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JACK J. SCHRIER
Acting Chairman

EILEEN SWAN
Executive Director

MEETING AGENDA

Thursday, May 19, 2011 at 1:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES – March 17, 2011
6. ACTING-CHAIRMAN'S REPORT (and Council Member Reports)
7. COMMITTEE REPORTS
 - a. Audit Committee – Council Member Vetrano
8. CONSIDERATION OF RESOLUTION — Approval of Audit Reports and Executive Order 37 Report (voting matter with public comment)
9. EXECUTIVE DIRECTOR'S REPORT
10. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION – Petition for Plan Conformance submitted by Washington Township, Morris County (voting matter with public comment)
11. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION – Petition for Plan Conformance submitted by Holland Township, Hunterdon County (voting matter with public comment)
12. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION – Petition for Plan Conformance submitted by Kinnelon Borough, Morris County (voting matter with public comment)
13. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION – Petition for Plan Conformance submitted by Franklin Township, Warren County (voting matter with public comment)
14. CONSIDERATION OF RESOLUTION – Proposed Highlands Redevelopment Area Designation for Mount Olive Township, Morris County, Sand Shore Road, Block 8300, Lots 5, 5.01, 5.02, 6, 7, 8, and 9 (voting matter with public comment)
15. CONSIDERATION OF RESOLUTION – Plan Conformance Grant for Hampton Borough Feasibility Study, Hunterdon County (voting matter with public comment)
16. PUBLIC COMMENTS (*please note – the Council requests that public comments be limited to three (3) minutes per person. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)

17. EXECUTIVE SESSION (if deemed necessary)
18. ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF MAY 19, 2011

PRESENT

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

ABSENT

GLEN VETRANO)

CALL TO ORDER

The Acting Chairman of the Council, Jack Schrier, called the 104th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 1:05pm.

ROLL CALL

Roll call was taken. Messrs. Vetrano and Alstede were absent. All other Council Members were present.

OPEN PUBLIC MEETINGS ACT

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

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF MINUTES OF MARCH 17, 2011

Ms. Kovach introduced a motion to approve the minutes. Ms. Letts seconded it. Messrs. Vetrano and Alstede were absent. All other members present voted to approve. The minutes were APPROVED 9-0.

ACTING CHAIRMAN'S REPORT

Acting Chairman Schrier had no particular report but invited members of the Council to comment on the recent to nominations.

Ms. Kovach promised that this would be her last going away speech as she gave one in February which was more personal. This time she noted some of the accomplishments of the Council over the past seven years. Ms. Kovach is currently serving the seventh year of her three year term and stated that it had been a pleasure to serve on the Highlands Council. Ms. Kovach continued on with

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some of the Council's accomplishments. Out of the eighty-eight municipalities in the Region, to date, 60 municipalities have submitted a Petition to conform. This level of implementation of the Highlands Act presently results in 97 percent conformance in the Preservation Area and 32 percent conformance in the Planning Area. Ms. Kovach further noted that Section 10 of the Highlands Act set for the primary goal of the Regional Master Plan "to protect and enhance the significant values" of the resources of the Highlands. Protecting the State's drinking water supplies and natural resources of the Highlands is occurring through municipal conformance in both the Preservation and Planning Areas.

The Highlands Act, in Section 10, also requires the encouragement of appropriate patterns of development, redevelopment, and economic growth. Ms. Kovach noted that Council and staff have begun working with the Economic Development Authority to move development and redevelopment forward. Ms. Kovach further noted that Byram Township was the first municipality to conform and the first Highlands Village Center designation. Additional municipalities who are seeking Highlands Center designations include Phillipsburg, Hackettstown, Oxford, and Washington (Morris).

Regarding land preservation and land owner equity of the 290,214 acres preserved in the region, 255,537 acres are open space lands and 34,677 acres are preserved farmland. A total of 7,690 acres have been preserved since the adoption of the Regional Master Plan in July 2008. Ms. Kovach also noted that on average, the per acre values for Highlands closings under farmland preservation since the passage of the Highlands Act is \$9,816. In closing, Ms. Kovach stated that this Council has been under scrutiny from the moment the legislation was first talked about all through the public hearings and when the Act was finally passed, but the one thing that this Council has always done is to provide a commitment to transparency and for all of those efforts Ms. Kovach thanks the staff and this Council for being a part of it as it has changed the way we will look at land use planning going forward.

Ms. Letts also wanted to make parting statements. She commented that as she looks at all the maps on the walls she reflects on a time Council did not have a computer and not one bit of data relating to the Highlands. Ms. Letts stated that Council has by far the most detailed and scientific database regarding the geology, geography and other pertinent information about the New Jersey Highlands that has ever been collected. This is one of the reasons that Council were able to so successfully develop a well balanced RMP which clearly protects our water but also recognizes the need for economic viability in the area. The Council has sought to protect and help promote agriculture in the Highlands Region and also encourage redevelopment of brownfields and development of town centers that will provide not only economic stimulus but also promote a sense of community.

Ms. Letts noted that the 15 member Council was not always in total agreement on some aspects of the RMP. However, members listened to hundreds of hours of public comments, discussed issues for many hours more and took a vote and shook hands no matter how the vote went or how much disagreement there was. She stated that maybe some of our governments these days should follow that example. There is one issue that the Council has not resolved completely and that is the equity issue. The TDR program is working on it but that is a slow process especially now with the real estate downturn and difficulty finding receiving areas. The Council has on more than one occasion petitioned the Legislature and others at the State level to enact a water fee that would help and require those residences that are benefiting from the efforts of the Highlands to protect their water

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which they would pay a fee. Ms. Letts would like to encourage the remaining members and those that will be coming after her to continue to petition the Legislature on behalf of that effort. Lastly, Ms. Letts commented that none of this would have been possible without the extraordinary efforts of a very talented staff who given far more effort than is expected. The Council was only the overseer, but the staff makes it happen. Ms. Letts feels very fortunate for having been a small part of this incredible accomplishment.

In his departing remarks, Mr. Cogger first observation was about the Highlands staff. As Treasurer and landlord (as the Mayor), he is often in the building and staff is always in the building working and this is something you do not often see in any environment, whether public or private. He expressed the pleasure it has been working with the staff. On a process level, most governments talk about open government, OPRA, and provide people with the right to speak and right to confront and the Highlands Council actually does it. Anyone can come to the office within reason and ask what their issues are, they can do it in a public forum with the press present and all of our material is on the website. That should be something that government replicate and it should not be just in this region. Mr. Cogger commented that he has frustrations about the Highlands Act and thinks landowner equity is something the Legislature should have provided for and they also should have provided for downstream conservation. Mr. Cogger stated that the Council needs to redouble their efforts and he thinks he speaks for most Council Members on that issue. Lastly a little bit about what we hear in the press about the people being nominated for the Council. The Council is a diverse body and has lots of opinions but Council is not a legislative body and cannot change what the Legislature put in the Act. Mr. Cogger further stated that he would be very shocked and disappointed if a Governor who has had such an argument with the State Supreme Court about legislative issues would appoint people to undermine the Act.

Acting Chairman Schrier commented on his own behalf that it is a great honor to serve on the Highlands Council and Highlands Task Force. It is a cause in which he believed before the Task Force, while on the Task Force and continues to believe while serving on the Council. Acting Chairman Schrier comments that Council has its critics and he understands that Council cannot change certain things. Council can listen and plea on your behalf but cannot make those changes that many seek and because of that we regret that but it is beyond Council's realm.

Resolution - Approval of Audit Reports and Executive Order 37 Annual Reports

Acting Chairman Schrier stated that Council has before them a resolution for the approval of audit reports for fiscal years 2009 and 2010 and Executive Order 37 reports. Executive Order 37 requires an annual report on operation and finances be approved by the Council submitted to the Governor's office. Our Audit Committee is led by Council Member Glen Vetrano and Mr. Schrier understands that he has spoken to the auditors. Mr. Schrier asked Ms. Swan to further discuss this resolution for the Council's consideration.

Ms. Swan reported that Glen Vetrano, Acting Chair of the Audit Committee, came into the office May 18th to review the two audit reports. Those reports were also sent to Beth Gates, Director of Finance and Administration at New Jersey Water Supply Authority who has served as an advisor to the Audit Committee since its inception. Ms. Gates reviewed those reports on May 9, 2011 and sent Ms. Swan an email that the reports were in order and congratulating the Council. Ms. Swan commented that in accordance with Executive Order 122, Mr. Vetrano is required to have a

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meeting/conference call with the auditors. On May 18, 2011 at 3:00pm Mr. Vetrano had a private conference call with Ann Zawarkay of Mercadien and furnished a report to Council which states: "I, Glen Vetrano as Acting Chair of the Audit Committee, recommend the Highlands Council accept and approve the audit reports for fiscal years 2009 and 2010". Ms. Swan further noted that this resolution also approved the Council Annual Report which Council previously saw as well as recommending that Council accept and approve the audit reports consistent with the directive of Executive Order 37.

Acting Chairman Schrier asked if there were any recommendations or comments in the audit reports. Ms. Swan responded to say there were no comments or recommendations in the audit reports. Acting Chairman Schrier then asked for a motion on the Resolution.

Mr. Visioli made a motion on the Resolution. Mr. Holtaway seconded it.

Public Comment

No public comments.

All members voted on the Resolution by roll call. Messrs. Vetrano and Alstede were absent. The Resolution was APPROVED 9-0.

EXECUTIVE DIRECTOR'S REPORT

Ms. Swan began with a PowerPoint presentation and noted that the cover of the presentations for each meeting displays the cover of the RMP and photos of the towns that the Council will consider for that meeting. Staff member Nathan McLean takes all these photos and it is part of the care and responsibility of the Council to understand the municipalities and to take the time to get to know them. The presentations are designed to examine that character of each of the communities whose Petitions the Council are considering.

Plan Conformance Update

Ms. Swan gave a brief summary update to the Council on Plan Conformance Petition reviews. To date 65 Petitions (from 60 Municipalities and 5 Counties) have been submitted to the Highlands Council (52 have been deemed administratively complete and posted to the Highlands Council website - including 2 Counties). Of these, nineteen Petitions have been approved (Townships – Bethlehem, Byram, Chester, Denville, Green, Lopatcong, Mahwah, Mount Olive, Rockaway, Tewksbury and West Milford; Boroughs – Califon, Glen Gardner, Hampton, High Bridge & Lebanon; Towns – Clinton; and Passaic and Somerset Counties). On today's meeting agenda are Washington Township, Morris; Holland Township, Hunterdon; Kinnelon Borough, Morris; Franklin Township, Warren.

There are eleven municipal response periods underway for municipalities (Town of Hackettstown; Townships – Lebanon, Parsippany-Troy Hills, Pohatcong and Sparta; Boroughs – Alpha, Bloomsbury, Bloomingdale, Oakland, Ringwood and Wharton).

Ms. Swan noted that we are beginning to see a trend with municipalities who originally petitioned for the Preservation Area are now deciding to petition in the Planning Area, such as Oxford Township, Hackettstown and Randolph Township. Ms. Swan then showed 5 maps which show the progress of Highlands Council's nineteen approved Petitions. The fifth map showed the

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municipalities under Council's consideration today and, if approved, will take effect after the Governor's review period.

Plan Conformance Grant Program Update

Ms. Swan then presented a chart which showed the average amounts requested for reimbursement by municipalities that are participating in Plan Conformance grant activities. She noted that this analysis has been updated to include the average costs associated with the Municipal Response Period. Ms. Swan advised the Highlands Council that on average the expenses of the seven Modules are very close to the projected base amounts as set forth in the chart.

<u>Towns</u>	<u>Base Amount</u>	<u>Average</u>	<u>Number</u>
Module 1	\$15,000	\$13,830	71
Module 2	\$10,000	\$ 6,704	70
Module 3	\$ 7,500	\$14,055	57
Module 4	\$ 2,000	\$ 3,177	60
Module 5	\$ 2,500	\$ 6,688	53
Module 6	\$ 5,000	\$ 4,332	50
<u>Module 7</u>	<u>\$ 8,000</u>	<u>\$ 7,349</u>	47
Module Subtotal	\$50,000	\$56,135	
<u>Municipal Response Costs</u>	<u>\$ 8,000</u>	<u>\$ 8,458</u>	15
Plan Conformance Cost	\$58,000	\$64,593	

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

Acting Chairman Schrier recognized Mayor Kenneth Short of Washington Township and offered him the opportunity to speak on behalf of the Township's Petition for Plan Conformance. Mayor Short decided to speak after Ms. Swan's presentation.

Ms. Swan acknowledged Washington Township's representatives present at the meeting, including: Mayor Kenneth Short, Diane Gallets, Township Administrator; Deborah Burd, Assistant Township Administrator; Cristianna Cooke-Gibbs, Health Officer; Michael Pucilowski, Executive Director of MUA; and David Banisch, Professional Planner.

Mr. Alstede joined the meeting at 1:35pm.

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

- Incorporated: 1798
- Population (2009 est.): 18,422
- Land Area: 28,726 acres / 44.9 sq. mi.
- Preserved Lands: 8,382 acres
- Wetlands: 3,987 acres

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- Total Forest: 14,702 acres
- Farmland: 5,269 acres

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

- Preservation Area Lands: 25,235 acres – 88%
- Planning Area Lands: 3,491 acres – 12%
- Protection Zone – 16,255 acres – 57%
- Conservation Zone – 7,607 acres – 26%
- Existing Community Zone – 3,853 acres – 13% (Roads 4%)
- Highlands Open Water Protection – 13,555 acres – 47%
- Forest Resource Area – 22,250 acres – 78%
- Conservation Priority Areas – 7,850 acres – 27%
- Agricultural Priority Areas – 4,117 acres – 14%

**Washington Township
Background Statistics – Land Use**

NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	850	5,974	23.8%
Commercial (Retail)	92	112	0.7%
Industrial & Transportation & Utilities	59	407	1.6%
Agriculture (Crops & Plantations)	973	4,111	17.7%
Recreational Lands (Public & Private)	22	374	1.4%
Other Urban or Built-Up Land	104	306	1.4%
Subtotal Developed Lands	2,100	11,283	46.6%
Mixed Forest	927	9,387	35.9%
Shrub & Scrub	92	538	2.2%
Mixed Wetlands	337	3,645	13.9%
Barren Lands	11	180	0.7%
Water	26	203	0.8%
Subtotal Natural Lands	1,392	13,952	53.4%
Total	3,491	25,235	100.0%

Ms. Swan then showed a movie representing a ‘fly over’ of Washington Township. The movie offered an opportunity to focus on the landscape of the Township, the infrastructure and the built and natural environments. Ms. Swan then showed the land use ordinance maps for the Township. Ms. Swan noted that Highlands Council staff has been working closely with Washington Township on their Waste Water Management Plan for approval by NJDEP.

Ms. Swan then reported that Washington Township maintains an up-to-date and comprehensive Master Plan (including all mandatory elements and numerous optional elements) and has a history of proactive engagement in community planning and conservation initiatives:

- Master Plan Reexamination – 2009
- Long Valley Downtown & Pedestrian Sidewalk Plan - 2008
- Stream Corridor Buffer Ordinance - 2006

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- Stormwater Management Plan – 2005
- Ridgeline Ordinance – 2005
- Resource Conservation Area Ordinance – 2005
- Farmland Preservation Plan – 2003

Washington Township Historic Long Valley Highlands Center

Ms. Swan noted that the Petition includes a proposed Highlands Center. The proposed Historic Long Valley Highlands Center includes the Long Valley Historic District, the Washington Township Middle School, and the municipal property adjacent to the preserved Scott Farm. The Highlands Center also includes a small area east of Route 517 and south of Route 513, contiguous to the Historic District, which will provide for a new road linking Route 513 north and south of the Long Valley Historic District, through the Highlands Center. The size and development potential of the Historic Long Valley Highlands Center is limited by the presence of Preservation Area, steep slopes, Highlands Open Waters and buffers, and preserved lands surrounding the area, and the large number of historic buildings within the proposed Highlands Center.

Much of the development potential is associated with the municipal property which was specifically reserved for municipal use (potential affordable housing use) by the Township when they assisted in the preservation of the Scott Farm in Long Valley (~769 acres). The remainder of the Highlands Center incorporates a small business core with long-term potential for continued commercial reuse and adaptive reuse within the setting of a Historic District. Ms. Swan further stated to put the Highlands Center in context with the entire municipality, the Historic Long Valley Highlands Center is roughly 148 acres. This constitutes 0.52% of the Township's 28,726 acres and 4.25% of the Planning Area. Washington Township's assistance in preserving the Scott Farm in Long Valley and other recent preservation efforts have resulted in an impressive total of 8,382 acres of Preserved Lands or 29.18% of the Township. Ms. Swan then showed a map of the proposed Highlands Center within the context of the entire municipality of Washington Township.

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

12/08/09	Petition for Plan Conformance Submitted, Full Municipality
02/08/10	Petition Deemed Administratively Complete
02/18/10	Petition Posted to Highlands Council Website
11/19/10	Draft Consistency Report Sent to Municipality
04/18/11	Final Draft Report Posted to Highlands Council Website
05/03/11	End of Public Comment Period (Start 4/18/11)
05/13/11	Final Report Posted to Highlands Council Website
05/19/11	Highlands Council Public Hearing

Ms. Swan acknowledged Keri Benscoter, Resource Management Specialist, as Highlands's staff liaison for Washington Township.

Ms. Swan further noted that Washington Township had completed the Module submittals required under Plan Conformance and that this PowerPoint is posted to Council's website as part of the record. With respect to Module 1 and 2, the Highlands Municipal Build-Out Report for Washington Township was completed by the Highlands Council in collaboration with the municipality prior to a

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finding of Administrative Completeness of the Petition. The Report is dated July 2009. Staff RMP Consistency Finding is that Washington Township Highlands Municipal Build-Out Report is consistent with the RMP. With respect to Module 3, the Council staff found that Washington Township's COAH-certified third-round Housing Element and Fair Share Plan (December 2007) was consistent with the RMP.

Ms. Swan then continued with her presentation with respect to the Environmental Resource Inventory, Module 4. Ms. Swan noted that it describes and illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality. The Staff RMP Consistency Finding is that Washington Township's Environmental Resource Inventory is consistent with the RMP.

With respect to the Master Plan Highlands, Module 5, Ms. Swan noted that the Staff RMP Consistency Finding is that Washington Township's will provide revisions for Highlands Council approval to incorporate all relevant language establishing Historic Long Valley Highlands Center (pending approval), and providing the basis or regulatory provisions that will govern it. Master Plan Highlands Element is consistent with the RMP. With respect to the Highlands Area Land Use Ordinance, Module 6, Ms. Swan noted that these regulatory provisions protect Highlands Resources and effectuate the policies, goals, and objectives of RMP at the local level. The Staff RMP Consistency Finding is that Washington Township's Highlands Area Land Use Ordinance is consistent with the RMP.

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

Ms. Swan reports that the Highlands Council and Washington Township are collaborating to prepare a municipal Wastewater Management Plan (WMP) on a parallel path with the Plan Conformance process for approval by NJDEP, and adoption as a chapter of the Morris County WMP. The WMP shall incorporate the Historic Long Valley Highlands Center as Future Sewer Service Area. Other areas to be identified as Future Sewer Service Area: Valley View Chapel, Township-approved Heath 2 development, and certain parcels with documented failing septic systems. Other parcels are being investigated and may be included at a later date, through approval of a Consistency Determination by the Highlands Council and approval of a WMP Revision by the NJDEP. Ms. Swan commented that she thanks the Washington Township officials and in particular Cristianna Cooke-Gibbs, Health Officer.

Ms. Swan then presented a summary of the public comments received and a summary of the draft responses prepared by Highlands Council staff for Washington Township's Petition for Plan Conformance. The public comment period for Washington Township's Petition for Plan Conformance opened on April 18, 2011 and closed May 3, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. Comments received from:

- New Jersey Highlands Coalition

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- New Jersey Conservation Foundation

Comments submitted by Erica Van Auken, New Jersey Highlands Coalition:

Comment 1: The New Jersey Highlands Coalition supports the proposed updates to the sewer service areas.

- **Response:** The Highlands Council acknowledges the New Jersey Highlands Coalition's support of the Wastewater Management Plan amendments and revisions.

Comments submitted by Erica Van Auken, New Jersey Highlands Coalition and Wilma Frey, NJ Conservation Foundation:

Comment: The New Jersey Highlands Coalition supports Washington Township's petition to designate a Historic Long Valley Highlands Center, which will support sound development as well as incorporate an affordable housing proposal, as long as care is taken to minimize environmental impact. The NJ Conservation Foundation supports the proposed Historic Long Valley Highlands Center, as long as constraints in Appendix C of the Final Draft Consistency Review and Recommendations Report are implemented.

- **Response:** The Highlands Council acknowledges support for the proposed Historic Long Valley Highlands Center and fully expects that all conditions being applied to the design and implementation of the center will be complied with to the fullest extent.

Comment: The New Jersey Highlands Coalition does have concerns regarding a prior round site proposed for the Planning Area, due to environmental constraints. The New Jersey Conservation Foundation commented that the site does not appear to be appropriate for a 360-unit condo development due to Highlands resource constraints.

Response: This project is in the Planning Area, Conservation Zone and Protection Zone, and does have Highlands resource constraints. However, the project has obtained all local and NJDEP approvals and therefore represents a reasonable potential for development as it pertains to affordable housing.

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

- Adoption of Approved Checklist Ordinance
- Adoption of Planning Area Petition Ordinance
- Adoption of Completed Environmental Resource Inventory
- Adoption of Completed Master Plan Highlands Element
- Completion and Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan (WMP)
- Update/Development & Implementation of:
 - Water Use & Conservation Management Plan
 - Stormwater Management Plan (updates only)
 - Habitat Conservation and Management Plan
 - Land Preservation & Stewardship Program
 - Septic System Management/Maintenance Plan
 - Sustainable Economic Development Plan

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- Green Building and Environmental Sustainability Element
- Agricultural Retention Plan
- Stream Corridor Protection & Restoration Plan
- Highlands Center and Redevelopment Area Planning

Ms. Swan then reported the future Highlands Protection Fund grants for Washington Township as part of the Highlands Implementation Plan and Schedule – Grant funding is proposed for the following:

- Water Use and Conservation Management Plans for three HUC14 subwatersheds with moderate Net Water Availability deficits
- Highlands Center Designation and Redevelopment Area Plan to initiate planning to assist with the implementation of the Historic Long Valley Highlands Center designation and to examine potential for redevelopment areas consistent with the Regional Master Plan.
- Agriculture Retention Plan to improve the sustainability of agricultural businesses, building on highly successful preservation efforts
- Habitat Conservation and Management Plan to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects.
- Stream Corridor Protection Restoration Plan to protect/restore streams and to mitigate the impacts of future land uses.

Acting Chairman Schrier noted that Mr. Alstede is now in attendance at the meeting.

