROPOSED WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR CANFIELD DEVELOPMENT aka KUSHNER-MINE HILL

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);

WHEREAS, the New Jersey Department of Environmental Protection (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. 7:38-1.1, specifies that pending completion of the Regional Master Plan, NJDEP shall not approve a Water Quality Management Plan (WQMP) amendment for a project proposed in the Planning Area or Preservation Area of the Highlands Region without first obtaining a recommendation from the Highlands Council; and

WHEREAS, the Highlands Rules, at N.J.A.C. 7:38-1.1, were adopted in accordance with the Highlands Act as well as the Water Quality Management Act which specifically requires a continuing planning process to coordinate and integrate water quality management plans with related Federal, State, regional and local comprehensive land use, functional and other relevant planning activities; and

WHEREAS, the Canfield Development project would allow for the construction of the Canfield residential development on approximately 228 acres located at Block 411, Lot 1; Block 606, Lot 1; Block 1002, Lot 1; and Block 1101, Lot 1 in Mine Hill Township, Morris County; and

WHEREAS, the sponsors of the Canfield Development have sought an amendment to the Upper Raritan WQMP and Mine Hill Township to include the Canfield Development; and

WHEREAS, the NJDEP has proposed adoption of the amendment for the Canfield Development through publication of a notice in the New Jersey Register and is seeking a recommendation from the Highlands Council in accordance with the Highlands Rules at N.J.A.C. 7:38-1.1; and

WHEREAS, consistent with NJDEP's Highlands Rules at N.J.A.C. 7:38-1.1, and the procedures adopted by the Highlands Council pursuant to Resolution 2007-18 for review of WQMP amendments for a proposed project, Highlands Council staff conducted a review of the WQMP amendment for the Canfield Development, dated August 14, 2007, based upon the standards and policies set forth in the 2006 Draft Regional Master Plan (RMP); and

WHEREAS, the review of the Canfield Development revealed a number of inconsistencies with the Final Draft RMP, including policies and standards relating to steep slopes, Highlands Open Waters Protection Areas, Riparian Areas, Critical Habitats, Prime Ground Water Recharge Areas, utility expansion into the Protection Zone and water supply deficits; and

WHEREAS, the Highlands Council staff presented the results of its review and recommendation regarding the Canfield Development to the Natural Resources Committee at the Committee's September 20, 2007 meeting; and

WHEREAS, public notice and a copy of the Highlands Council staff recommendation to the Natural Resources Committee was provided on the Council's website and notice was specifically provided to project representatives in advance of the meeting; and

RESOLUTION 2008-2

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL RECOMMENDATION ON PROPOSED WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR CANFIELD DEVELOPMENT aka KUSHNER-MINE HILL

WHEREAS, the Natural Resources Committee considered the recommendation of the Highlands Council staff and considered presentations by the applicant and its professionals;

WHEREAS, thereafter the Highlands Council staff received extensive information from the applicant, met with the applicant's professionals, prepared an updated recommendation, dated January 12, 2008, based upon the Final Draft Highland Regional Master Plan – November 2007 and the information submitted by the applicant for the Natural Resources Committee's January 17, 2008 meeting; and

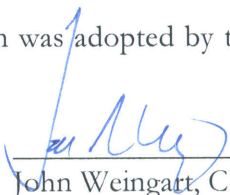
WHEREAS, the Natural Resources Committee on January 17, 2008 began consideration of the matter and due to time constraints and a lack of consensus advanced the matter to the Highlands Council;

WHEREAS, the Highlands Council on January 17, 2008, after hearing the staff recommendation and hearing testimony from the applicant and the public, voted to authorize the issuance of a letter to NJDEP recommending approval of the application subject to the conditions in the staff memo along with a condition regarding mine safety;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director is hereby authorized to issue a conditional recommendation letter to NJDEP.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 17th day of January, 2008.



John Weingatt, Chairman

Vote on the Approval of this Resolution

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	✓	_____	_____	_____
Councilmember Calabrese	✓	_____	_____	_____
Councilmember Carluccio	_____	✓	_____	_____
Councilmember Cogger	✓	_____	_____	_____
Councilmember Dillingham	_____	✓	_____	_____
Councilmember Kovach	✓	_____	_____	_____
Councilmember Letts	✓	_____	_____	_____
Councilmember Pasquarelli	_____	✓	_____	_____
Councilmember Peterson	✓	_____	_____	_____
Councilmember Schrier	✓	_____	_____	_____
Councilmember Vetrano	_____	_____	_____	✓
Councilmember Way	✓	_____	_____	_____
Councilmember Whitenack	✓	_____	_____	_____
Councilmember Weingatt	✓	_____	_____	_____

RESOLUTION 2008-3
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING
COUNCIL ELECTION OF OFFICERS OF THE HIGHLANDS COUNCIL

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created the 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 conduct its business as needed, subject to the statute, to effectuate the purposes of the enabling legislation; and

WHEREAS, the Highlands Act authorizes the Highlands Council to adopt bylaws; and

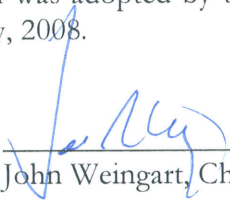
WHEREAS, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; and

NOW, THEREFORE, BE IT RESOLVED

1. The Highlands Council hereby elects Jack Schrier as Vice-Chair, and William Cogger as Treasurer of the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17th day of January, 2008.



John Weingart, Chairman

**Vote on the Approval of
this Resolution**

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