Mr. Cogger made a motion to approve the Resolution for Washington Township. Mr. Francis seconded it.

Public Comments

Kenneth Short, Mayor of Washington Township - Mr. Short commented that it has been a long process but very fruitful process. Mr. Short thanks Ms Swan and staff for the open communication and always being available and providing the Township with a lot of information. Ms. Short stated that there were numerous meetings between the Township and Highlands staff which have been very cooperative and productive. Mr. Short stated that Washington Township is a very environmental conscious community and first community in the state to develop a right-to-farm ordinance. Washington Township has quite a bit of preserved farmland, just shy of 6,000 acres which consists of 1st, 2nd and 3rd generation farms. Mr. Short commented that the Highlands Act has put restrictions on the value and taking of these lands and knows Council does not have the authority but urges Council to implore Trenton to come up with some funding formula for these farmers. Mr. Short adds that the farmers have been the base of the community for over 100 years and the community relies on them.

Mr. Short mentioned earlier that Washington Township has several environmental ordinances so the Township bought into the Highlands Act before it became the Highlands Act in 2004. The Township is a first community to have a TDR with the OFP property and welcomes that. Mr. Short then touched on the economic impact on Washington Township over the last two years stating that in over 45 square miles, the township has had ten homes built. In addition, assessments used to be \$1.5-\$2 million a year and last year it was \$90,000. Mr. Short stated as the township moves forward

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with the intent of planning for Plan Conformance it should be noted that there has to be more of an economic stimulus for municipalities and they look forward to working with the Highlands Council and the State to get some of that economic value. Mr. Short concludes that the intent of the Highlands Act is water quality and water preservation. Washington Township has had water restrictions for 26 of the last 33 years and currently under water restrictions in the municipality. Mr. Short adds that Washington Township has pristine water to share but needs to take care of its 18,000 residents first. Finally, Mr. Short states that Washington Township third round COAH obligations is in the Planning Area and also includes the units adjacent to the middle school which is part of the Historic Center. Mr. Short stated that panels of experts are present today for any further questions and looks forward to working with the Highlands staff and Council.

David Banisch, Banisch & Associates - Mr. Banisch had nothing further to add to Mayor Short's comments but wanted to reiterate his point about the Council staff. Mr. Banisch comments how wonderful it is to work with the Highlands staff and Council and that it has been an excellent experience.

David Shope, owns property in Lebanon Township - Ms. Shope was disappointed that Washington Township is opting in the Preservation and Planning Areas and advised Council to vote against it. Mr. Shope expressed his dissatisfaction with the Highlands Act and RMP and how it affects municipalities.

Erika Van-Auken, New Jersey Highlands Coalition – Ms. Van-Auken commented that the New Jersey Highlands Coalition supports Washington Township's Petition for Plan Conformance and the Historic Center, as long as care is taken to minimize environmental impact in the Existing Community Zone.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey supports Washington Township's Petition for Plan Conformance but has a few concerns about the Township's Center and third round COAH obligations. Ms Frey hopes the municipality will take great care to insure that the new development is located carefully in a design and scale with materials that will integrate with its surroundings. Ms. Frey hopes the Highlands Council assists the township to insure that that happens. Ms. Frey noted it is important that the conditions in Appendix C of the Final Draft Consistency Review and Recommendations Report are implemented. Ms. Frey expressed concern about the third round affordable housing obligation site which contains many Highlands resource constraints. Ms. Frey hopes that there is time taken to rethink a more appropriate use on the level and scale of this development for this site.

David Banisch, Banisch & Associates – Mr. Banisch responded to Ms. Frey's comments that the affordable housing site has been carefully planned under the initial third round regulations with a number of environmental controls put in place. Washington Township has a continuing obligation to provide their fair share affordable housing. Mr. Banisch can assure Council that based on regulations from NJDEP, the site continues to be a focus for the affordable housing obligation. Mr. Banisch also added that considering the market, the site could be modified.

Council Comments

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Ms. Carluccio asked why are there other uses on the site besides the apartments that are to be used for the affordable housing obligation. Mr. Banisch responded that under Mt. Laurel municipalities may use an inclusory housing technique to meet their affordable housing obligations whereby the developer pays for the affordable units through the sale of market rate units. Ms. Banish stated that it may or may not go forward. Mr. Banisch further stated that we use the best information that is currently available.

Mr. Alstede stated that he is a resident of Washington Township which does not constitute a conflict and will participate in the vote for Washington Township's Petition for Plan Conformance.

Ms. Swan acknowledged Highlands staff members Dan Van Abs for his work on the Wastewater Management Plans as well as Casey Ezyske, a part-time employee who is working with Dan and is the staff person responsible for the wastewater plan narratives.

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

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

Messrs. Visioli and Cogger temporarily left the meeting at 2:10pm.

Public Hearing and Consideration of Resolution– Petition for Plan Conformance by Holland Township

Ms. Swan acknowledged the representatives from Holland Township in attendance at the meeting: Deputy Mayor Anthony Roselle, Thomas Scheibener, Committeemen; Daniel Rader, Planning Board Chair; Michael Keady, Environmental Commission Chair; Peter Craig, former Planning Board Chair; and Laura Souders, Vice Chair Planning Board.

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

- Incorporated: 1879
- Population (2009 est.): 5,268
- Land Area: 15,342 acres/23.9 sq. mi
- Preserved Lands: 3,641 acres
- Wetlands: 1,027 acres
- Total Forest: 7,106 acres
- Farmland: 4,174 acres

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

- Preservation Area Lands: 1,973 acres – 13%
- Planning Area Lands: 13,352 acres – 87%

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- Conservation Zone – 7,497 acres – 49%
- Protection Zone – 6,643 acres – 43%
- Existing Community Zone – 629 acres – 4% (Roads 4%)
- Highlands Open Water Protection – 7,042 acres – 46%
- Forest Resource Area – 7,224 acres – 47%
- Conservation Priority Areas – 1,680 acres – 11%
- Agricultural Priority Areas – 5,300 acres – 35%

**Holland Township
Background Statistics – Land Use**

NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	2,242	333	16.8%
Commercial (Retail)	38	0	0.2%
Industrial & Transportation & Utilities	324	47	2.4%
Agriculture (Crops & Plantations)	3,744	321	26.5%
Recreational Lands (Public & Private)	222	7	1.5%
Other Urban or Built-Up Land	182	23	1.3%
Subtotal Developed Lands	6,752	730	48.8%
Mixed Forest	4,551	979	36.1%
Shrub & Scrub	888	43	6.1%
Mixed Wetlands	846	178	6.7%
Barren Lands	15	0	0.1%
Water	282	43	2.1%
Subtotal Natural Lands	6,582	1,243	51.1%
Total	13,334	1,973	99.9%

Messrs. Visioli and Cogger returned to the meeting at 2:22pm.

Ms. Swan then showed a movie representing a ‘fly over’ of Holland Township. The movie offered an opportunity to focus on the landscape of the Township, Ms. Swan pointed out the difference between this municipality and the prior one, which is why the ‘fly overs’ give the Council and public an opportunity to appreciate the unique characteristics of the municipality being considered. Ms. Swan then showed the land use ordinance maps for the Township. Ms. Swan noted that Holland Township may take the lead for clustering provisions because of the many agricultural lands in the community.

Ms. Swan then reported that Holland Township maintains an up-to-date and comprehensive Master Plan (including all mandatory elements and numerous optional elements) and has a history of proactive engagement in community planning and conservation initiatives:

- Master Plan Reexamination – 2007
- Comprehensive Farmland Preservation Plan – 2007
- Natural Resource Inventory – 2007
- Stormwater Management Plan – 2005

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- Open Space Plan – 2004

Ms. Swan then provided an overview of the Petition of Plan Conformance and the administrative record for Holland Township has follows:

12/7/09	Petition for Plan Conformance Submitted, Full Municipality
1/22/10	Petition Deemed Administratively Complete
02/1/10	Petition Posted to Highlands Council Website
1/13/11	Draft Consistency Report Sent to Municipality
4/19/11	Final Draft Report Posted to Highlands Council Website
5/4/11	End of Public Comment Period (Start 4/19/11)
5/13/11	Final Report Posted to Highlands Council Website
5/19/11	Highlands Council Public Hearing

Ms. Swan further noted that Holland Township had completed the Module submittals required under Plan Conformance and that this PowerPoint is posted to Council's website as part of the record. With respect to Module 1 and 2, the Highlands Municipal Build-Out Report for Holland Township was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The Report is dated July 2009. Staff RMP Consistency Finding is that Holland Township Highlands Municipal Build-Out Report is consistent with the RMP. With respect to Module 3, the Council staff found that Holland Township's Fair Share Plan and Housing Element was consistent with the RMP.

Ms. Swan then continued with her presentation with respect to the Environmental Resource Inventory, Module 4. Ms. Swan noted that it describes and illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality. The Staff RMP Consistency Finding is that Holland Township's Environmental Resource Inventory is consistent with the RMP.

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

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

Ms. Swan then presented a summary of the public comments received and summary of the draft responses prepared by Highlands Council staff for Holland Township's Petition for Plan Conformance. The public comment period for Holland Township's Petition for Plan Conformance opened on April 19, 2011, and closed May 4, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. Comments received from:

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- Numerous Holland Township Residents
- New Jersey Farm Bureau
- New Jersey Highlands Coalition

Comments submitted by: Residents of Holland Township

Comment: Residents of Holland Township submitted eleven comments, all in support of the Petition for Plan Conformance, the process and the Regional Master Plan.

Response: The Highlands Council acknowledges these comments and thanks each resident who took the time to contribute to this public comment opportunity offered through the Plan Conformance schedule.

Comment: One resident, Mr. Grisewood, submitted a comment regarding an inclusionary affordable housing site, located in the Planning Area. He contends that the project has been significantly modified since obtaining local approvals, thereby invalidating said approvals.

Response: The Highlands Council notes Mr. Grisewood's comment regarding the inclusionary site. Normally, development projects in the Holland Township Planning Area would be governed by the Highlands Area Land Use Ordinance, once adopted. However, as the project currently has local approvals, it would be excluded from applicability of the Highlands Area Land Use Ordinance. If approvals for the project lapse or are otherwise no longer valid, then the standards of the adopted Highlands Area Land Use Ordinance would apply. The municipality would be responsible for application of the Highlands Land Use Ordinance to any regulated development, subject to Highlands Council review.

Comments from Helen Heinrich, New Jersey Farm Bureau

Comment - The New Jersey Farm Bureau appreciates the opportunity to review the Plan Conformance petition for Holland Township and hopes that the Township will find a way to raise the percentage of preserved farmland during the development of its Agricultural Retention / Farmland Preservation Plan. The Bureau is happy to see that analyzing the feasibility and "potential for clustering of clusters development" is a high priority task in the Implementation Plan and Schedule.

Response - The Highlands Council acknowledges the New Jersey Farm Bureau's support for the Holland Township Agricultural Retention/Farmland Preservation Plan, which will be developed by the Township with a Highlands Council-approved scope of work. Additionally, the Highlands Council acknowledges the Bureau's support of the funding of a feasibility analysis for cluster development in the Township.

Ms. Swan noted in the schedule posted on the website it was stated that the clustering work would be done in 2011 which is virtually impossible, so the work would be done in 2011-2112 to allow the municipality enough time to do the job.

Comments from Erica Van Auken, New Jersey Highlands Coalition

Comment - The New Jersey Highlands Coalition supports Holland Township's Petition for Plan Conformance for both the planning and preservation area. The Coalition does have concerns regarding two affordable housing sites because of environmental constraints.

Response - The Highlands Council acknowledges the Coalition's support of Holland Township's Petition for Plan Conformance. The Highlands Council notes the comments regarding

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the two affordable housing projects which are both in the Planning Area and do have Highlands resource constraints. However, both projects have prior local and NJDEP approvals and represent reasonable potential for development as they pertain to affordable housing. For both projects, should the approvals lapse or are otherwise no longer valid, the Highlands Area Land Use Ordinance would apply for any new applications as discussed above.

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

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

Ms. Swan then reported the future Highlands Protection Fund grants for Holland Township as part of the Highlands Implementation Plan and Schedule – Grant funding is proposed for the following:

- **Cluster Development** feasibility analysis to determine potential for clustering of cluster development in Agricultural Resource Area.
- **Habitat Conservation and Management Plan** to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects.
- **Stream Corridor Protection Restoration Plan** to protect/restore streams and to mitigate the impacts of future land uses

Ms. Swan acknowledged Keri Benscoter, Resource Management Specialist, as Highlands staff liaison for Holland Township.

Ms. Carluccio made a motion on the Resolution for Holland Township. Mr. Holtaway seconded it.

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Council Comment

Ms. Letts asked if this is the first application before Council who would like to develop a clustering plan for the agricultural lands. Ms. Swan responded that clustering is required as part for municipalities for residential development in the Agricultural Resource Area and in this case it is a priority because of the amount of agricultural lands and as an opportunity to get Holland out ahead in terms of doing the work to create a model, but other municipalities will be doing this as well. Ms. Letts asked how much funding is allotted for this plan. Ms. Swan responded that \$15,000 is allocated towards agricultural retention plan and \$7,500 towards cluster development feasibility study and if there is a need for more the municipality may come back to the Council. Ms. Letts commented since this is a model she hopes it is properly funded.

Public Comments

Michael Keady, Environmental Commission Chair – Mr. Keady submitted his statement for the record. Mr. Keady supports Council's approval of Holland Township's Petition for Plan Conformance. Mr. Keady stated that the key role of the Highlands staff assisted the municipality with their decision to move forward with Plan Conformance in the Planning and Preservation Areas.

Peter Craig, former Planning Board Chair – Mr. Craig reiterated Mr. Keady's comments. Mr. Craig commented on the great contributions of Mr. John DiSarro and Mr. Ed Burdzy who are very conservative politicians, deeply dedicated advocates of home rule, that notwithstanding they had the vision to see the great sense and necessity of regional planning through the Highlands Protection and Planning Council and the Highlands staff was very instrumental in seeing the transformation happen over the years.

David Shope, owns property in Lebanon Township – Mr. Shope stated that the heard that this whole thing is fact driven. It is a fact that we are in a perpetual drought, he questioned whether this was as a result of the Act or the DEP rules. He spoke about this in relation to how deficit areas were determined. He questioned the nitrate dilution standards that determine septic density in the Preservation Area. He expressed that these standards would now be applied in the Planning Area. He brought up the question of agricultural viability and quoted figures on the \$40 an acre return. He questioned Holland's decisions to opt in. Mr. Shope wondered if there are any farmers in attendance from Holland Township.

Erika Van-Auken, New Jersey Highlands Coalition – Ms. Van-Auken commented that the New Jersey Highlands Coalition supports Holland Township's Petition for Plan Conformance but has concern on the Huntington Knolls development because of the environmental constraints on the property.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey supports Holland Township's Petition for Plan Conformance. Ms. Frey echoes the concerns of Ms. Van-Auken about the Huntington Knolls tract.

Ms. Kovach was not in attendance for the vote.

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

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

Public Hearing and Consideration of Resolution– Petition for Plan Conformance by Kinnelon Borough

Ms. Swan acknowledged Kinnelon Borough’s representatives present at the meeting. In attendance were: Mayor Robert W. Collins; John Miller Esq.; and Adrian Humbert, Planner

Mr. Schrier and Ms. Letts temporarily left the meeting at 2:55pm

Ms. Swan presented photographs of Kinnelon Borough so the Council could focus on the character of the community and the past planning and protection initiatives of the township. Ms. Swan presented background statistics and information for Kinnelon Borough.

- Incorporated: 1922
- Population (2009 est.): 9,617
- Land Area: 12,309 acres/19.2 sq. mi.
- Preserved Lands: 4,068 acres
- Wetlands: 786 acres
- Total Forest: 8,241 acres
- Farmland: 12 acres

Ms. Swan presented significant Highlands statistics as they pertain to Kinnelon Borough:

- Preservation Area Lands: 11,984 acres – 97%
- Planning Area Lands: 325 acres – 3%
- Protection Zone – 10,124 acres – 82%
- Conservation Zone – 1,366 acres – 11%
- Existing Community Zone – 175 acres – 1% (Roads 5%)
- Highlands Open Water Protection – 6,128 acres – 50%
- Forest Resource Area – 12,087 acres – 98%
- Conservation Priority Areas – 4,729 acres – 38%

**Kinnelon Borough
Background Statistics – Land Use**

NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	76	2,966	24.7%
Commercial (Retail)	7	113	1.0%
Industrial & Transportation & Utilities	55	79	1.1%
Agriculture (Crops & Plantations)	0	9	0.1%
Recreational Lands (Public & Private)	11	116	1.0%

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Other Urban or Built-Up Land	9	92	0.8%
Subtotal Developed Lands	159	3,375	28.7%
Mixed Forest	115	7,115	58.7%
Shrub & Scrub	1	18	0.2%
Mixed Wetlands	36	750	6.4%
Barren Lands	13	66	0.6%
Water	2	660	5.4%
Subtotal Natural Lands	166	8,609	71.3%
Total	325	11,984	100.0%

Ms. Swan then showed a movie representing a ‘fly over’ of Kinnelon Borough. The movie showed a municipality with forests and scattered development, in contrast to Holland there is little agriculture in this community. Ms. Swan then showed the land use ordinance maps for the Township.

In addition to maintaining an up-to-date Comprehensive Master Plan (including all mandatory elements and numerous optional elements), Kinnelon Township has a history of proactive engagement in community planning and conservation initiatives:

- Master Plan Reexamination - 2000
- Open Space and Recreation Plan – 2005
- Stormwater Management Plan – 2007

Ms. Swan then provided an overview of the Petition of Plan Conformance and the administrative record for Kinnelon Borough has follows:

- 12/8/09 Petition for Plan Conformance Submitted, Full Municipality
- 3/31/10 Petition Deemed Administratively Complete
- 4/9/10 Petition Posted to Highlands Council Website
- 1/13/11 Draft Consistency Report Sent to Municipality
- 4/20/11 Final Draft Report Posted to Highlands Council Website
- 5/5/11 End of Public Comment Period (Start 4/20/11)
- 5/13/11 Final Report Posted to Highlands Council Website
- 5/19/11 Highlands Council Public Hearing

Ms. Swan further noted that Kinnelon Borough had completed the Module submittals required under Plan Conformance and that this PowerPoint is posted to Council’s website as part of the record. With respect to Module 1 and 2, the Highlands Municipal Build-Out Report for Kinnelon Borough was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The Report is dated August 2009. Staff RMP Consistency Finding is that Kinnelon Borough Highlands Municipal Build-Out Report is consistent with the RMP. With respect to Module 3, the Council staff found that Kinnelon Borough’s Fair Share Plan and Housing Element was consistent with the RMP.

Ms. Swan then continued with her presentation with respect to the Environmental Resource Inventory, Module 4. Ms. Swan noted that it describes and illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality. The Staff RMP Consistency Finding is that Kinnelon Borough’s Environmental Resource Inventory is consistent with the RMP.

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

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

Ms. Kovach and Ms. Letts returned to the meeting at 2:59pm.

Mr. Schrier returned to the meeting at 3:05pm.

Ms. Swan noted that Adrian Humbert, Planner for Kinnelon Borough is retiring and wanted to recognize the great work relationship Highlands staff had with Adrian. Ms. Swan also acknowledged James Humphries, Holland Township's Highlands staff liaison, Regional Planner and lead on affordable housing.

Ms. Swan then presented a summary of the public comments received and summary of the draft responses prepared by Highlands Council staff for Kinnelon Borough's Petition for Plan Conformance. The public comment period for Kinnelon Borough's Petition for Plan Conformance opened on April 20, 2011, and closed May 5, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. Comments received from:

- Erica Van Auken, New Jersey Highlands Coalition

Comments submitted by: Erica Van Auken, New Jersey Highlands Coalition

Comment: The New Jersey Highlands Coalition supports Kinnelon Borough's petition for plan conformance. Regarding Kinnelon's intent to include a Water Use and Conservation Management Plan for the Stony Brook subwatershed, a Stream Corridor Restoration Plan and a Habitat Conservation and Management Plan, the New Jersey Highlands Coalition would be in support of these projects once more details become available demonstrating that they are consistent with the Highlands Act and the Regional Master Plan.

Response: The Highlands Council acknowledges the New Jersey Highlands Coalition's support for the Borough's Petition for Plan Conformance and will continue to work with the Borough to develop a Water Use and Conservation Management Plan, a Stream Corridor Restoration Plan, and a Habitat Conservation and Management Plan consistent with the Goals, Policies and Objectives of the RMP. The Highlands Council will be taking lead on the project and will ensure consistency with the Act and RMP.

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

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

Ms. Swan then reported the future Highlands Protection Fund grants for Kinnelon Borough as part of the Highlands Implementation Plan and Schedule – Grant funding is proposed for the following:

- **Municipal Master Plan Elements** including an update of the Land Use Plan Element, and preparation of new Circulation Plan and Community Facilities Plan Elements
- **Water Use and Conservation Management Plan** for the Stony Brook subwatershed with the Highlands Council serving as the lead for this project
- **Habitat Conservation and Management Plan** to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects
- **Stream Corridor Protection Restoration Plan** to protect/restore streams and to mitigate the impacts of future land uses

Ms. Letts made a motion on the Resolution for the Borough of Kinnelon. Mr. Holtaway seconded it.

Public Comments

Robert W. Collins, Mayor for Kinnelon Borough – Mr. Collins stated that he has the pleasure of being in attendance with Kinnelon Borough's Planner Adrian Humbert and Attorney John Miller. Mr. Collins thanks the Highlands staff for their incredible work and efforts. Kinnelon is unique and still pursuing preservation efforts. Mr. Collins commented that some residents may wonder if you are 97% in the preservation area why the Borough would still pursue preservation. The Borough

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has steep slopes and is not a farming community but understands that long term goals need to be supported. Mr. Collins mentioned that it is amazing to see the amount of water that comes out of a mountain ridge that is 200 feet above elevation. Mayor Collins thanks the Council and staff for their continued efforts.

Adrian Humbert, Planner for Kinnelon Borough – Mr. Humbert stated that he has been a foot soldier through this process and thanks the Council staff for their assistance with the process. Mr. Humbert commented that when he first took the job in 1985, he was handed a book by Mayor Cisco (at that time) on The Natural Resource Inventory of the Borough which was done in 1973. Mr. Humbert stated that since those days the Borough has continued the understanding of the environmental characteristics of Kinnelon. Mr. Humbert thanks the staff for all their assistance.

John Miller, Attorney – Mr. Miller thanks the staff for all their help and guidance through the process. It has been a pleasure working with the staff and the process is absolutely worthwhile. Mr. Miller reiterates and appreciates the comments Ms. Swan made regarding Adrian and that he has been a great resource in this process.

Mr. Schrier was sorry to hear of Mr. Humbert's retirement. Mr. Schrier stated that Mr. Humbert has been a valuable asset to the community and wishes him well.

Erika Van-Auken, New Jersey Highlands Coalition – Ms. Van-Auken commented that the New Jersey Highlands Coalition supports Kinnelon Borough's Petition for Plan Conformance and we are looking forward to the efforts in the plan conformance process.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey supports Kinnelon Borough's Petition for Plan Conformance. Ms. Frey dedicates her support of this Petition to Lucy Meyer who was chair of the Environmental Commission for many years and who started the Pyramid Mountain preservation effort, part in Kinnelon. Mr. Frey also dedicates her support to the efforts of Mary Dursky who was also a supporter of the Highlands preservation effort.

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

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

Public Hearing and Consideration of Resolution – Petition for Plan Conformance by Franklin Township

Ms. Swan acknowledged Franklin Township's representatives present at the meeting: Deputy Mayor Bonnie Butler; James Kyle, Planner; and Mike Finelli, Engineer.

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

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- Incorporated: 1798
- Population (2009 est.): 3,120
- Land Area: 15,051 acres/23.5 sq. mi.
- Preserved Lands: 3,294 acres
- Wetlands: 724 acres
- Total Forest: 5,555 acres
- Farmland: 7,283 acres

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

- Preservation Area Lands: 3,763 acres – 25%
- Planning Area Lands: 11,288 acres – 75%
- Conservation Zone – 10,963 acres – 73%
- Protection Zone – 3,472 acres – 23%
- Existing Community Zone – 319 acres – 2% (Roads 2%)
- Highlands Open Water Protection – 5,474 acres – 36%
- Forest Resource Area – 6,442 acres – 43%
- Agricultural Priority Areas – 8,368 acres – 56%
- Conservation Priority Areas – 1,273 acres – 8.5%

**Franklin Township
Background Statistics – Land Use**

NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	1,162	289	9.6%
Commercial (Retail)	70	34	0.7%
Industrial & Transportation & Utilities	143	29	1.1%
Agriculture (Crops & Plantations)	5,917	1,109	46.7%
Recreational Lands (Public & Private)	45	0	0.3%
Extractive Mining	0	5	0.0%
Other Urban or Built-Up Land	109	44	1.0%
Subtotal Developed Lands	7,447	1,509	59.5%
Mixed Forest	2,778	1,958	31.5%
Shrub & Scrub	335	90	2.8%
Mixed Wetlands	556	156	4.7%
Barren Lands	65	23	0.6%
Water	106	27	0.9%
Subtotal Natural Lands	3,841	2,254	40.5%
Total	11,288	3,763	100.0%

Ms. Swan then showed a movie representing a ‘fly over’ of Franklin Township. The movie offered an opportunity to focus on the unique character of the Township, the difference between the

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landscapes of the Preservation Area and Planning Area was noted. Ms. Swan then showed the land use ordinance maps for the Township.

In addition to maintaining an up-to-date Comprehensive Master Plan (including all mandatory elements and numerous optional elements), Franklin Township has a history of proactive engagement in community planning and conservation initiatives:

- Master Plan Reexamination - 2006
- Open Space and Recreation Plan – 2006
- Farmland Preservation Plan – 2008
- Housing Plan Element – adopted 2001

Ms. Swan then provided an overview of the Petition of Plan Conformance and the administrative record for Franklin Township has follows:

12/8/09	Petition for Plan Conformance Submitted, Preservation Area
1/22/10	Petition Deemed Administratively Complete
2/1/10	Petition Posted to Highlands Council Website
10/18/10	Draft Consistency Report Sent to Municipality
4/4/11	Final Draft Report Posted to Highlands Council Website
4/18/11	End of Public Comment Period (Start 4/4/11)
5/13/11	Final Report Posted to Highlands Council Website
5/19/11	Highlands Council Public Hearing

Ms. Swan further noted that Franklin Township had completed the Module submittals required under Plan Conformance and that this PowerPoint is posted to Council's website as part of the record. With respect to Module 1 and 2, the Highlands Municipal Build-Out Report for Franklin Township was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The Report is dated October 2009. Staff RMP Consistency Finding is that Franklin Township Highlands Municipal Build-Out Report is consistent with the RMP. With respect to Module 3, the Council staff found that Franklin Township's Fair Share Plan and Housing Element was consistent with the RMP.

Ms. Swan then continued with her presentation with respect to the Environmental Resource Inventory, Module 4. Ms. Swan noted that it describes and illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality. The Staff RMP Consistency Finding is that Franklin Township's Environmental Resource Inventory is consistent with the RMP.

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

With respect to the Municipal Petition for Plan Conformance, Module 7, Ms. Swan noted that it consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment Report, List of Current Planning Documents, and the Highlands Implementation Plan & Schedule.

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The Staff RMP Consistency Finding is that Franklin Township's Petition for Plan Conformance is consistent with the RMP.

Ms. Swan then presented a summary of the public comments received and summary of the draft responses prepared by Highlands Council staff for Franklin Township's Petition for Plan Conformance. The public comment period for Franklin Township's Petition for Plan Conformance opened on April 4, 2011, and closed April 18, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. Comments received from:

- New Jersey Farm Bureau

Comments submitted by: Helen Heinrich, New Jersey Farm Bureau

Comment: The NJ Farm Bureau strongly supports grant funding for development of an Agricultural Retention /Farmland Preservation Plan, for all of the Highland Preservation Area and Planning Area lands, although the Township is only conforming for the Preservation Area. The Bureau supports a regional strategy for enhancing the viability of local farming operations with surrounding communities such as Lopatcong and Bethlehem.

Response: The Highlands Council acknowledges the Bureau's support of grant funding opportunities. The Plan will apply to all Township lands. The Highlands Council supports coordinated planning of shared or similar resources as an effective and efficient way to enhance results of the planning process, including any potential effort of multiple municipalities to work cooperatively with the Warren County Agriculture Development Board and the New Jersey Department of Agriculture on a regional plan.

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

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

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Ms. Swan then reported the future Highlands Protection Fund grants for Franklin Township as part of the Highlands Implementation Plan and Schedule – Grant funding is proposed for the following:

- **Agriculture Retention Plan** to improve sustainability of agricultural businesses within the Township.
- **Highlands Redevelopment Area Plan** to initiate planning to examine potential for redevelopment areas consistent with the Regional Master Plan in the Route 57 corridor.
- **Habitat Conservation and Management Plan** to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects.
- **Stream Corridor Protection Restoration Plan** to protect/restore streams and to mitigate the impacts of future land uses.

Ms. Swan acknowledged Keri Benscoter, Resource Management Specialist, as Highlands staff liaison for Franklin Township. Mr. Schrier added that the entire staff has been busy and commends them for all their efforts.

Ms. Kovach made a motion on the Resolution for Franklin Township. Ms. Letts seconded it.

Public Comments

Bonnie Butler, Deputy Mayor – Ms. Butler stated that she currently serves as deputy mayor and served as mayor throughout most of the modules for Plan Conformance. Ms. Butler would like to echo what she has heard before and thanks the staff for their ease in dealing with the modules, particularly to Eileen Swan and Tom Borden who came out to our municipality on more than one occasion and dealt with a not so friendly crowd sometimes. Ms. Butler also commends staff member Herb August who has helped with the reimbursement of funds. Ms. Butler commented that it is important to note that the Highlands Council's plan dovetails some of Franklin Township's activities specifically our ongoing commitment to open space and farmland preservation. Ms. Butler noted that the Township has two waterways of significance (Pohatcong Creek and the Musconetcong River) which was granted a wild and scenic status some years ago. Ms. Butler urges Council to do your utmost to promote the compensation issue for landowners for their loss of equity. Franklin Township looks forward to working with Council in the implementation of the plan and to see that we meet the conditions that Council has detailed.

Mike Finelli, Township Engineer – Mr. Finelli commented that he is a soldier in the process. Mr. Finelli commented that the staff has received many accolades which are very deserving. Mr. Finelli stated that he represents many other municipalities and have dealt with Highlands staff extensively. The staff has made the process much easier and they are a pleasure to work with.

Erika Van-Auken, New Jersey Highlands Coalition – Ms. Van-Auken commented that the New Jersey Highlands Coalition cannot support Franklin Township's Petition for Plan Conformance because of three proposed development projects (Brandywine at Broadway, Edison Road, LLC, and 100% Affordable Site, Block 16, Lot 9.02) are inappropriate for the conservation zone and to be consistent with the Highlands Act and RMP. Ms. Van-Auken concluded that if the proposed development sites' address the environmental concerns noted in the Council's Final Consistency

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Review and Recommendation Report the Highlands Coalition will reconsider their approval of Franklin Township Petition.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey also has concerns regarding the affordable housing proposals for Franklin Township’s Fair Share Plan especially with the Brandywine at Broadway site. Ms. Frey understands that the Township acknowledges the issues and will modify the Fair Share Plan as needed to achieve RMP consistency. Ms. Frey adds that this site has been a red-flagged site by the NJ Conservation Foundation for some time. This site has given inclusory development a bad name and is an environmentally sensitive site.

Ms. Butler responded to say that Franklin Township purchased the site and at the present time do not plan any residential development.

David Shope, owns property in Lebanon Township – Mr. Shope wondered if Council did not approve this Petition in the Preservation Area what would Council do but deny the Township to comply with the law. Mr. Shope gave his opinion of environmentalists and the fact that things change and the population needs to go somewhere.

Frank Minch – New Jersey Department of Agriculture – Mr. Minch stated that the Department of Agriculture supports the Franklin Township Petition for Plan Conformance and looks forward to the opportunity to work with Highlands staff on agricultural retention plans throughout the whole municipality.

Ms. Carluccio asked for clarification that the Edison Road and 100% affordable housing sites are in the Planning Area and there are no COAH developments proposed for the Preservation Area. Ms. Swan concurred that the COAH developments are in the Planning Area and Franklin Township is conforming only in the Preservation Area.

Mr. Francis noted that Franklin Township is the third application where COAH is an issue. Mr. Francis noted that until Council can change that COAH is forcing to put development where it should not be.

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

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

Resolution for Proposed Highlands Redevelopment Area Designation for Mount Olive Township

Ms. Swan introduced the proposed Highlands Redevelopment Area designation and acknowledged the representatives present at the meeting and thanked them for their patience throughout this meeting. The representatives are: Timothy Conway, Nicholas Wunner and Richard Wade. Ms. Swan noted to Council that the proposed Highlands Redevelopment Area designation was presented

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for discussion purposes during Mount Olive Township's Plan Conformance Petition presentation by Highlands Council staff.

Ms. Carluccio and Mr. Cogger left the meeting at 3:42pm.

The Township is petitioning the Highlands Council for a Highlands Redevelopment Area Designation in the Preservation Area using the 70% impervious surface criteria established in the Highlands Act. The Sand Shore Road area was identified in Mount Olive Township's approved Petition for Plan Conformance. The area includes portions of Block 8300 (Lots 5, 5.01, 5.02, 6, 7, 8 and 9) along the north side of Sand Shore Road, is mostly developed, and contains a commercial building on each lot with the exception of Lot 5.01, which is largely an open field with surface disturbance. Preserved lands surround the area.

Ms. Swan further noted that the Hackettstown Congregation of Jehovah's Witness (owner of Lot 5.01) proposes to construct a 4,296 sq ft one-story building, associated parking area, drainage, and a new septic system, and to deed restrict approximately 1.65 acres. According to information provided by the Township regarding maximum lot coverage and Floor Area Ratio based on zoning, future development on Lots 5, 5.02, 6, 7, 8, and 9 is highly constrained. If approved, the Congregation may apply for a Highlands Preservation Area Approval (HPAA) with redevelopment waiver permit from the NJDEP.

Ms. Carluccio returned to the meeting at 3:45pm.

Ms. Swan noted that as for all proposed Highlands Redevelopment Area Designations that come before the Council, this is a two-step process: first, the Council approves the Highlands Redevelopment Area. Second, the application moves forward to the NJDEP for a Highlands Preservation Area Approval with redevelopment waiver.

Ms Swan then gave a brief history of the project to provide perspective. The Congregation became interested in the property (Lot 5.01) in 2003. Concept plans were developed for the congregation building, associated parking, and septic system. The plan and various application materials were submitted to Mount Olive Township in October 9, 2003 and received approval on December 1, 2003. The Congregation had drilled a well on the property in June 2003, purchased the property, and the deed was filed on February 27, 2004. The preliminary site plan was submitted to the Township on May 22, 2006 and received preliminary and final approval on September 11, 2006. On December 29, 2006, the Congregation submitted a Highlands Applicability Determination (HAD) application to the NJDEP for Highlands Exemption #6 – Places of worship, schools, or hospitals. "Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, ..." On May 17, 2007 the NJDEP denied the Exemption #6 request noting that the project is proposed on a lot that does not currently contain an existing structure that is in use by the Hackettstown Congregation of Jehovah's Witness and the project does not fall under the exemption as an improvement.

Ms. Swan continued to say that one mechanism for a waiver would be based upon a determination by NJDEP that granting of the waiver was necessary to avoid a taking of private property without just compensation. As part of the determination, NJDEP would examine whether other options

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such as designation of a Highlands Redevelopment Area, were available in this case. In this case, the lack of impervious surface on Lot 5.01 makes such a designation impossible with regard to the single lot, and the Congregation may not propose a Highlands Redevelopment Area for lands it does not own or control. With approval of Plan Conformance for Mount Olive Township in 2011, an opportunity arose for the Township to provide leadership in the evaluation and designation of multi-parcel, multi-owner Highlands Redevelopment Areas. The Township identified a number of possible areas, and the Highlands Council approved planning funds for investigation of these. Based on discussions with the Township, the first proposal being pursued is the Sand Shore Road Highlands Redevelopment Area.

Ms. Swan then showed maps of the proposed area for redevelopment for Council to understand the project area-- the current preserved lands surrounding Lot 5.01, the mapped Highlands Open Water Buffers and Critical Wildlife Habitat depicted on Lot, and the net water availability of the HUC14 subwatershed within which Lot 5.01 is located. Ms. Swan commented that the proposed area would contain an approximate 4,296 sq ft one-story building; and that proposed disturbance is approximately 2.03 acres in an area that is currently disturbed. Ms. Swan also noted that the impervious surface requirement (70%) is met, the total Highlands Redevelopment Area is 18.92 acres, with an existing impervious surface of 13.46 acres, or 71.17%

Ms. Swan then went on to say that the Staff recommendation is to approve the proposed Highlands Redevelopment Area designation subject to the following conditions:

1. Encroachment into a Highlands Open Waters buffer shall be entirely within a previously disturbed area, which would not result in a net impact to the functional value of the buffer and therefore qualifies for a waiver;
2. Township of Mount Olive commits to provide mitigation equal to 125% of the proposed consumptive water uses through on-site recharge or water conservation practices within the same site or HUC14 subwatershed to the maximum extent feasible;
3. Remainder of Lot 5.01 outside of the proposed Highlands Redevelopment Area be protected through a conservation restriction, specifically authorizing ecological restoration and maintenance; and
4. Stormwater regulations must be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. The Highlands Council expects that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques as dictated by current NJDEP Stormwater Rules.

Mr. Richko asked for clarification on #1 – the encroachment into a Highlands Open Waters buffer. Ms. Swan responded to say that in order to see if a waiver is appropriate, the staff determines if there would be a negative impact on the buffer, and the finding was that the proposed encroachment would not negatively impact the already disturbed buffer. Mr. Richko asked if it determination was made due to the presence of the road. Ms. Swan noted that the proposed construction activities entail encroachment into the buffer (already disturbed), related to a wetland located across the street (Stephens Park Road) from Lot 5.01.

Ms. Swan stated that the applicant is Mount Olive Township and spoke to Catherine Natafalusy today and she apologized for not being able to attend the meeting today.

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Mr. Alstede made a motion to approve the resolution. Mr. Francis seconded it.

Council Discussion

Ms. Carluccio asked if the property to the right of the proposed redeveloped area which is currently part of the Highlands Open Water Buffers is a vegetated area. After discussion, it was determined that it is a detention basin. Ms. Carluccio thinks that the property has many problems, it is in the Conservation Zone, and the proposed project encroaches into open water buffer areas. She feels that redevelopment should not take place due to the buffer, that there would be new consumptive water use within a current deficit areas, it does not meet the standards for NJDEP septic density, and critical habitat would be impacted. Ms. Carluccio said the Council should be restoring this site and not redeveloping it. Ms. Carluccio further states that she cannot vote yes on this application.

Mr. Cogger returned to meeting via teleconferencing at 4:09pm.

Mr. Alstede commented that he will vote to support this application. He believes that NJDEP should have granted an Exemption 6. Mr. Alstede stated that the language used in the exemption clearly states: "Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on the date of enactment of this act, including but not limited to new structures, an addition to an existing building or structure, a site improvement..." Mr. Alstede further states that this application should not be before the Council for a Highlands Redevelopment Area Designation in the first place and it is the classic hardship created by the NJDEP.

Mr. Francis stated that 71% impervious coverage is supported by the governing body and a deed restriction is in place. Mr. Holtaway stated the federal law is on their side for religious land use. Mr. Richko asked if this was not a religious institution would it make a difference. There were various discussions amongst Council Members regarding environmental constraints and exemptions put in place for a redevelopment/improvement of property.

Ms. Swan stated that the Council will see more of these projects because the waiver provision is available to municipalities and landowners in the Preservation Area. Ms. Swan then asked Mr. Borden, per Ms. Carluccio's request, to address the waiver provision in the law.

Mr. Borden stated that the redevelopment waiver is intended to grant relief from the various requirements of NJDEP's Preservation Area regulations, waivers may also be granted from the RMP provisions. He explained the three waivers in the Highlands Act: Public Health and Safety; Redevelopment; and a Takings Avoidance Waiver. This particular case is that Mount Olive came in as a redevelopment waiver for 71% impervious surface. Mr. Borden further stated that the purpose of the waiver was that resource protection rules could be waived by NJDEP if it is demonstrated the proposed project would have de minimis impact on environmental resources.

Ms. Carluccio stated that the Council will probably see many of these types of projects in the future and feels that the Council should be conservative in its approach and how we define what a good redevelopment area is with respect to the very important resource protection provisions of the

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RMP. Ms. Carluccio is concerned of the precedent that approving this project will set. Mr. Alstede stated that the Legislature wanted the Council to exist with a different mindset than the NJDEP. Otherwise, the Council would never been created. The Legislature crafted this law so that the Council could deliberate and understand/counterbalance the NJDEP-- that is why the Highlands Council is here.

Public Comments

Nicholas Wunner, Engineer for Jehovah's Witness – Mr. Wunner stated that each one of those white areas on the mapping presented is existing industrial buildings. Mr. Wunner stated that all have their stormwater management and septic systems. The identified detention basin on the corner was built to handle the three lots and is more than adequate to treat stormwater from the proposed construction on Lot 5.01. He noted that the municipality been working with the NJDEP for about four or five years. The entire property (several lots) were owned by the same person in the 70's and then subdivided into those industrial lots at the time.

David Peifer, Association of New Jersey Environmental Commission - Mr. Peifer agrees with Ms. Carluccio's comments regarding the Highlands Open Water Buffers. Ms. Peifer urges Council to take a broader view of the redevelopment area and see how it fits in a more regional context, before Council approves it. In a larger context the entire redevelopment area may be qualified for a waiver.

Ms. Swan stated that the other existing buildings qualify for Exemption 4 and will allow them to reconstruct up to 125% of the impervious surface. Mr. Borden reiterated that the applicant can either develop under Exemption 4 if the zoning changes or a redevelopment area if the zoning changes.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey also urges Council take a broader view of this project. Council has before them a redevelopment proposal for all six of these lots. Mr. Frey feels there are larger ramifications (particularly if Mount Olive changed its zoning and Highlands exemptions were available to the lots other than Lot 5.01.)

Ms. Swan clarified that the applicant has to still go through the HPAA process with the NJDEP. Council staff tries to coordinate with the NJDEP in advance of this so we do not take an applicant through the process to the NJDEP just to be denied. Mr. Borden stated that there is a coordination process through the HPAA in which NJDEP must consider the RMP and work with Highlands Council staff when considering the approval. Mr. Borden noted that he Highlands Council would look at each proposal for a lot as a separate project and provide comments and consistency analysis to NJDEP. If the Highlands Council determined that a proposed project should not be approved it would recommend to the NJDEP that an HPAA should not be issued.

Ms. Carluccio feels that regarding such projects, memorializing the Resolution would be important.

Wayne Najduch, a resident of Independence Township – Mr. Najduch supports Ms. Carluccio's position and urges Council to use extreme caution with redevelopment. Council can easily set a precedent and potential impact to the water system.

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David Shope, owns property in Lebanon Township – Mr. Shope stated that this should be a very straight forward application. Mr. Shope encourages the Council to vote for it and move on.

Erica Van-Euken, New Jersey Coalition Association – Ms. Van-Euken states that she is personally on the fence with this application. Ms. Van-Euken states that the Coalition likes to support redevelopment because the Coalition feels it is a better option, but does echo the concerns of Ms. Carluccio and would like to see them addressed before the Coalition can fully support this project.

Mr. Alstede read from the RMP that redevelopment is a planning tool that converts underutilized areas to adapt their uses and approach. Ms. Swan stated it is a very complex matter of getting the 70% Impervious Surface and that there are two more applications similar to this application currently being worked on for Council's consideration.

All members present and on teleconferencing voted on the Resolution by roll call. The Resolution was APPROVED 8-2.

Resolution - Consideration for Plan Conformance Grant for Hampton Borough Feasibility Study

Ms. Swan introduced the proposed Resolution and acknowledged Ms. Hirsch who is here today for this Resolution and apologized for the wait. Ms. Swan stated that Hampton Borough is a conforming municipality and approached Council to amend their Petition for Plan Conformance. The Council staff made a recommendation to the Council that an amended Petition was not ripe but that a feasibility study was appropriate at this time. Ms. Swan provided a history of a 1988 Settlement Agreement that created an affordable housing zone in Hampton for a 300-unit development to satisfy a 27 unit rehabilitation obligation through a contribution of \$270,000 (\$10K per unit). The proposed 300-unit development did not include affordable housing on site and was to be located in the Preservation Area. In 2010, Hampton Borough filed a Fair Share Plan and Housing Element with COAH seeking to remove this site and fulfill its rehabilitation obligation through other mechanisms and filed an action in the Law Division to set aside the Agreement.

The Highlands Council approved Hampton Borough's Petition for Plan Conformance with conditions on November 19, 2010. Hampton Farm LLC submitted comments objecting to the Council's finding that the proposed 300-unit development is inconsistent with the policies of the RMP. The Highlands Council's comment and response document specifically stated that "the Council recognizes that some development may take place in the Planning Area portion of property in a way that could be found consistent with the RMP, Hampton's proposed Highlands Area Land Use Ordinance, and the Mount Laurel doctrine." Ms. Swan then showed the Council a map and photo showing the Hampton Farm site within Hampton Borough.

Ms Swan further stated that on April 26, 2011, Hampton Borough formally requested an Amended Petition for Plan Conformance to address the potential to provide affordable housing on the Hampton Farm LLC site and requested financial and technical assistance to examine the maximum

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feasible development potential of the site. Hampton Borough specified that the Supreme Court's pending review of COAH's Growth Share rules makes it impossible to quantify the Borough's obligations but that the Hampton Farm LLC site likely could have a role in satisfying yet to be determined obligations. Highlands Council Staff recommends that it is premature to consider an Amended Petition absent detailed information that the Hampton Farm LLC site may be developed consistent with the RMP. In addition, staff recommends that the site feasibility issues be considered in a broader context through examination of infrastructure issues at a municipal scale. Ms. Swan then went back to the map to show that the existing Borough homes are served by public water but septic systems rather than a wastewater system.

Ms. Swan noted that staff recommends that the Highlands Council approve financial and technical assistance to enable Hampton Borough to examine:

- 1) the feasibility of the provision affordable housing on Block 23, Lot 1 consistent with the Regional Master Plan;
- 2) the feasibility of a community on-site wastewater treatment plant to serve this site and proximate existing development in Hampton Borough presently served by individual subsurface systems; and
- 3) the feasibility of Highlands Center and/or Redevelopment Area designation(s) in the Borough based in significant part on water supply/wastewater utility planning (with an emphasis on efficient utility uses), such designation and associated planning and development activities offering opportunities to improve the economic sustainability of the Borough.

Highlands Council staff recommends that the Highlands Council authorize the execution of an amended Plan Conformance Grant Agreement with Hampton Borough to include a feasibility analysis for the above listed items in the amount of \$65,000.

Ms. Swan asked Mr. Borden to provide additional details regarding the matter. Mr. Borden stated after Council approved Hampton Borough's Petition last fall, Hampton Farms LLC filed an action in the Appellate Division challenging the Council's action and that matter is pending. On May 13th we posted our agenda and draft resolution and in response to that Hampton Farms LLC submitted a letter, dated May 18th, seeking that the matter be tabled for various reasons outlined in the letter. The major concern is that the Council is funding a matter regarding Hampton Borough feasibility of a sewer plant and that issue is pending in the Law Division with Hampton Borough and Hampton Farm LLC regarding the Mount Laurel litigation. He stated that in order to respond to several concerns, the resolution was amended to recognize that we received their letter of May 18th, state that the matter is pending in the Appellate Division and recognizing that Council staff has reviewed the objection letter that Council has in the packet. Mr. Borden specified that the Council has previously approved similar feasibility studies to examine the potential to built or expand infrastructure for centers and TDR receiving zones.

Mr. Richko asked why we would fund this study for a town that is under litigation. Mr. Borden specified that Hampton Borough is proactively addressing the potential future affordable housing obligations as a result of the Supreme Court pending matter that they will have to address somewhere. Hampton Borough may have to utilize the Planning Area of this site and may need to address a public health issues regarding failing septic systems in town.

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Mr. Cogger left the meeting at 4:59pm

Mr. Richko reiterated what Mr. Francis said before that COAH is forcing municipalities to plan for affordable housing in places they should not be. Mr. Francis stated that the Highlands Council has an obligation to assist Hampton Borough because it has chosen to conform. He stated that the legal protections for conforming towns require the Council to support such challenges. Ms. Letts asked what the money will be used for and thinks it is premature. Ms. Swan responded to say that Hampton Borough wants to know what is feasible on the site because the Borough is not sure and wanted Council to assist them with this study.

Mr. Alstede made a motion to approve the resolution. Mr. Francis seconded it.

Ms. Carluccio asked what the Borough would do if they did not get this money now. Mr. Borden stated that the litigation has placed this site in limbo for about 35 years and when a town is seeking assistance and potentially may develop this site as a cluster development to preserve agricultural lands, this Council has an obligation to move forward by getting the facts. The Borough knows that if the Appellate Division decision regarding COAH's growth share rules is upheld, that it will have to provide additional housing obligations. Ms. Carluccio stated that it is a guess. Mr. Borden agreed and advised that the Council should support municipalities that are proactively planning for affordable housing.

Public Comments

Guliet Hirsch – Ms. Hirsch stated that it is clear that the funding that is being requested is for expert reports that will be used in court. She summarized the ongoing litigation that the Borough filed and the Borough's need to prepare expert reports. She argued that if the Council funds the Borough, the Council has stepped outside a proper role and funding Hampton Borough litigation costs and sends a clear precedent to other towns. She argued that this study is a focused study on her client's site. She objected to the amount of funding. Ms. Hirsch stated that these are serious questions and urged the Council to slow down with this process.

Acting Chairman Schrier asked Mr. Borden to respond to Ms. Hirsch's comments regarding the grant funding and the scope of funding.

Mr. Borden specified that the Highlands Council has provided this level of funding for similarly situated municipalities with infrastructure limitations. This planning is broader than this site. When the Highlands Council adopted the Regional Master Plan they mandated that the towns meet their constitutional affordable housing obligations by either filing with COAH or with the Courts. Therefore, the Council has an obligation to provide financial assistance to conforming municipalities should they file with COAH or the Court. In this case Hampton Borough is in Court and the Highlands Act requires the Council to provide grants for the reasonable costs associated with this Plan Conformance requirement.

Council Comments

Ms. Carluccio commented that she is very enlightened by Ms. Hirsch's comments. Ms. Carluccio stated that if this is used in litigation, Council is obligated to do this and we are only fulfilling our

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responsibilities. Ms. Letts asked how we came up with the \$65,000 number. Ms. Swan responded that Council staff did a breakdown on this and read the particular breakdown to Council.

Mr. Holtaway stated that funding sources need to be looked at closely. Ms. Swan noted that an Amended Plan Conformance Grant Agreement would be required and invoices need to be examined by staff very carefully. Council staff is very careful about our grant funding. Ms. Swan stated that once the work is completed and once Council pays out on it, it is a final document. Mr. Alstede responded that he would like to make a motion to amend the resolution to state that the Council empowers Mr. Holtaway to monitor the grant funding for Hampton Borough's feasibility study. Ms. Kovach seconded the amendment. Ms. Hirsch stated if public documents are going to result in this funding process, will the documents be available. Ms. Swan stated that draft document may be prepared but they will be finalized and then funded through reimbursement of costs and the final documents will be posted. Mr. Borden proposed language to the resolution to add that Council has appointed Mr. Holtaway to monitor the preparation and implements of the Amended Plan Conformation Grant Agreement.

Mr. Cogger was no longer in attendance for the vote.

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

Public Comments

Hank Klumpp, owns a farm in Tewksbury – Mr. Klumpp attended a forestry meeting last night and stated that staff member Jeff LeJava did a wonderful job on his TDR presentation. Mr. Klumpp realizes he had all of these credits but stated that they did not have any value. Mr. Klumpp asked how Council can help farmers if potential development is not there. Mr. Klumpp asked why the farmers should still need to do farmland assessment. Mr. Klumpp also spoke about last month's minutes, in particular his written comments that he submitted were not attached. Ms. Swan responded that his written comments are attached as part of the official record.

Wayne Najduch, a resident of Independence Township – Mr. Najduch made a recommendation to Council to speak closer into the microphone so people in the back of the room may hear all comments.

David Shope, owns property in Lebanon Township – Mr. Shope submitted an article and hopes it will be circulated, two reports released on the prevailing notion that family farmers are earning record incomes and describe a shortage of credit available to farmers. Mr. Shope also attended the New Jersey Forestry Ice Cream Social and asked when you sell a TDR credit is it taxed on regular income or on capital gains. Mr. Shope also spoke about the water rates of NJWSA and noted that comments were not submitted by supporters of the Highlands Act. Mr. Shope also added that the Water Supply Authority has approved Donald Trump's golf course to irrigate the property. In conclusion, Mr. Shope stated that his comments were not accurately recorded for March's minutes, in particular regarding Mr. Smith as a Land Use Attorney. Mr. Shope compared the Highlands Council to the Nuremburg Trials and described members as psychopaths.

Acting Chairman Schrier commented to Mr. Shope that he found his comment to be very offensive.

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Mr. Visioli urged Acting Chairman Schrier to limit the public comments to three minutes.

Acting Chairman Schrier made reference to a comment made earlier regarding a formula to address land owner equity. Acting Chairman Schrier suggested that someone come up with a formula for land owner equity and present it to the Legislature.

Acting Chairman Schrier adjourned the meeting at 5:41pm.

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: 6/16/11

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

Vote of the Approval of These Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Dougherty						✓
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Mengucci					✓	
Councilmember Richko		✓	✓			
Councilmember Schrier	✓		✓			
Councilmember Visioli			✓			
Councilmember Walton					✓	
Chairman Rilee			✓			

PUBLIC COMMENTS SUBMITTED

New Reports Dispel Notions of Booming Farm Sector

WASHINGTON — Two critical reports released this week contradict the prevailing notion that family farmers are earning record incomes and describe a shortage of credit available to farmers.

While the USDA touts boom times for U.S. farmers, "Still Waiting for the Farm Boom," written by Tufts University's Timothy A. Wise, reports that family farmers are worse off, despite high crop prices.

High prices have been gobbled up by rising expenses; government payments have fallen; and more recently, the recession has significantly decreased the off-farm income that small to midscale family farmers depend on to make ends meet.

Shedding more light on the financial reality of family farmers, a coalition of farm groups released a survey of farm credit counselors and advocates, which found that farmers have had difficulty accessing credit since 2009.

The report, "Don't Bank On It,"

also found that banks were rejecting farmers for loans more frequently and that demand for government farm loans was rising. Eighty-five percent of those surveyed reported that farmers had more difficulty accessing credit.

"Even with high crop prices, our phones are still ringing at the same pace," said North Carolina farmer advocate Benny Bunting. "In this economic crisis, bankers are reducing their risks by requiring more collateral and putting more conditions on loans, making it harder for farmers — especially small- and midscale family farmers to get the credit they need to farm this spring."

Farmers of any scale rely on loans to purchase seeds and fertilizer that keep their operations running. Farmers who cannot access timely credit face economic uncertainty that can threaten the viability of their farms.

The credit crisis struck at the same time many farmers, especially hog and dairy producers, ex-

perienced sharply declining prices. Farm households faced layoffs, loss of health care coverage and rising household debt at the same time that banks were tightening lending conditions.

The Federal Reserve Board reports that farm loan delinquency rates tripled between 2007 and the first quarter of 2010. These factors combined to endanger the economic security of many farmers. Almost all of those surveyed (86 percent) reported higher demand for farm credit counseling services.

"Farm Aid's farmer hot line has been flooded with calls since the start of the economic crisis, with most farmers calling for financial and credit help," said Willie Nelson, president of Farm Aid. "Farmers are the backbone of our economy. We will only rebuild our economy if our farmers have access to available, affordable credit and fair prices."

Still Waiting for the Farm Boom examines 2009 USDA data for farms with gross sales of \$100,000

to \$250,000, finding that these small- to midscale family farms:

- Had household income 28 percent below 2007 levels and 21 percent lower than the average for 2000-06, when crop prices were considerably lower.
- Earned just \$19,274 on average from farming, including government payments.
- Saw a steep drop in off-farm income, an average of about \$35,000, which represented a decline of 24 percent from 2007.

The credit survey's key findings include:

- 74 percent reported that the number of farmers that could not access credit in 2010 was higher than in recent years; 33 percent reported that it was significantly higher.
- 70 percent reported that the number of commercial farm loan rejections was higher since the beginning of 2009.
- 62 percent of farm credit counselors reported that farm household financial difficulties increased the

number of loan rejections; one-fifth of those surveyed volunteered that layoffs from off-farm jobs contributed to loan rejections and two-fifths volunteered that the loss of health care contributed.

"These two reports come at a time when farmers and their families face the challenge of getting their crops in the ground," said Ben Burkett, Mississippi farmer and president of the National Family Farm Coalition. "We are hearing of major shortfalls in funds available by the Farm Service Agency (FSA) to meet the credit needs of farmers.

"This will cost our farmers their farms and increase the loss of jobs in our rural economy in the midst of the budget crisis on the state and federal level," he said.

For a downloadable PDF of "Don't Bank On It," go to www.farmaid.org/credit. To access "Still Waiting for the Farm Boom," visit http://www.ase.tufts.edu/gdae/policy_research/FarmIncome.html.

Source: Farm Aid.

Comments submitted at Highlands Council Meeting on May 19, 2011 by David Shope.
Page 1 of 1

Remarks by Michael Keady
Public Hearing on Holland Township Petition
May 19, 2011
Chester, NJ

My name is Michael Keady, and I'm the chairman of the Holland Township Environmental Commission. I'm here today to offer my support for your approval of Holland Township's Petition for Plan Conformance. Following the Highlands Plan will protect Holland's many C-1 streams and will preserve our rural environment.

I'd also like to offer my praise and thanks for the outstanding work done by the Council's staff in working with our township over the past few years. It will not surprise you to hear that when the Highlands Act was passed in 2004, Holland was wary, as many municipalities were, feeling that the Act was an intrusion on Home Rule.

However, once Holland began exploring the implications of conforming to the RMP, Eileen Swan and Tom Borden gave several presentations to the citizens and municipal governing body. They gradually made it clear that there were real advantages to conforming, and that the vision set forth in Holland's own Master Plan could best be achieved through conformance. I'm sure they missed many a dinner with their families, but we are eternally grateful for the time and energy they put into enlightening our community – as they did in scores of other municipalities across the Highlands Region.

As time went by, I heard from our township's leaders nothing but praise for the staff they were working with. The lack of bureaucracy. The quick turn-around on answers to our questions. People who actually answered their phones.

We fully realize that if our Petition is approved today, we have lots of work ahead of us. From what I see, our municipal leaders are committed to accomplishing that work as quickly as possible.

I'm also a member of the Planning Board in Holland. I look forward to the day when an applicant's attorney appears before our board and says that their application meets all the requirements of our ordinances – and what he's talking about is the Highlands Area Land Use Ordinance.

Again, thank you for your professionalism, expertise, and caring. We look forward to continuing our productive relationship.

#



Highlands Council Meeting

May 19, 2011



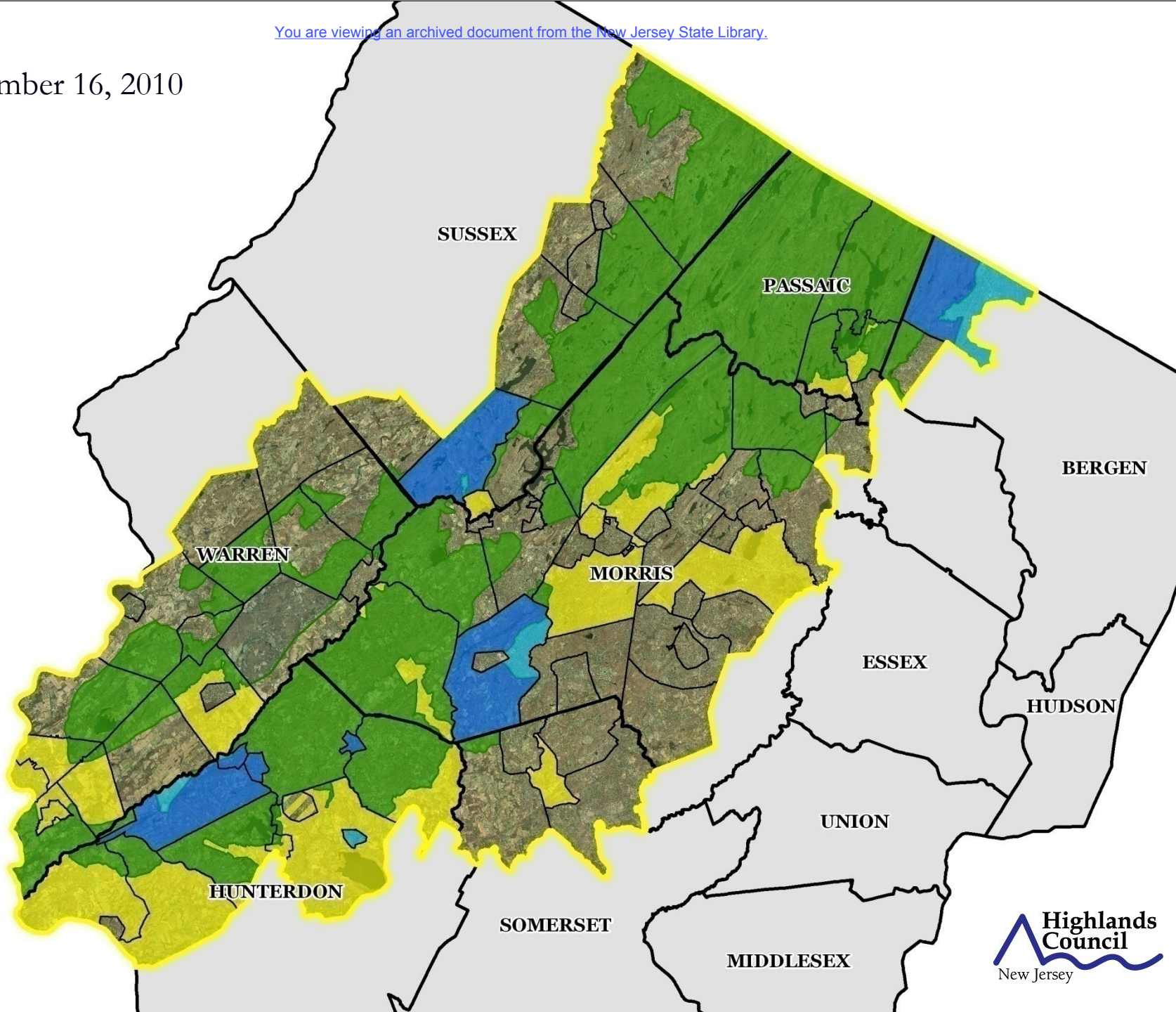
Plan Conformance Update

Plan Conformance Update

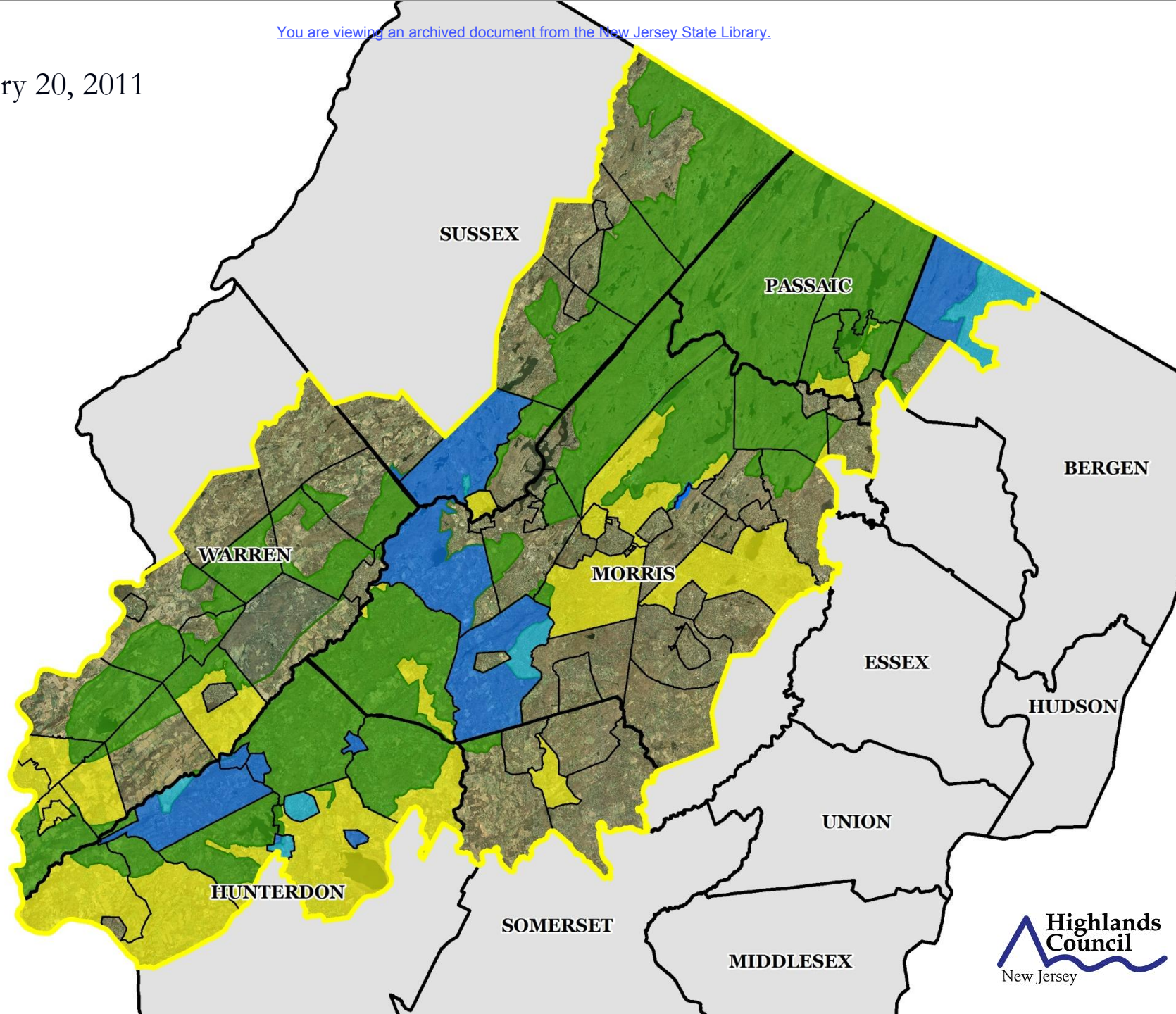
Petitions Submitted: 65 (60 Municipalities and 5 Counties). Of these, 52 have been deemed Administratively Complete & posted to the Highlands Council website (including 2 Counties). Of these:

- **Petitions Approved (19):** Townships – Bethlehem, Byram, Chester, Denville, Green, Lopatcong, Mahwah, Mount Olive, Rockaway, Tewksbury & West Milford; Boroughs – Califon, Glen Gardner, Hampton, High Bridge & Lebanon; Towns – Clinton; Counties - Passaic and Somerset
- **Today's Meeting (4):** Washington Township, Morris; Holland Township, Hunterdon; Kinnelon Borough, Morris; Franklin Township, Warren.
- **Municipal Response Period Underway (11):** Town of Hackettstown; Townships – Lebanon, Parsippany-Troy Hills, Pohatcong and Sparta; Boroughs – Alpha, Bloomsbury, Bloomingdale, Oakland, Ringwood and Wharton.

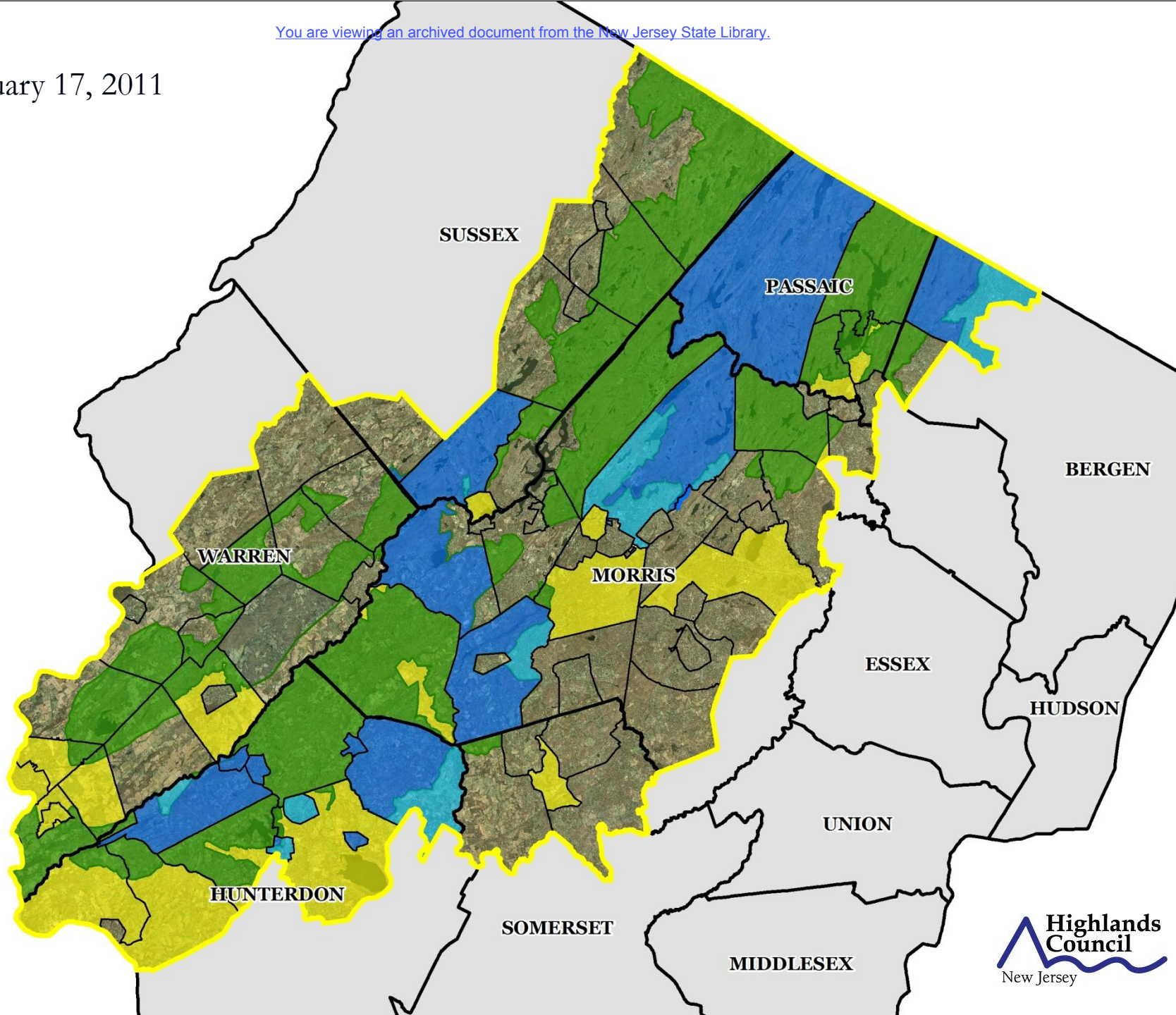
December 16, 2010



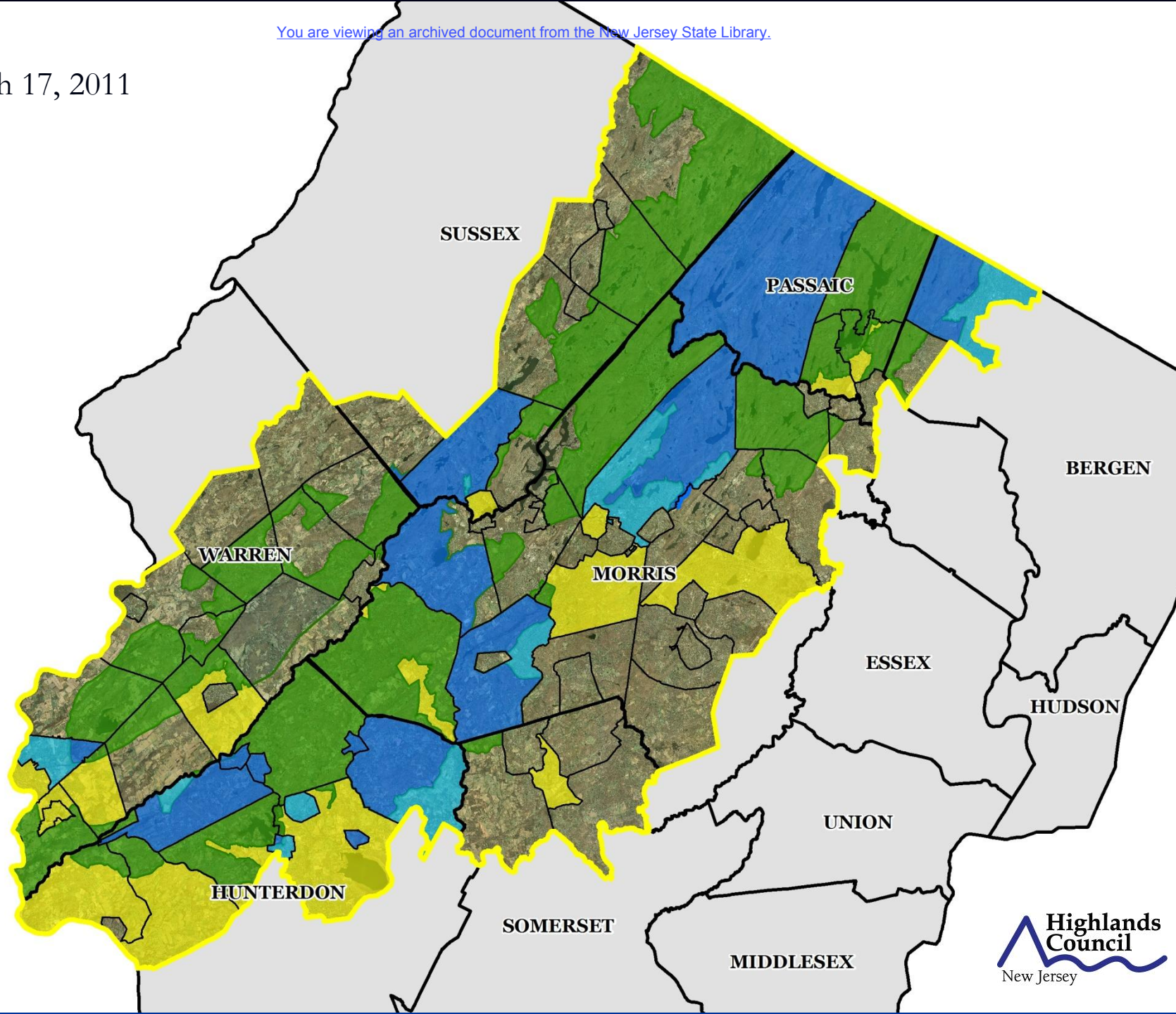
January 20, 2011



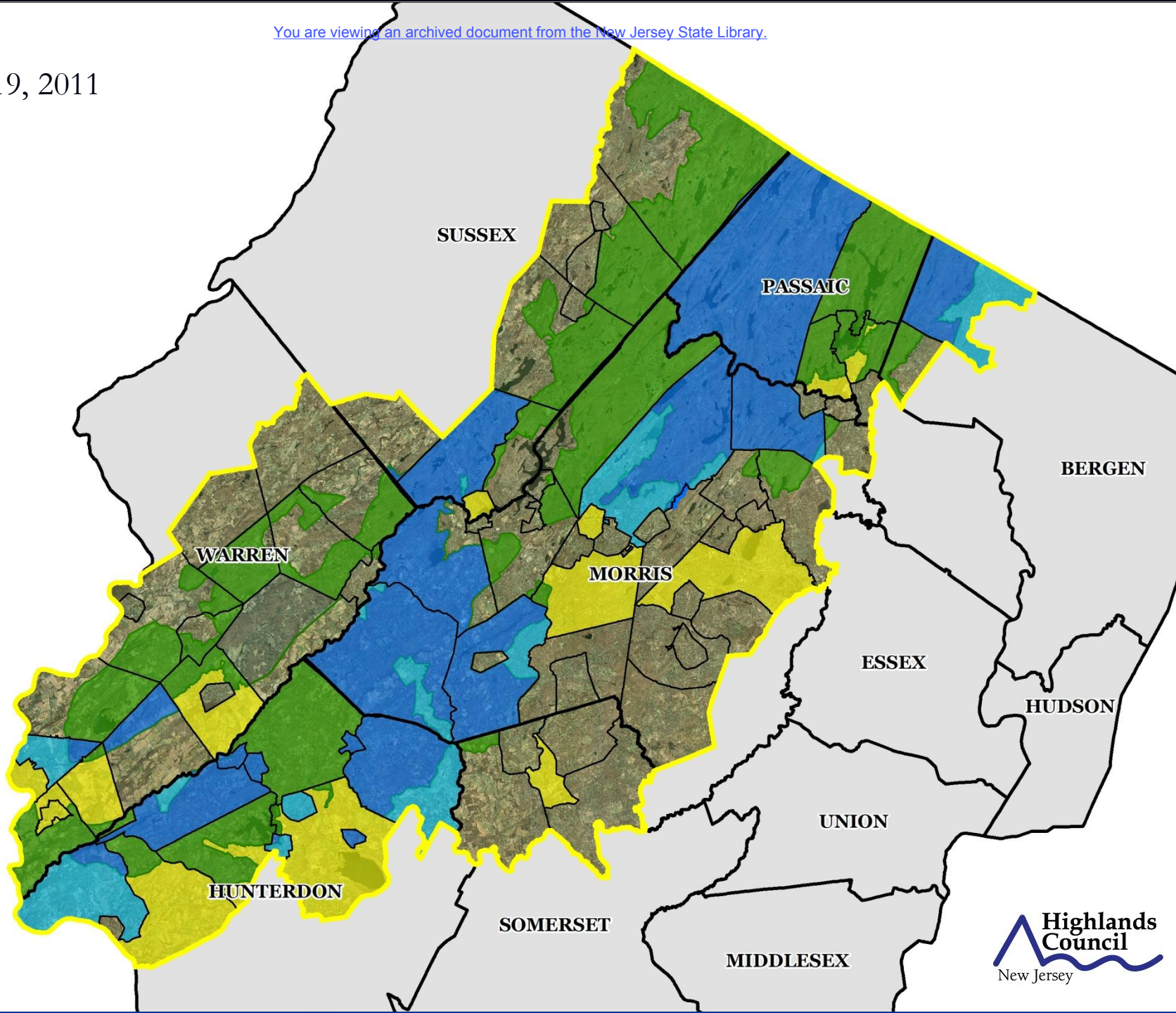
February 17, 2011



March 17, 2011



May 19, 2011



Plan Conformance Update

Plan Conformance Grant Program: Following are the average amounts requested for reimbursement by municipalities that are participating in Plan Conformance grant activities:

<u>Towns</u>	<u>Base Amount</u>	<u>Average</u>	<u>Number</u>
Module 1	\$15,000	\$13,830	71
Module 2	\$10,000	\$ 6,704	70
Module 3	\$ 7,500	\$14,055	57
Module 4	\$ 2,000	\$ 3,177	60
Module 5	\$ 2,500	\$ 6,688	53
Module 6	\$ 5,000	\$ 4,332	50
<u>Module 7</u>	<u>\$ 8,000</u>	<u>\$ 7,349</u>	47
Module Subtotal	\$50,000	\$56,135	
<u>Municipal Response Costs</u>	<u>\$ 8,000</u>	<u>\$ 8,458</u>	15
Plan Conformance Cost	\$58,000	\$64,593	

Public Hearing

Washington Township Petition for Plan Conformance

Introduction to Washington

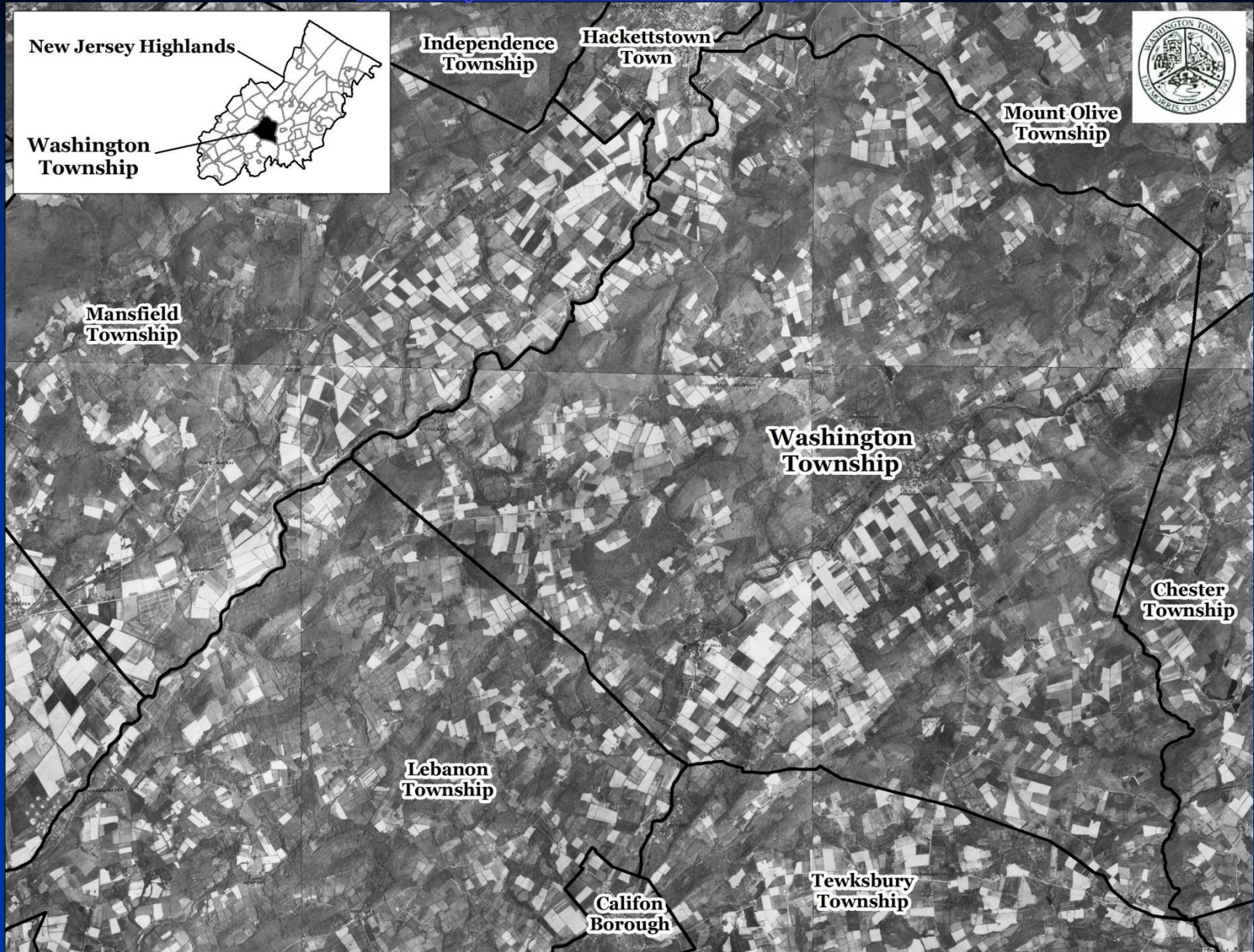


Washington Township

Background Statistics

- Incorporated: 1798
- Population (2009 est.): 18,422
- Land Area: 28,726 acres / 44.9 sq. mi.
- Preserved Lands: 8,382 acres
- Wetlands: 3,987 acres
- Total Forest: 14,702 acres
- Farmland: 5,269 acres





Washington Township - 1930

Washington Township

Significant Highlands Statistics

- Preservation Area Lands: 25,235 acres – 88%
- Planning Area Lands: 3,491 acres – 12%

- Protection Zone – 16,255 acres – 57%
- Conservation Zone – 7,607 acres – 26%
- Existing Community Zone – 3,853 acres – 13% (Roads 4%)

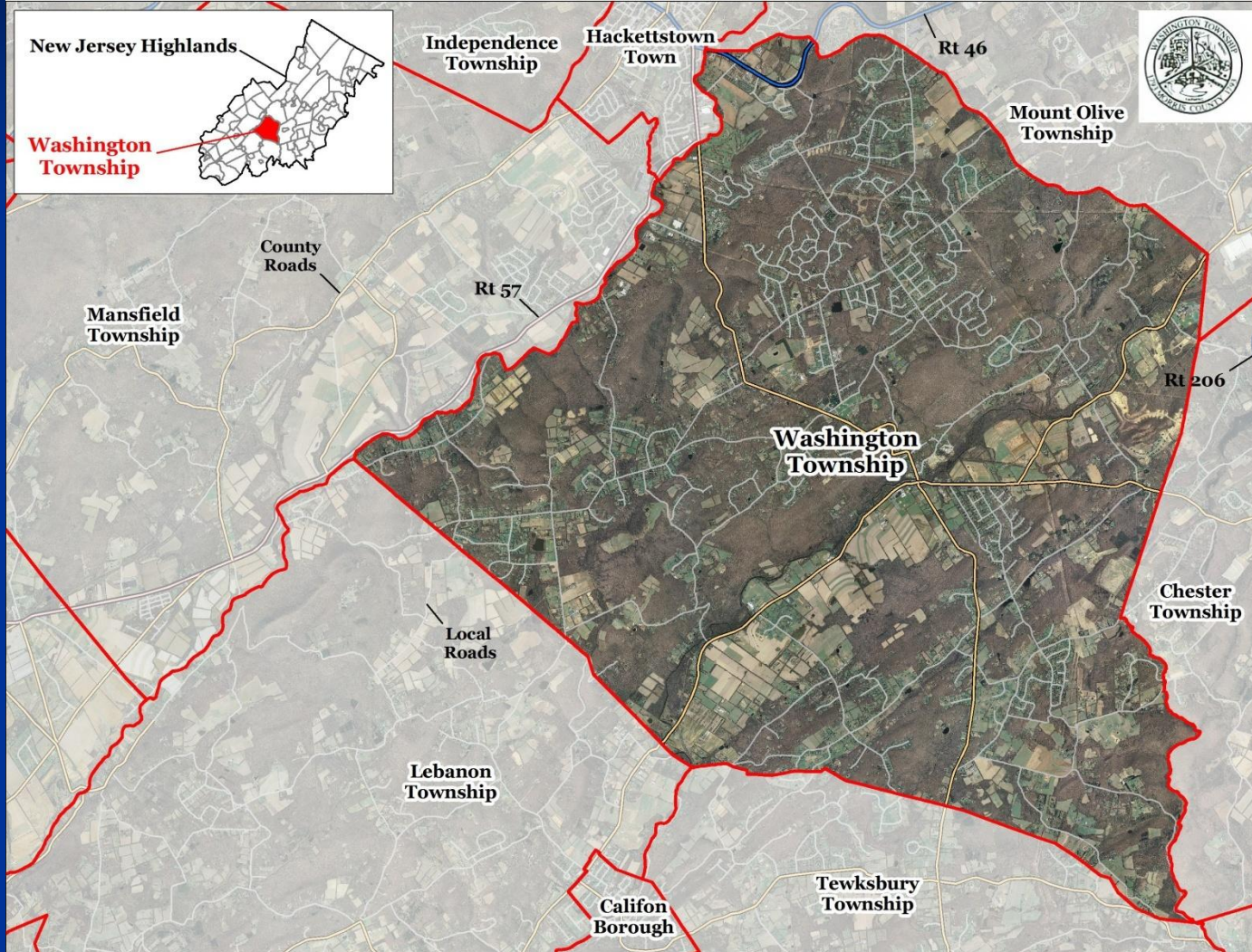
- Highlands Open Water Protection – 13,555 acres – 47%
- Forest Resource Area – 22,250 acres – 78%
- Conservation Priority Areas – 7,850 acres – 27%
- Agricultural Priority Areas – 4,117 acres – 14%

Washington Township

Background Statistics – Land Use

NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	850	5,974	23.8%
Commercial (Retail)	92	112	0.7%
Industrial & Transportation & Utilities	59	407	1.6%
Agriculture (Crops & Plantations)	973	4,111	17.7%
Recreational Lands (Public & Private)	22	374	1.4%
Other Urban or Built-Up Land	104	306	1.4%
Subtotal Developed Lands	2,100	11,283	46.6%
Mixed Forest	927	9,387	35.9%
Shrub & Scrub	92	538	2.2%
Mixed Wetlands	337	3,645	13.9%
Barren Lands	11	180	0.7%
Water	26	203	0.8%
Subtotal Natural Lands	1,392	13,952	53.4%
Total	3,491	25,235	100.0%

Washington Township, Morris County

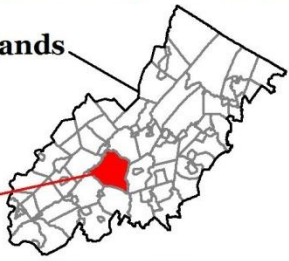


Washington Township Flyover



New Jersey Highlands

Washington Township



Independence Township

Hackettstown Town

Mount Olive Township

Mansfield Township

Washington Township

Chester Township

Legend

- Municipal Boundaries
- Parcel Boundaries
- Highlands Planning Area
- Highlands Preservation Area
- Land Use Capability Zone**
- Protection
- Conservation
- Existing Community
- Land Use Capability Sub-Zone**
- Existing Community
- Environmentally Constrained
- Conservation
- Wildlife Management

Lebanon Township



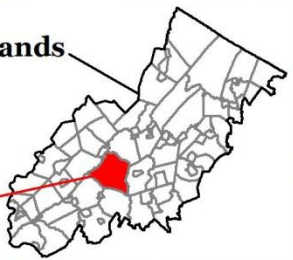
Califon Borough

Tewksbury Township



New Jersey Highlands

Washington Township



Independence Township

Hackettstown Town

Mount Olive Township

Mansfield Township

Washington Township

Chester Township

Legend

-  Municipal Boundaries
-  Parcel Boundaries
-  Highlands Planning Area
-  Highlands Preservation Area
- Land Use Capability Zone**
-  Protection
-  Conservation
-  Existing Community
- Land Use Capability Sub-Zone**
-  Existing Community
-  Environmentally Constrained
-  Conservation
-  Environmentally Constrained
-  Wildlife Management

Lebanon Township



Califon Borough

Tewksbury Township



New Jersey Highlands

Washington Township



Independence Township

Hackettstown Town

Mount Olive Township

Mansfield Township

Washington Township

Chester Township

Legend

- Municipal Boundaries
- Lakes & Ponds
- Streams
- Wetlands
- Highlands Open Water Buffers (300ft)

Watershed Values By HUC-14 Subwatershed

- Low
- Moderate
- High

Lebanon Township

Tewksbury Township

Califon Borough





New Jersey Highlands

Washington Township



Independence Township

Hackettstown Town

Mount Olive Township

Mansfield Township

Washington Township

Chester Township

Legend

-  Municipal Boundaries
-  Steep Slope Protection Area
-  Severely Constrained
-  Moderately Constrained
-  Constrained/Limited Constrained

Lebanon Township



Califon Borough

Tewksbury Township



New Jersey Highlands

Washington Township

Independence Township

Hackettstown Town

Mount Olive Township

Mansfield Township

Washington Township

Chester Township

Lebanon Township

Tewksbury Township

Califon Borough

Legend

- Municipal Boundaries
- Carbonate Rock Areas
- Prime Ground Water Recharge Areas

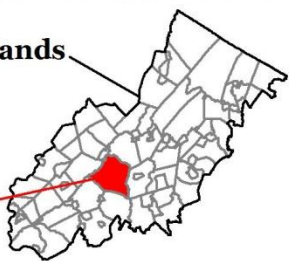
Wellhead Protection Areas

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





New Jersey Highlands



Washington Township

Independence Township

Hackettstown Town

Mount Olive Township




Mansfield Township

Washington Township

Chester Township

Lebanon Township

Legend

-  Municipal Boundaries
-  Agricultural Resource Area
-  Special Environmental Zone



Califon Borough

Tewksbury Township



New Jersey Highlands

Washington Township



Independence Township

Hackettstown Town

Mount Olive Township

Mansfield Township

Washington Township

Chester Township

Lebanon Township

Tewksbury Township

Califon Borough

Legend

-  Municipal Boundaries
-  Scenic Resources
-  Historic Properties
-  New Jersey Historic Districts
-  Archaeological Grids (1 sqmi)





New Jersey Highlands

Washington Township



Independence Township

Hackettstown Town

Mount Olive Township

Mansfield Township

Washington Township

Chester Township

Legend

- Municipal Boundaries
- Existing Area Served for:
 - Public Community Water Systems
 - Highlands Domestic Sewerage Facilities
 - Highlands Domestic Sewerage Facilities and Public Community Water Systems

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

- 0.10 - 0.39
- 0.05 - 0.09
- 0.00 - 0.04
- 0.09 - -0.01
- 0.99 - -0.10
- 7.10 - -1.00



Lebanon Township

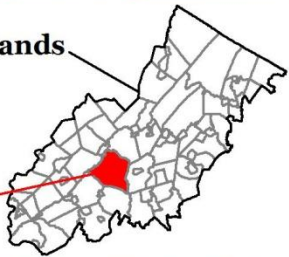
Califon Borough

Tewksbury Township



New Jersey Highlands

Washington Township



Independence Township

Hackettstown Town

Mount Olive Township

Mansfield Township

Washington Township

Chester Township

Legend

 Municipal Boundaries

Conservation Priority Areas

 High

 Moderate

 Preserved Lands



Lebanon Township

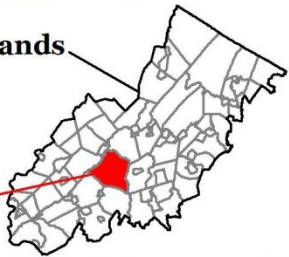
Califon Borough

Tewksbury Township



New Jersey Highlands

Washington Township



Independence Township

Hackettstown
Town

Mount Olive Township

Mansfield Township

Washington Township

Chester Township

Legend

 Municipal Boundaries

Agricultural Priority Areas

 High

 Moderate

 Preserved Lands



Califon
Borough

Tewksbury
Township

Lebanon
Township

Washington Township

Sampling of Township Planning Initiatives

In addition to maintaining an up-to-date Comprehensive Master Plan (including all mandatory elements and numerous optional elements), Washington Township has a history of proactive engagement in community planning and conservation initiatives:

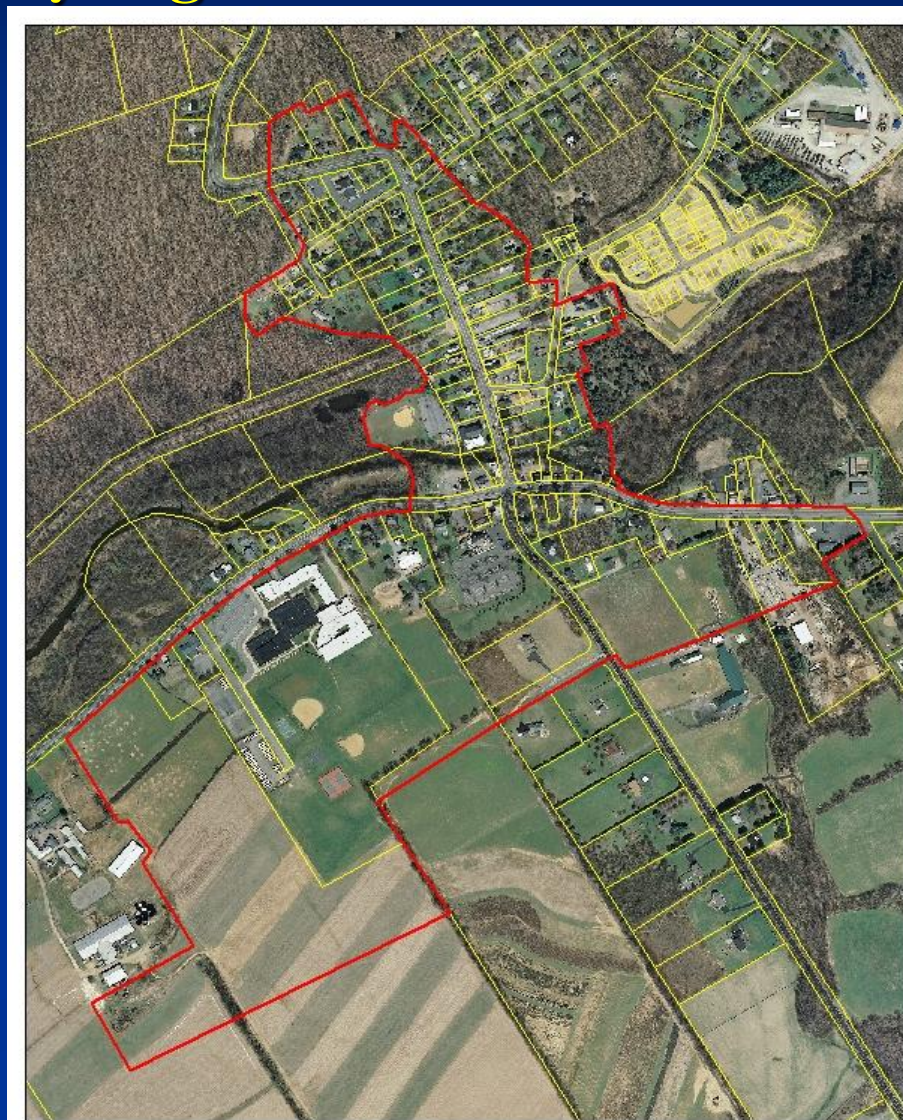
- Master Plan Reexamination – 2009
- Long Valley Downtown & Pedestrian Sidewalk Plan - 2008
- Stream Corridor Buffer Ordinance - 2006
- Stormwater Management Plan – 2005
- Ridgeline Ordinance – 2005
- Resource Conservation Area Ordinance – 2005
- Farmland Preservation Plan – 2003

Washington Township

Historic Long Valley Highlands Center

The Historic Long Valley Highlands Center includes the Long Valley Historic District, the Washington Township Middle School, and the municipal property adjacent to the Scott Farm.

The Highlands Center also includes a small area east of Route 517 and south of Route 513, contiguous to the Historic District, which will provide for a new road linking Route 513 north and south of the Long Valley Historic District, through the Highlands Center.



Washington Township

Historic Long Valley Highlands Center

- The size and development potential of the Historic Long Valley Highlands Center is limited by the presence of Preservation Area, steep slopes, Highlands Open Waters and buffers, and preserved lands surrounding the area, and the large number of historic buildings within the proposed Highlands Center.
- Much of the development potential is associated with the municipal property which was specifically reserved for municipal use (potential affordable housing use) by the Township when they assisted in the preservation of the Scott Farm in Long Valley (~769 acres).
- The remainder of the Highlands Center incorporates a small business core with long-term potential for continued commercial reuse and adaptive reuse within the setting of an Historic District.

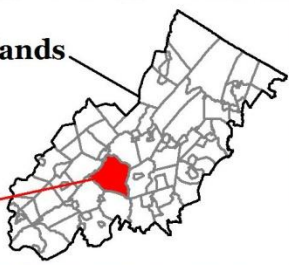
Washington Township

Historic Long Valley Highlands Center

- The Historic Long Valley Highlands Center is roughly 148 acres. This constitutes 0.52% of the Township's 28,726 acres and 4.25% of the Planning Area.
- Washington Township's assistance in preserving the Scott Farm in Long Valley and other recent preservation efforts have resulted in an impressive total of 8,382 acres of Preserved Lands or 29.18% of the Township.

New Jersey Highlands

Washington Township



You are viewing an archived document from the New Jersey State Library

Independence Township

Hackettstown Town



Mount Olive Township

Mansfield Township

Washington Township

Chester Township

Legend

-  Municipal Boundaries
-  Center Boundary
-  Highlands Planning Area
-  Highlands Preservation Area
-  Preserved Lands

Lebanon Township



Califon Borough

Tewksbury Township

Washington Township

Morris County, New Jersey



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

12/8/09	Petition for Plan Conformance Submitted, Full Municipality
2/8/10	Petition Deemed Administratively Complete
2/18/10	Petition Posted to Highlands Council Website
11/19/10	Draft Consistency Report Sent to Municipality
4/18/11	Final Draft Report Posted to Highlands Council Website
5/3/11	End of Public Comment Period (Start 4/18/11)
5/13/11	Final Report Posted to Highlands Council Website
5/19/11	Highlands Council Public Hearing

Highlands Municipal Build-Out Report – Modules 1 & 2

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

Housing Plan – Module 3

Washington Township has a COAH-certified third-round Housing Element and Fair Share Plan (December 2007)

- Summary of Washington Township's Fair Share Obligation
 - Rehabilitation Share: 0 Units
 - Prior Round Obligation: 42 Units
 - Growth Share Obligation: 117 Units
- Summary of Washington Township's Fair Share Plan
 - Rehabilitation Obligation: none
 - Prior Round Obligation: 77 credits are proposed through prior cycle credits, one proposed inclusionary site and one group home.
 - Growth Share Obligation: 99 credits are proposed through excess prior round credits, municipal buy down program, an accessory apartment program, and two municipally sponsored sites.
- Staff RMP Consistency Finding: **CONSISTENT**

Environmental Resource Inventory

Module 4

- Describes & illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality
- Washington's Submittal Based on Highlands Council Model Environmental Resource Inventory
 - ❖ Lake Management Area – not applicable, deleted.
- Staff RMP Consistency Finding: CONSISTENT

Master Plan Highlands Element

Module 5

- Incorporates RMP Goals & Objectives into local planning; provides basis for effectuation of RMP
- Washington's Submittal Based on Highlands Council Model
 - ❖ Lake Community Sub Zone – not applicable, deleted.
 - ❖ All Applicable Exhibits Provided
 - ❖ Special Note: Washington Township to provide revisions for Highlands Council approval to incorporate all relevant language establishing Historic Long Valley Highlands Center (pending approval), and providing the basis for regulatory provisions that will govern it.
 - ❖ Staff RMP Consistency Finding: CONSISTENT

Highlands Area Land Use Ordinance

Module 6

- Sets forth regulatory provisions that protect Highlands Resources and effectuate the policies, goals and objectives of RMP at the local level.
- Washington's Submittal Based on Highlands Council Model
 - ❖ Lake Community Sub-Zone - not applicable, deleted.
 - ❖ All Applicable Exhibits Provided by the Highlands Council (Parcel-Based)
- Revisions for Highlands Council approval to incorporate regulatory provisions applicable to Historic Long Valley Highlands Center, consistent with the conditions of Center designation.
- Staff RMP Consistency Finding: CONSISTENT

Municipal Petition for Plan Conformance

Module 7

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

Municipal Petition for Plan Conformance Wastewater Management Plan

- The Highlands Council and Washington Township are collaborating to prepare a municipal WMP (on a parallel path with the Plan Conformance process) for approval by NJDEP, and adoption as a chapter of the Morris County WMP. The WMP shall incorporate the Historic Long Valley Highlands Center as Future Sewer Service Area.
- Other areas to be identified as Future Sewer Service Area: Valley View Chapel, Township-approved Heath 2 development, and certain parcels with documented failing septic systems. Other parcels are being investigated and may be included at a later date, through approval of a Consistency Determination by the Highlands Council and approval of a WMP Revision by the NJDEP.

Washington's Petition for Plan Conformance Public Comments Received

- The public comment period for Washington's Petition for Plan Conformance opened April 18, 2011 and closed May 3, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.
- Comments received from:
 - New Jersey Highlands Coalition
 - New Jersey Conservation Foundation
- **Comment:** Erica Van Auken from the New Jersey Highlands Coalition supports the proposed updates to the sewer service areas.
- **Response:** The Highlands Council acknowledges the New Jersey Highlands Coalition's support of the Wastewater Management Plan amendments and revisions.

Washington's Petition for Plan Conformance Public Comments Received

Comments submitted by: Erica Van Auken, NJ Highlands Coalition and
Wilma Frey, NJ Conservation Foundation

- **Comment:** The New Jersey Highlands Coalition supports Washington Township's petition to designate a Historic Long Valley Highlands Center, which will support sound development as well as incorporate an affordable housing proposal, as long as care is taken to minimize environmental impact. The NJ Conservation Foundation supports the proposed Historic Long Valley Highlands Center, as long as constraints in Appendix C of the Final Draft Consistency Review and Recommendations Report are implemented.
- **Response:** The Highlands Council acknowledges support for the proposed Historic Long Valley Highlands Center and fully expects that all conditions being applied to the design and implementation of the center will be complied with to the fullest extent.

Washington's Petition for Plan Conformance Public Comments Received

Comments submitted by: Erica Van Auken, NJ Highlands Coalition and
Wilma Frey, NJ Conservation Foundation

- **Comment:** The New Jersey Highlands Coalition does have concerns regarding a prior round site proposed for the Planning Area, due to environmental constraints. The New Jersey Conservation Foundation commented that the site does not appear to be appropriate for a 360-unit condo development due to Highlands resource constraints.
- **Response:** This project is in the Planning Area, Conservation Zone and Protection Zone, and does have Highlands resource constraints. However, the project has obtained all local and NJDEP approvals and therefore represents a reasonable potential for development as it pertains to affordable housing.

Petition Disposition

Washington Township's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS

- Adoption of Approved Checklist Ordinance
- Adoption of Planning Area Petition Ordinance
- Adoption of Completed Environmental Resource Inventory
- Adoption of Completed Master Plan Highlands Element
- Completion and Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan

Petition Disposition

Washington Township's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS, Continued

- **Update/Development & Implementation of:**
 - **Water Use & Conservation Management Plan**
 - **Stormwater Management Plan (updates only)**
 - **Habitat Conservation and Management Plan**
 - **Land Preservation & Stewardship Program**
 - **Septic System Management/Maintenance Plan**
 - **Sustainable Economic Development Plan**
 - **Green Building and Environmental Sustainability Element**
 - **Agricultural Retention Plan**
 - **Stream Corridor Protection & Restoration Plan**
 - **Highlands Center and Redevelopment Area Planning**

Washington's Petition for Plan Conformance

Future Highlands Protection Fund Grants

- **Highlands Implementation Plan and Schedule** – Grant funding is proposed for the following:
 - **Water Use and Conservation Management Plans** for three HUC14 subwatersheds with moderate Net Water Availability deficits
 - **Highlands Center Designation and Redevelopment Area Plan** to initiate planning to assist with the implementation of the Historic Long Valley Highlands Center designation and to examine potential for redevelopment areas consistent with the Regional Master Plan.
 - **Agriculture Retention Plan** to improve the sustainability of agricultural businesses, building on highly successful preservation efforts
 - **Habitat Conservation and Management Plan** to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects.
 - **Stream Corridor Protection Restoration Plan** to protect/restore streams and to mitigate the impacts of future land uses.

Council Deliberation



Washington Township

Public Hearing

Holland Township Petition for Plan Conformance

Introduction to Holland



Holland Township

Background Statistics

- Incorporated: 1879
- Population (2009 est.): 5,268
- Land Area: 15,342 acres / 23.9 sq. mi.
- Preserved Lands: 3,641 acres
- Wetlands: 1,027 acres
- Total Forest: 7,106 acres
- Farmland: 4,174 acres





Holland Township - 1930

Holland Township

Significant Highlands Statistics

- Preservation Area Lands: 1,973 acres – 13%
- Planning Area Lands: 13,352 acres – 87%

- Conservation Zone – 7,497 acres – 49%
- Protection Zone – 6,643 acres – 43%
- Existing Community Zone – 629 acres – 4% (Roads 4%)

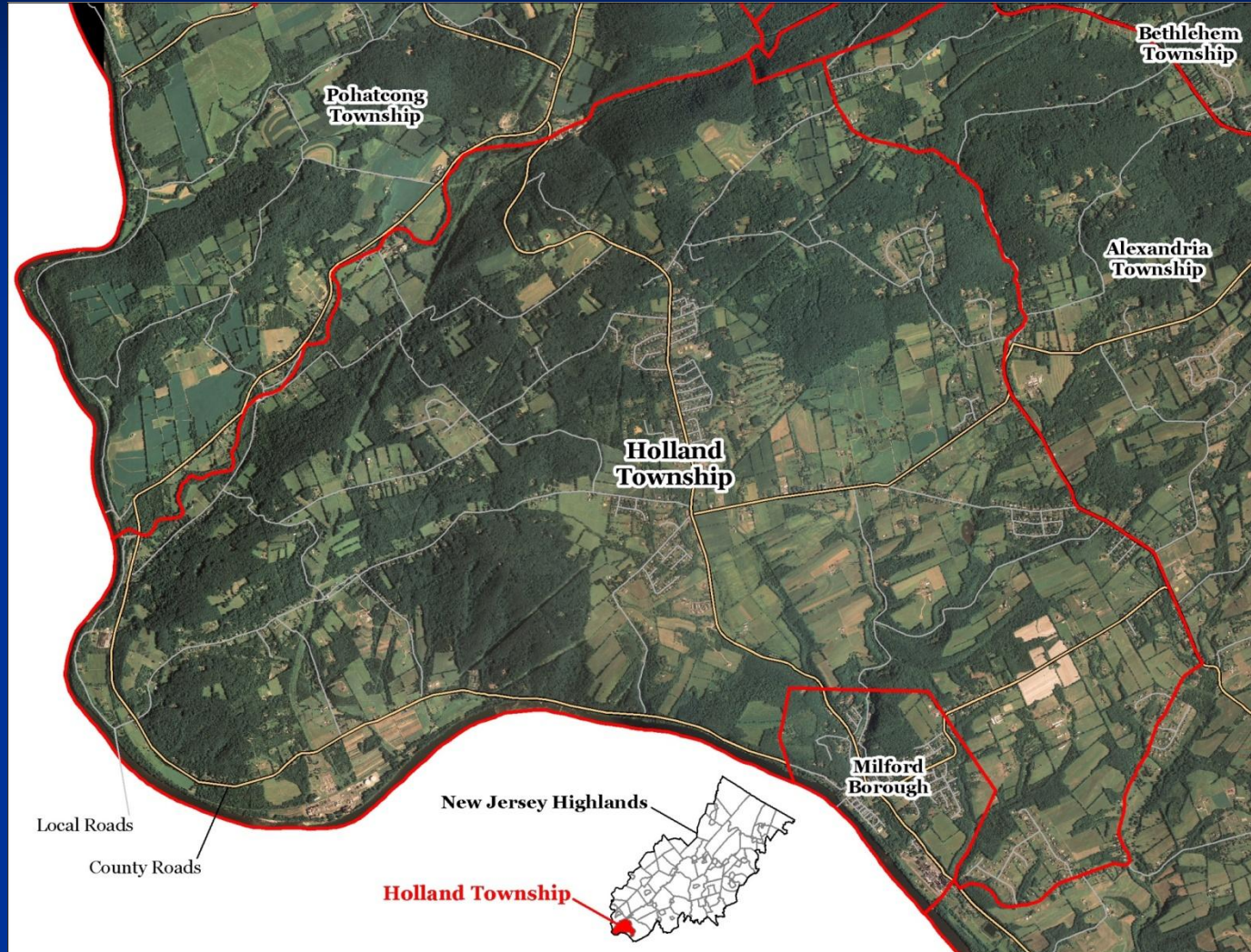
- Highlands Open Water Protection – 7,042 acres – 46%
- Forest Resource Area – 7,224 acres – 47%
- Conservation Priority Areas – 1,680 acres – 11%
- Agricultural Priority Areas – 5,300 acres – 35%

Holland Township

Background Statistics – Land Use

NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	2,242	333	16.8%
Commercial (Retail)	38	0	0.2%
Industrial & Transportation & Utilities	324	47	2.4%
Agriculture (Crops & Plantations)	3,744	321	26.5%
Recreational Lands (Public & Private)	222	7	1.5%
Other Urban or Built-Up Land	182	23	1.3%
Subtotal Developed Lands	6,752	730	48.8%
Mixed Forest	4,551	979	36.1%
Shrub & Scrub	888	43	6.1%
Mixed Wetlands	846	178	6.7%
Barren Lands	15	0	0.1%
Water	282	43	2.1%
Subtotal Natural Lands	6,582	1,243	51.1%
Total	13,334	1,973	99.9%

Holland Township, Hunterdon County



Holland Township Flyover

New Jersey Highlands

Holland Township



Bethlehem Township

Legend

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

Pohatcong Township

Holland Township

Milford Borough

Alexandria Township



New Jersey Highlands

Holland Township



Bethlehem Township

Legend

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

Pohatcong Township

Holland Township

Milford Borough

Alexandria Township



Highlands Council
New Jersey







New Jersey Highlands

Holland Township



Bethlehem Township

Legend

-  Municipal Boundaries
-  Lake Management Areas
-  Lakes & Ponds
-  Streams
-  Wetlands
-  Highlands Open Water Buffers (300ft)
- Watershed Values By HUC-14 Subwatershed**
 -  Moderate
 -  High

Pohatcong Township

Holland Township

Milford Borough

Alexandria Township



Highlands Council
New Jersey

New Jersey Highlands

Holland Township



Bethlehem Township

Legend

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

Pohatcong Township

Holland Township

Milford Borough

Alexandria Township



New Jersey Highlands

Holland Township



Bethlehem Township

Legend

- Municipal Boundaries
- Lakes Greater Than 10 Acres
- Carbonate Rock Areas
- Prime Ground Water Recharge Areas
- Wellhead Protection Areas**
 - (Tier 1) 2-Year
 - (Tier 2) 5-Year
 - (Tier 3) 12-Year

Pohatcong Township

Holland Township

Milford Borough

Alexandria Township



Highlands Council
New Jersey




New Jersey Highlands

Holland Township



Bethlehem Township

Legend

-  Municipal Boundaries
-  Agricultural Resource Area
-  Lakes Greater Than 10 Acres

Pohatcong Township

Holland Township

Milford Borough

Alexandria Township










New Jersey Highlands

Holland Township



Bethlehem Township

Legend

-  Municipal Boundaries
-  Lakes Greater Than 10 Acres
- Existing Area Served for:
 -  Public Community Water Systems
 -  Highlands Domestic Sewerage Facilities
 -  Highlands Domestic Sewerage Facilities and Public Community Water Systems
- Net Water Availability By HUC14 Subwatershed Million Gallons Per Day (MGD)
 -  -0.09 - -0.01
 -  -0.99 - -0.10

Pohatcong Township

Holland Township

Milford Borough

Alexandria Township



New Jersey Highlands

Holland Township



Bethlehem Township

Legend

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

Pohatcong Township

Holland Township

Milford Borough

Alexandria Township



Highlands Council
New Jersey






New Jersey Highlands

Holland Township



Bethlehem Township

Legend

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

Pohatcong Township

Holland Township

Milford Borough

Alexandria Township



Holland Township

Sampling of Township Planning Initiatives

In addition to maintaining an up-to-date Comprehensive Master Plan (including all mandatory elements and numerous optional elements), Holland Township has a history of proactive engagement in community planning and conservation initiatives:

- Master Plan Reexamination – 2007
- Comprehensive Farmland Preservation Plan – 2007
- Natural Resource Inventory – 2007
- Stormwater Management Plan – 2005
- Open Space Plan – 2004

Holland Township

Hunterdon County, New Jersey



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

12/7/09	Petition for Plan Conformance Submitted, Full Municipality
1/22/10	Petition Deemed Administratively Complete
2/1/10	Petition Posted to Highlands Council Website
1/13/11	Draft Consistency Report Sent to Municipality
4/19/11	Final Draft Report Posted to Highlands Council Website
5/4/11	End of Public Comment Period (Start 4/19/11)
5/13/11	Final Report Posted to Highlands Council Website
5/19/11	Highlands Council Public Hearing

Highlands Municipal Build-Out Report – Modules 1 & 2

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

Housing Plan – Module 3

- **Summary of Holland Township’s Fair Share Obligation**
 - **Rehabilitation Share: 25 Units**
 - **Prior Round Obligation: 17 Units**
 - **Growth Share Obligation: 37 Units**
- **Summary of Holland Township’s Fair Share Plan**
 - **Rehabilitation Obligation** Existing Township rehabilitation program.
 - **Prior Round Obligation:** 17 credits are proposed through one inclusionary site, an accessory apartment program and a completed RCA.
 - **Growth Share Obligation:** 37 credits are proposed through two inclusionary sites and an accessory apartment program.
- **Staff RMP Consistency Finding: CONSISTENT**

Environmental Resource Inventory

Module 4

- Describes & illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality
- Holland's Submittal Based on Highlands Council Model Environmental Resource Inventory
 - ❖ Special Environmental Zone – not applicable, deleted.
 - ❖ All Applicable Exhibits Included
- Staff RMP Consistency Finding: CONSISTENT

Master Plan Highlands Element Module 5

- Incorporates RMP Goals & Objectives into local planning; provides basis for effectuation of RMP
- Holland's Submittal Based on Highlands Council Model
 - ❖ Special Environmental Zone – not applicable, deleted.
 - ❖ All Applicable Exhibits Provided

- Staff RMP Consistency Finding: CONSISTENT

Highlands Area Land Use Ordinance

Module 6

- Sets forth regulatory provisions that protect Highlands Resources and effectuate the policies, goals and objectives of RMP at the local level.
- Holland's Submittal Based on Highlands Council Model
 - ❖ Special Environmental Zone – not applicable, deleted.
 - ❖ All Applicable Exhibits Provided by the Highlands Council (Parcel-Based)
- Staff RMP Consistency Finding: CONSISTENT

Municipal Petition for Plan Conformance

Module 7

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

Holland's Petition for Plan Conformance

Public Comments Received

- The public comment period for Holland's Petition for Plan Conformance opened April 19, 2011, and closed May 4, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.

- Comments received from:
 - Numerous Holland Township Residents
 - New Jersey Farm Bureau
 - New Jersey Highlands Coalition

Holland's Petition for Plan Conformance Public Comments Received

Comments submitted by: Residents of Holland Township

- **Comment:** Residents of Holland Township submitted eleven comments, all in support of the Petition for Plan Conformance, the process and the Regional Master Plan.
- **Response:** The Highlands Council acknowledges these comments and thanks each resident who took the time to contribute to this public comment opportunity offered through the Plan Conformance schedule.

Holland's Petition for Plan Conformance

Public Comments Received

Comments submitted by: Residents of Holland Township

- **Comment:** One resident, Mr. Grisewood, submitted a comment regarding an inclusionary affordable housing site, located in the Planning Area. He contends that the project has been significantly modified since obtaining local approvals, thereby invalidating said approvals.
- **Response:** The Highlands Council notes Mr. Grisewood's comment regarding the inclusionary site. Normally, development projects in the Holland Township Planning Area would be governed by the Highlands Area Land Use Ordinance, once adopted. However, as the project currently has local approvals, it would be excluded from applicability of the Highlands Area Land Use Ordinance. If approvals for the project lapse or are otherwise no longer valid, then the standards of the adopted Highlands Area Land Use Ordinance would apply. The municipality would be responsible for application of the Highlands Land Use Ordinance to any regulated development, subject to Highlands Council review.

Holland's Petition for Plan Conformance Public Comments Received

Comments from Helen Heinrich, New Jersey Farm Bureau

- **Comment** - The New Jersey Farm Bureau appreciates the opportunity to review the Plan Conformance petition for Holland Township and hopes that the Township will find a way to raise the percentage of preserved farmland during the development of its Agricultural Retention / Farmland Preservation Plan. The Bureau is happy to see that analyzing the feasibility and “potential for clustering of clusters development” is a high priority task in the Implementation Plan and Schedule.
- **Response** - The Highlands Council acknowledges the New Jersey Farm Bureau's support for the Holland Township Agricultural Retention / Farmland Preservation Plan, which will be developed by the Township with a Highlands Council-approved scope of work. Additionally, the Highlands Council acknowledges the Bureau's support of the funding of a feasibility analysis for cluster development in the Township.

Holland's Petition for Plan Conformance

Public Comments Received

Comments from Erica Van Auken, New Jersey Highlands Coalition

- **Comment** - The New Jersey Highlands Coalition supports Holland Township's Petition for Plan Conformance for both the planning and preservation area. The Coalition does have concerns regarding two affordable housing sites because of environmental constraints.
- **Response** - The Highlands Council acknowledges the Coalition's support of Holland Township's Petition for Plan Conformance. The Highlands Council notes the comments regarding the two affordable housing projects which are both in the Planning Area and do have Highlands resource constraints. However, both projects have prior local and NJDEP approvals and represent reasonable potential for development as they pertain to affordable housing. For both projects, should the approvals lapse or are otherwise no longer valid, the Highlands Area Land Use Ordinance would apply for any new applications as discussed above.

Petition Disposition

Holland Township's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS

- Adoption of Approved Checklist Ordinance
- Adoption of Planning Area Petition Ordinance
- Adoption of Completed Environmental Resource Inventory
- Adoption of Completed Master Plan Highlands Element
- Completion and Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan
- Compliance with Fair Housing Act (COAH Certification). This condition requires updates on COAH proceedings and Council review of any proposed changes to the Fair Share Plan and Housing Element.

Petition Disposition

Holland Township's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS, Continued

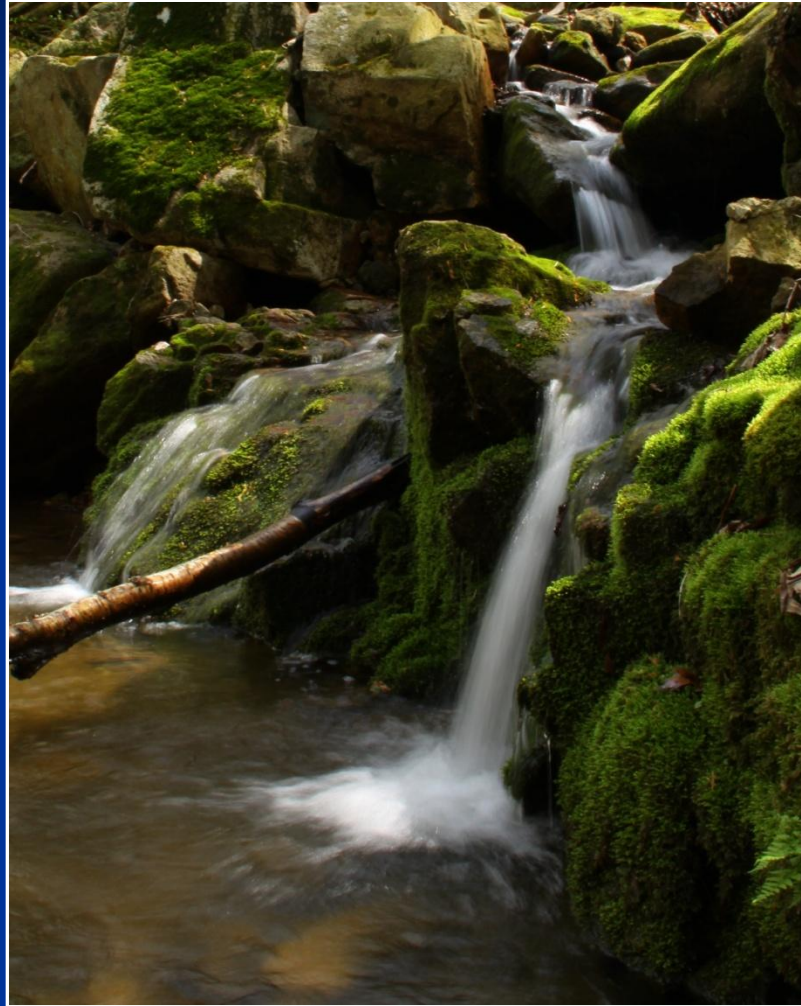
- **Update/Development & Implementation of:**
 - **Water Use & Conservation Management Plan**
 - **Stormwater Management Plan (updates only)**
 - **Habitat Conservation and Management Plan**
 - **Land Preservation & Stewardship Program**
 - **Septic System Management/Maintenance Plan**
 - **Sustainable Economic Development Plan**
 - **Cluster Development Plan**
 - **Agricultural Retention Plan**
 - **Stream Corridor Protection & Restoration Plan**

Holland's Petition for Plan Conformance

Future Highlands Protection Fund Grants

- **Highlands Implementation Plan and Schedule** – Grant funding is proposed for the following:
 - **Cluster Development** feasibility analysis to determine potential for clustering of cluster development in Agricultural Resource Area.
 - **Habitat Conservation and Management Plan** to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects.
 - **Stream Corridor Protection Restoration Plan** to protect/restore streams and to mitigate the impacts of future land uses

Council Deliberation



Holland Township

Public Hearing

Kinnelon Borough Petition for Plan Conformance

Introduction to Kinnelon

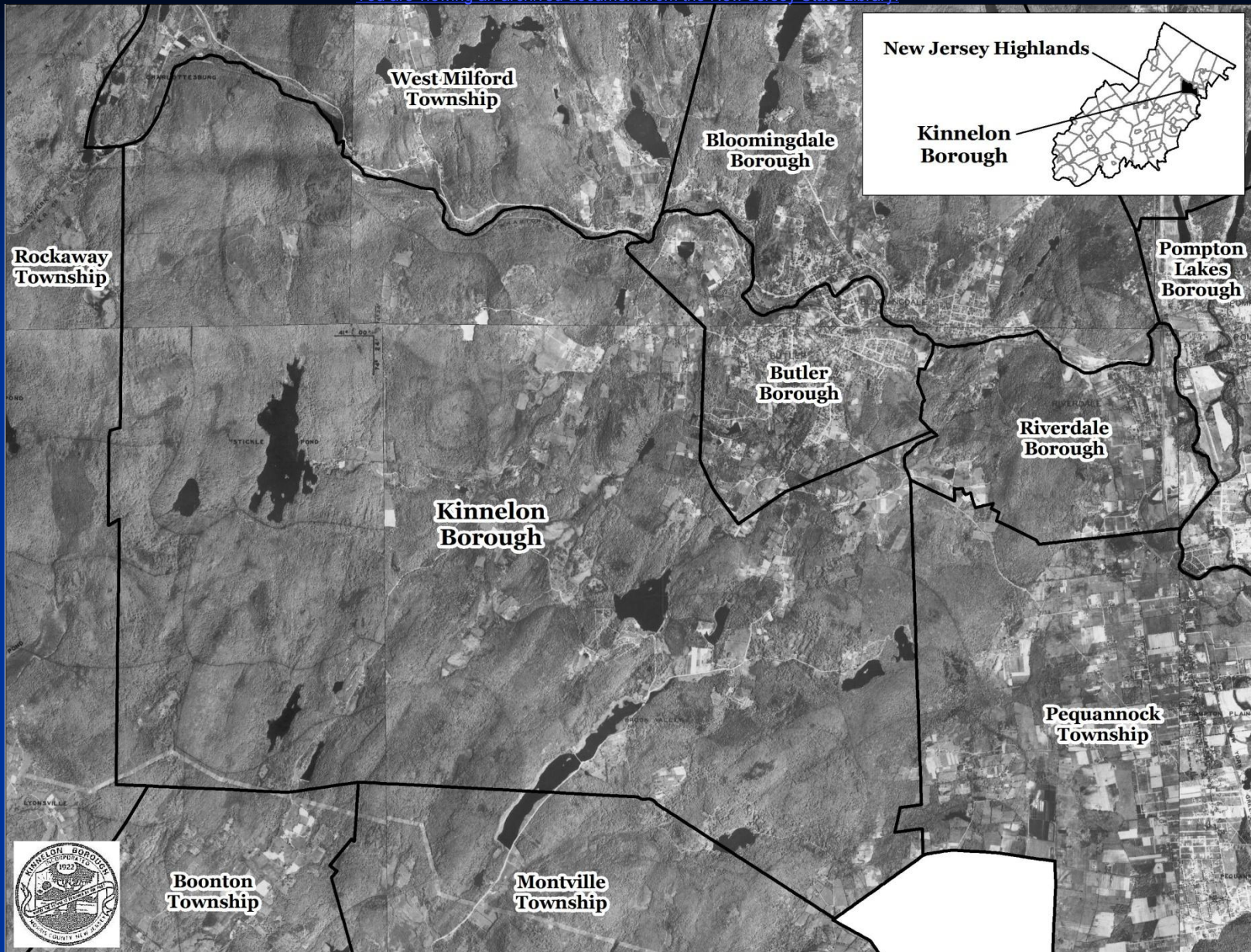


Kinnelon Borough

Background Statistics

- Incorporated: 1922
- Population (2009 est.): 9,617
- Land Area: 12,309 acres / 19.2 sq. mi.
- Preserved Lands: 4,068 acres
- Wetlands: 786 acres
- Total Forest: 8,241 acres
- Farmland: 12 acres





Kinnelon Borough - 1930

Kinnelon Borough

Significant Highlands Statistics

- Preservation Area Lands: 11,984 acres – 97%
- Planning Area Lands: 325 acres – 3%

- Protection Zone – 10,124 acres – 82%
- Conservation Zone – 1,366 acres – 11%
- Existing Community Zone – 175 acres – 1% (Roads 5%)

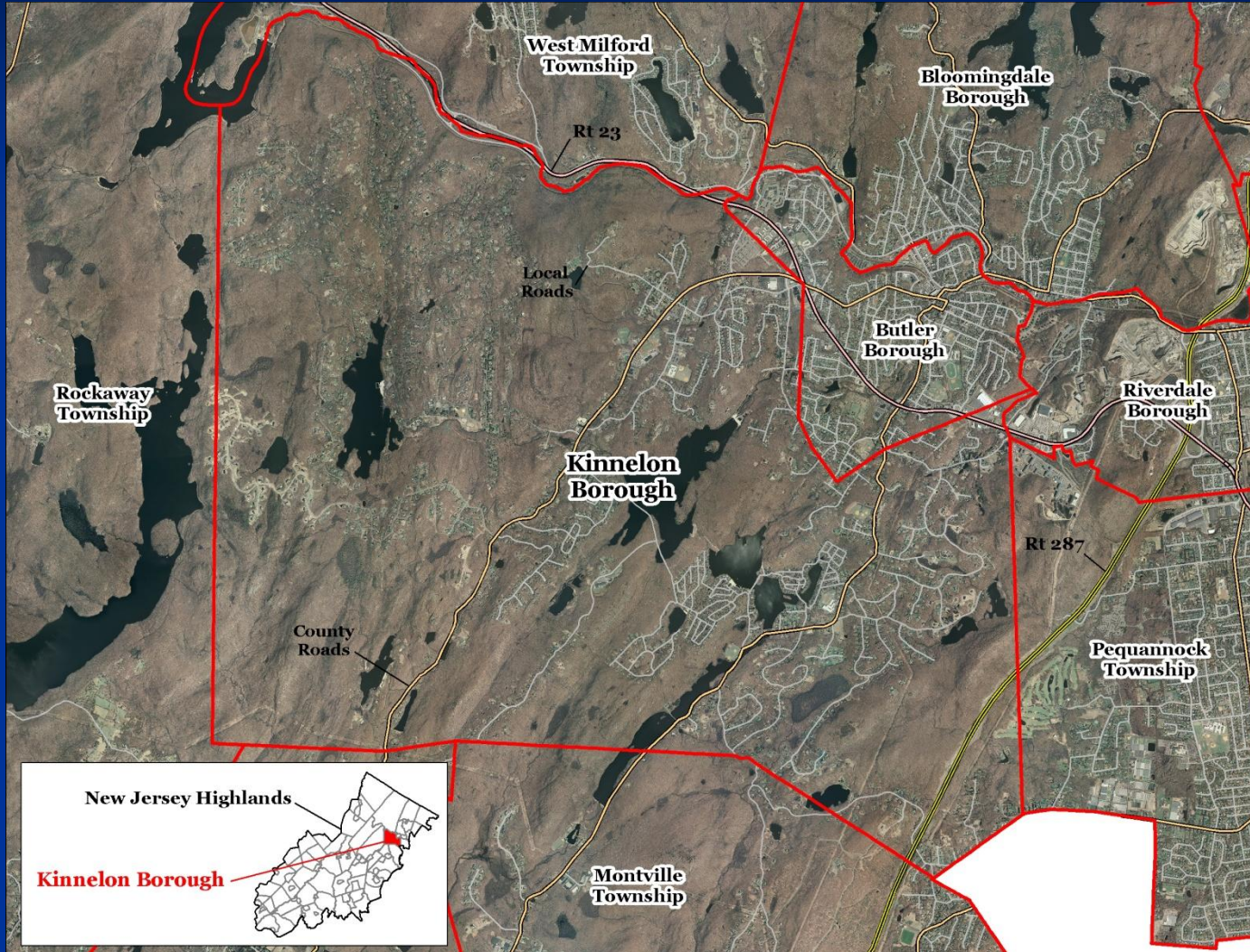
- Highlands Open Water Protection – 6,128 acres – 50%
- Forest Resource Area – 12,087 acres – 98%
- Conservation Priority Areas – 4,729 acres – 38%

Kinnelon Borough

Background Statistics – Land Use

NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	76	2,966	24.7%
Commercial (Retail)	7	113	1.0%
Industrial & Transportation & Utilities	55	79	1.1%
Agriculture (Crops & Plantations)	0	9	0.1%
Recreational Lands (Public & Private)	11	116	1.0%
Other Urban or Built-Up Land	9	92	0.8%
Subtotal Developed Lands	159	3,375	28.7%
Mixed Forest	115	7,115	58.7%
Shrub & Scrub	1	18	0.2%
Mixed Wetlands	36	750	6.4%
Barren Lands	13	66	0.6%
Water	2	660	5.4%
Subtotal Natural Lands	166	8,609	71.3%
Total	325	11,984	100.0%

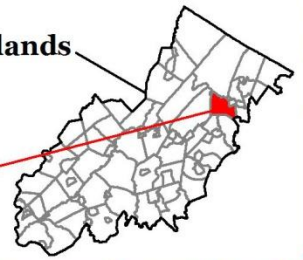
Kinnelon Borough, Morris County



Kinnelon Borough Flyover

New Jersey Highlands

**Kinnelon
Borough**



**West Milford
Township**

**Bloomington
Borough**

**Pompton
Lakes
Borough**

**Rockaway
Township**

**Butler
Borough**

**Riverdale
Borough**

**Kinnelon
Borough**

Legend

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



**Boonton
Township**

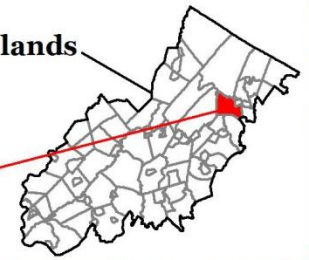


**Montville
Township**

**Pequannock
Township**

New Jersey Highlands

**Kinnelon
Borough**



**Rockaway
Township**

**West Milford
Township**

**Bloomington
Borough**

**Pompton
Lakes
Borough**

**Butler
Borough**

**Riverdale
Borough**

**Kinnelon
Borough**

Legend

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

**Boonton
Township**



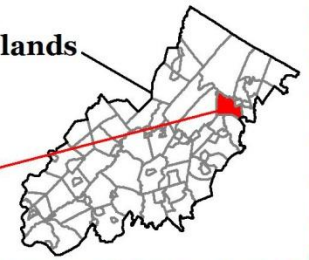
**Montville
Township**

**Pequannock
Township**



New Jersey Highlands

**Kinnelon
Borough**



**Rockaway
Township**

**West Milford
Township**

**Bloomington
Borough**

**Pompton
Lakes
Borough**

**Butler
Borough**

**Riverdale
Borough**

**Kinnelon
Borough**

**Boonton
Township**



**Montville
Township**

**Pequannock
Township**

Legend

- Municipal Boundaries
- Forest Resource Area
- Lakes Greater Than 10 Acres
- Total Forest Area

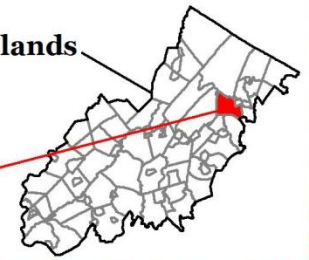
Forest Integrity
By HUC-14 Subwatershed

- High



New Jersey Highlands

**Kinnelon
Borough**



**Rockaway
Township**

**West Milford
Township**

**Bloomington
Borough**

**Pompton
Lakes
Borough**

**Butler
Borough**

**Riverdale
Borough**

**Kinnelon
Borough**

**Boonton
Township**



**Montville
Township**

**Pequannock
Township**

Legend

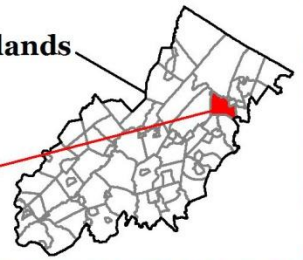
- Municipal Boundaries
- Lake Management Areas
- Lakes & Ponds
- Streams
- Wetlands
- Highlands Open Water Buffers (300ft)

Watershed Values
By HUC-14 Subwatershed

- High



New Jersey Highlands



**Kinnelon
Borough**

**Rockaway
Township**

**West Milford
Township**

**Bloomington
Borough**

**Pompton
Lakes
Borough**

**Butler
Borough**

**Riverdale
Borough**

**Kinnelon
Borough**

**Boonton
Township**



**Montville
Township**

**Pequannock
Township**

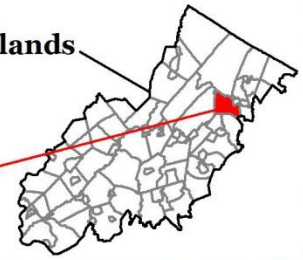


Legend

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

New Jersey Highlands

**Kinnelon
Borough**



**Rockaway
Township**

**West Milford
Township**

**Bloomington
Borough**

**Pompton
Lakes
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Borough**

**Kinnelon
Borough**



**Boonton
Township**



**Montville
Township**

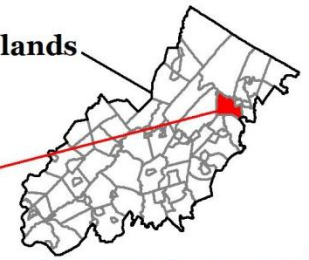
**Pequannock
Township**

Legend

-  Municipal Boundaries
-  Lakes Greater Than 10 Acres
-  Prime Ground Water Recharge Areas
- Wellhead Protection Areas
 -  (Tier 1) 2-Year
 -  (Tier 2) 5-Year
 -  (Tier 3) 12-Year

New Jersey Highlands

**Kinnelon
Borough**



**Rockaway
Township**

**West Milford
Township**

**Bloomington
Borough**

**Pompton
Lakes
Borough**

**Butler
Borough**

**Riverdale
Borough**

**Kinnelon
Borough**

Legend

- Municipal Boundaries
- Lakes Greater Than 10 Acres
- Existing Area Served for:
 - Public Community Water Systems
 - Highlands Domestic Sewerage Facilities
 - Highlands Domestic Sewerage Facilities and Public Community Water Systems
- Net Water Availability By HUC14 Subwatershed Million Gallons Per Day (MGD)
 - 0.09 - -0.01
 - 0.99 - -0.10
 - 7.10 - -1.00



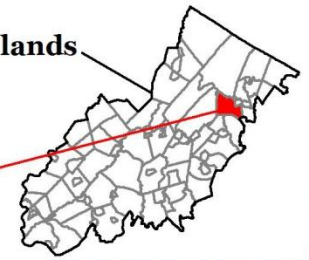
**Boonton
Township**



**Montville
Township**

**Pequannock
Township**

New Jersey Highlands



**Kinnelon
Borough**

**West Milford
Township**

**Bloomington
Borough**

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Township**

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Lakes
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**Riverdale
Borough**

**Kinnelon
Borough**

**Boonton
Township**






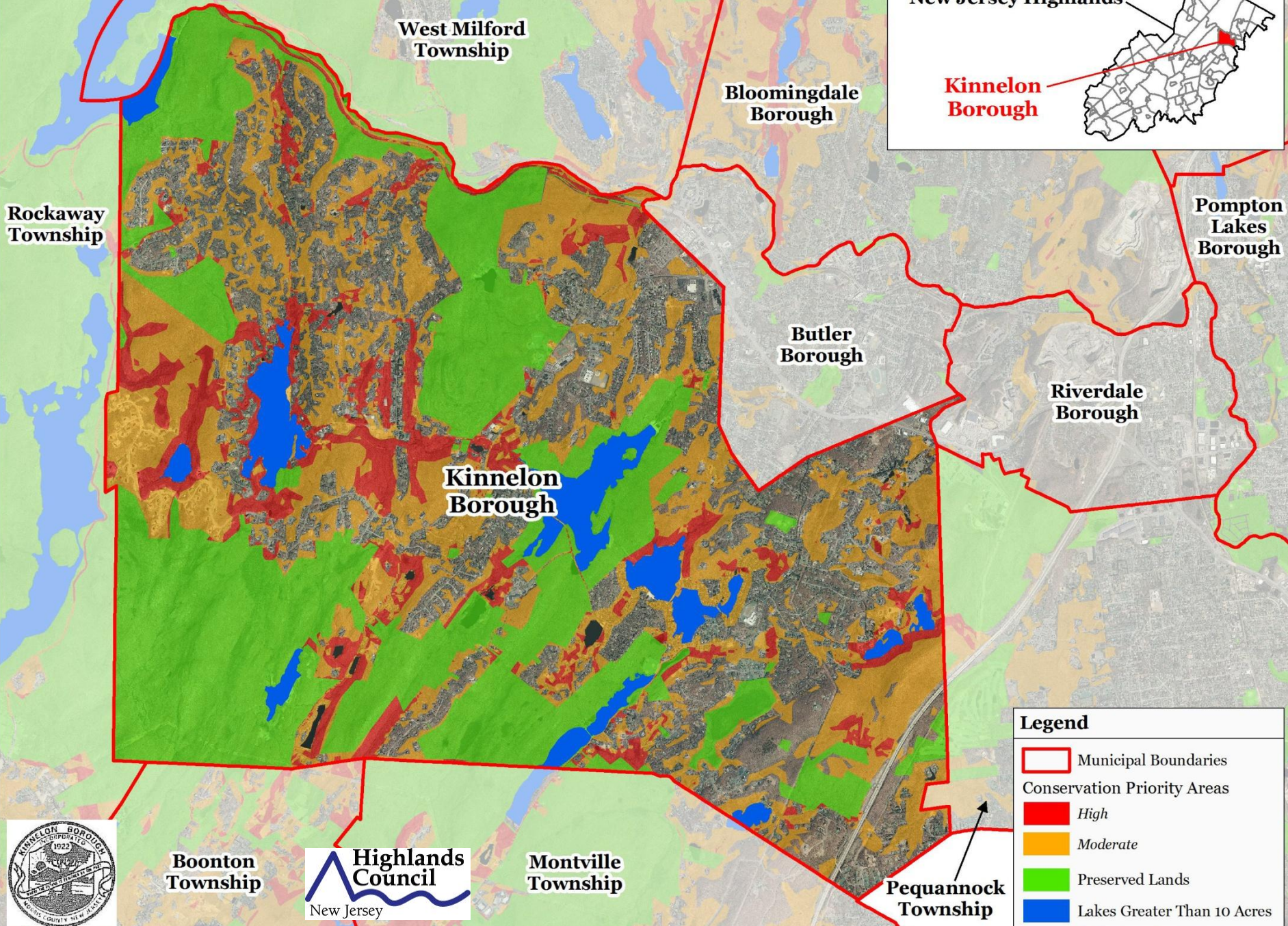
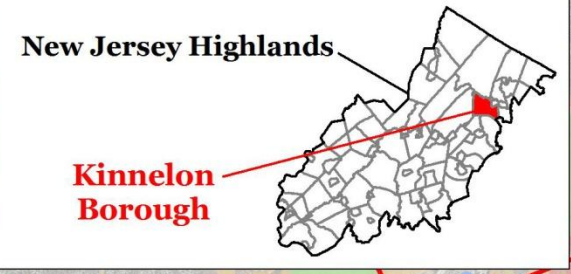
**Montville
Township**

**Pequannock
Township**



Legend

-  Municipal Boundaries
-  Special Environmental Zone
-  Lakes Greater Than 10 Acres



Legend

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



Kinnelon Borough

Sampling of Borough Planning Initiatives

In addition to maintaining an up-to-date Comprehensive Master Plan (including all mandatory elements and numerous optional elements), Kinnelon Township has a history of proactive engagement in community planning and conservation initiatives:

- Master Plan Reexamination - 2000
- Open Space and Recreation Plan – 2005
- Stormwater Management Plan – 2007

Kinnelon Borough

Morris County, New Jersey



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

12/8/09	Petition for Plan Conformance Submitted, Full Municipality
3/31/10	Petition Deemed Administratively Complete
4/9/10	Petition Posted to Highlands Council Website
1/13/11	Draft Consistency Report Sent to Municipality
4/20/11	Final Draft Report Posted to Highlands Council Website
5/5/11	End of Public Comment Period (Start 4/20/11)
5/13/11	Final Report Posted to Highlands Council Website
5/19/11	Highlands Council Public Hearing

Highlands Municipal Build-Out Report – Modules 1 & 2

- The Report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities.
- The Highlands Municipal Build-Out Report for Kinnelon Borough was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition.
- The Report is dated August 2009 and was posted to the Highlands Council website on April 9, 2010.
- Staff RMP Consistency Finding: CONSISTENT

Housing Plan – Module 3

- Summary of Kinnelon Borough's Fair Share Obligation
 - Rehabilitation Share: 14 Units
 - Prior Round Obligation: 73 Units
 - Growth Share Obligation: 10 Units
- Summary of Kinnelon Borough's Fair Share Plan
 - Rehabilitation Obligation: The Borough proposes to adopt a Development Fee Ordinance to provide funding for a Municipal Rehabilitation Program;
 - Prior Round Obligation: 54 units and 18 bonus credits completed through an existing inclusionary development;
 - Growth Share Obligation: 11 units proposed through an accessory apartment program.
- Staff RMP Consistency Finding: CONSISTENT

Environmental Resource Inventory

Module 4

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

Master Plan Highlands Element Module 5

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

Highlands Area Land Use Ordinance

Module 6

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

Municipal Petition for Plan Conformance

Module 7

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

Kinnelon's Petition for Plan Conformance Public Comments Received

- The public comment period for Kinnelon's Petition for Plan Conformance opened April 20, 2011, and closed May 5, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.

- Comments received from:
 - Erica Van Auken, New Jersey Highlands Coalition.

Kinnelon's Petition for Plan Conformance

Public Comments Received

- **Comment:** The New Jersey Highlands Coalition supports Kinnelon Borough's petition for plan conformance. Regarding Kinnelon's intent to include a Water Use and Conservation Management Plan for the Stony Brook subwatershed, a Stream Corridor Restoration Plan and a Habitat Conservation and Management Plan, the New Jersey Highlands Coalition would be in support of these projects once more details become available demonstrating that they are consistent with the Highlands Act and the Regional Master Plan.
- **Response:** The Highlands Council acknowledges the New Jersey Highlands Coalition's support for the Borough's Petition for Plan Conformance and will continue to work with the Borough to develop a Water Use and Conservation Management Plan, a Stream Corridor Restoration Plan, and a Habitat Conservation and Management Plan consistent with the Goals, Policies and Objectives of the RMP.

Petition Disposition

Kinnelon Borough's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS

- Adoption of Approved Checklist Ordinance
- Adoption of Planning Area Petition Ordinance
- Adoption of Completed Environmental Resource Inventory
- Adoption of Completed Master Plan Highlands Element
- Completion and Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan
- Compliance with Fair Housing Act (COAH Certification). This condition requires updates on COAH proceedings and Council review of any proposed changes to the Fair Share Plan and Housing Element.

Petition Disposition

Kinnelon Borough's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS, Continued

- **Update/Development & Implementation of:**
 - **Water Use & Conservation Management Plan**
 - **Stormwater Management Plan (updates only)**
 - **Lake Restoration Management Plan**
 - **Master Plan Land Use Inventory**
 - **Master Plan Circulation Plan Element**
 - **Master Plan Community Facilities Plan Element**
 - **Habitat Conservation and Management Plan**
 - **Land Preservation & Stewardship Program**
 - **Septic System Management/Maintenance Plan**
 - **Stream Corridor Protection & Restoration Plan**

Kinnelon's Petition for Plan Conformance

Future Highlands Protection Fund Grants

- **Highlands Implementation Plan and Schedule** – Grant funding is proposed for the following:
 - **Municipal Master Plan Elements** including an update of the Land Use Plan Element, and preparation of new Circulation Plan and Community Facilities Plan Elements
 - **Water Use and Conservation Management Plan** for the Stony Brook subwatershed with the Highlands Council serving as the lead for this project
 - **Habitat Conservation and Management Plan** to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects
 - **Stream Corridor Protection Restoration Plan** to protect/restore streams and to mitigate the impacts of future land uses

Council Deliberation



Kinnelon Borough

Public Hearing

Franklin Township Petition for Plan Conformance

Introduction to Franklin

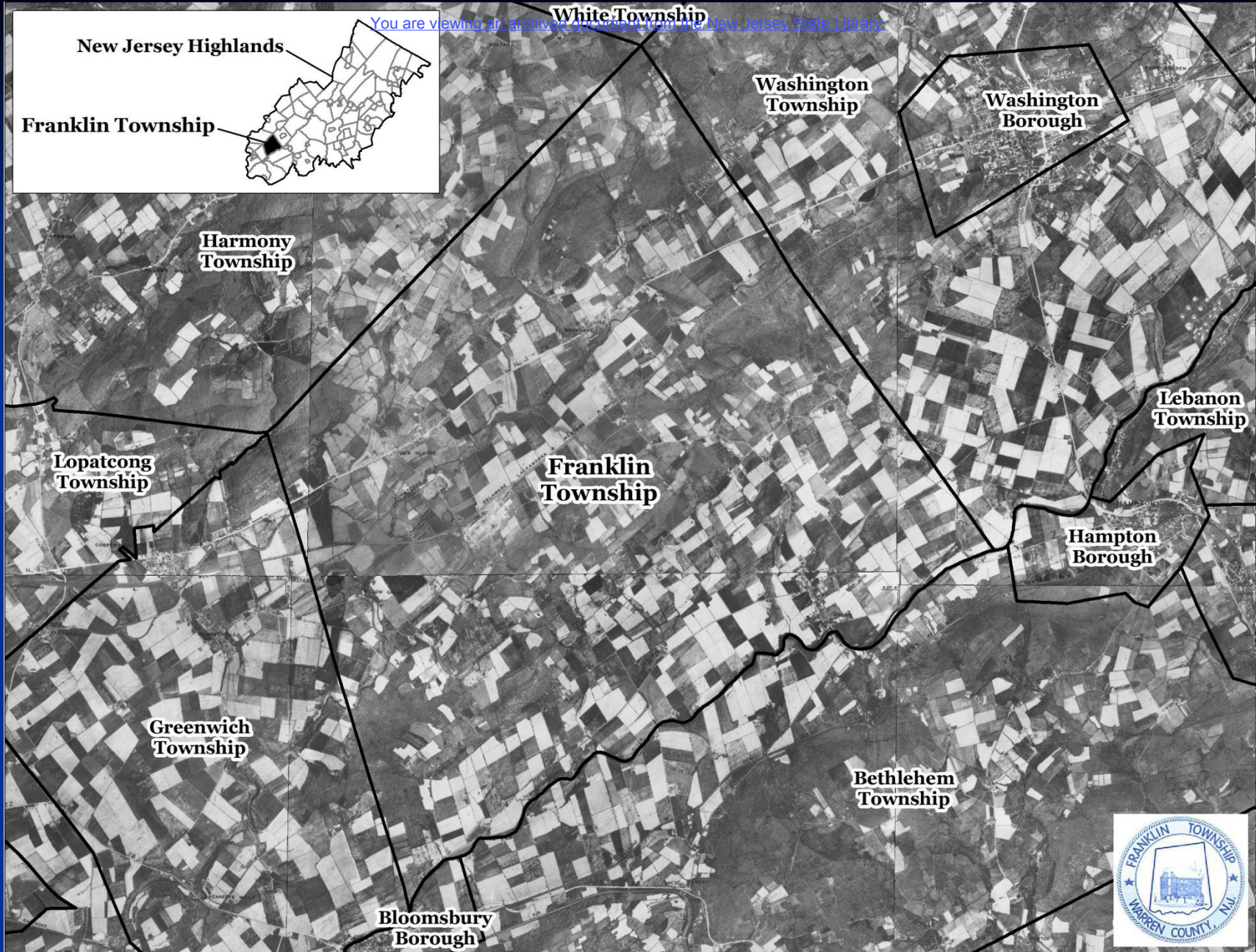
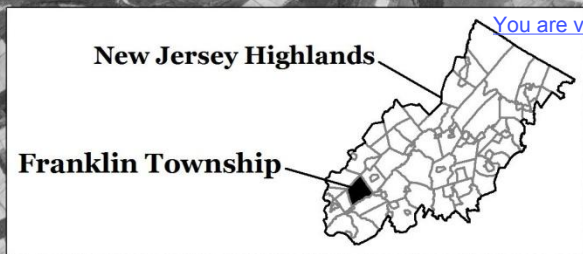


Franklin Township

Background Statistics

- Incorporated: 1798
- Population (2009 est.): 3,120
- Land Area: 15,051 acres / 23.5 sq. mi.
- Preserved Lands: 3,294 acres
- Wetlands: 724 acres
- Total Forest: 5,555 acres
- Farmland: 7,283 acres





Franklin Township - 1930

Franklin Township

Significant Highlands Statistics

- Preservation Area Lands: 3,763 acres – 25%
- Planning Area Lands: 11,288 acres – 75%

- Conservation Zone – 10,963 acres – 73%
- Protection Zone – 3,472 acres – 23%
- Existing Community Zone – 319 acres – 2% (Roads 2%)

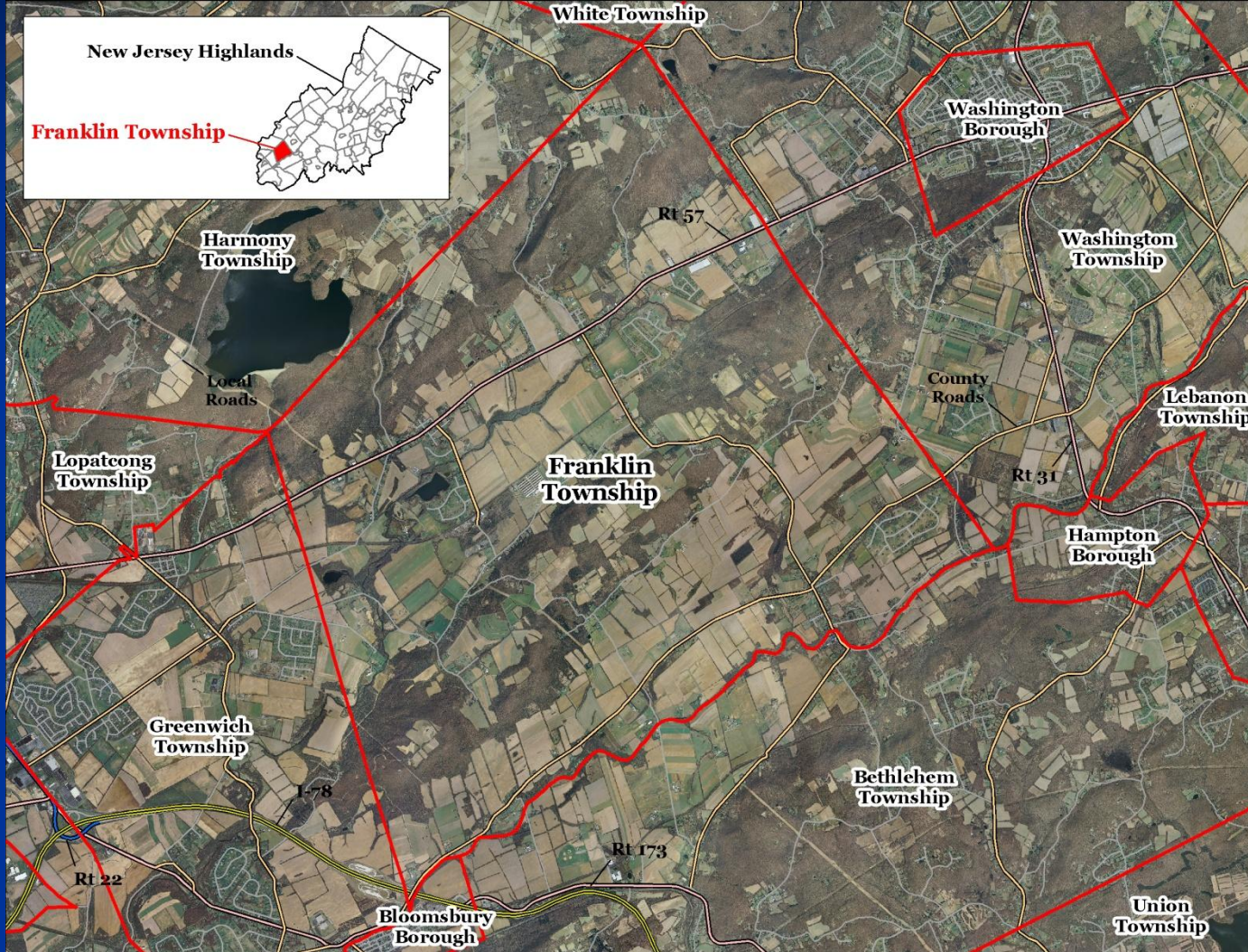
- Highlands Open Water Protection – 5,474 acres – 36%
- Forest Resource Area – 6,442 acres – 43%
- Agricultural Priority Areas – 8,368 acres – 56%
- Conservation Priority Areas – 1,273 acres – 8.5%

Franklin Township

Background Statistics – Land Use

NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	1,162	289	9.6%
Commercial (Retail)	70	34	0.7%
Industrial & Transportation & Utilities	143	29	1.1%
Agriculture (Crops & Plantations)	5,917	1,109	46.7%
Recreational Lands (Public & Private)	45	0	0.3%
Extractive Mining	0	5	0.0%
Other Urban or Built-Up Land	109	44	1.0%
Subtotal Developed Lands	7,447	1,509	59.5%
Mixed Forest	2,778	1,958	31.5%
Shrub & Scrub	335	90	2.8%
Mixed Wetlands	556	156	4.7%
Barren Lands	65	23	0.6%
Water	106	27	0.9%
Subtotal Natural Lands	3,841	2,254	40.5%
Total	11,288	3,763	100.0%

Franklin Township, Warren County



Franklin Township Flyover

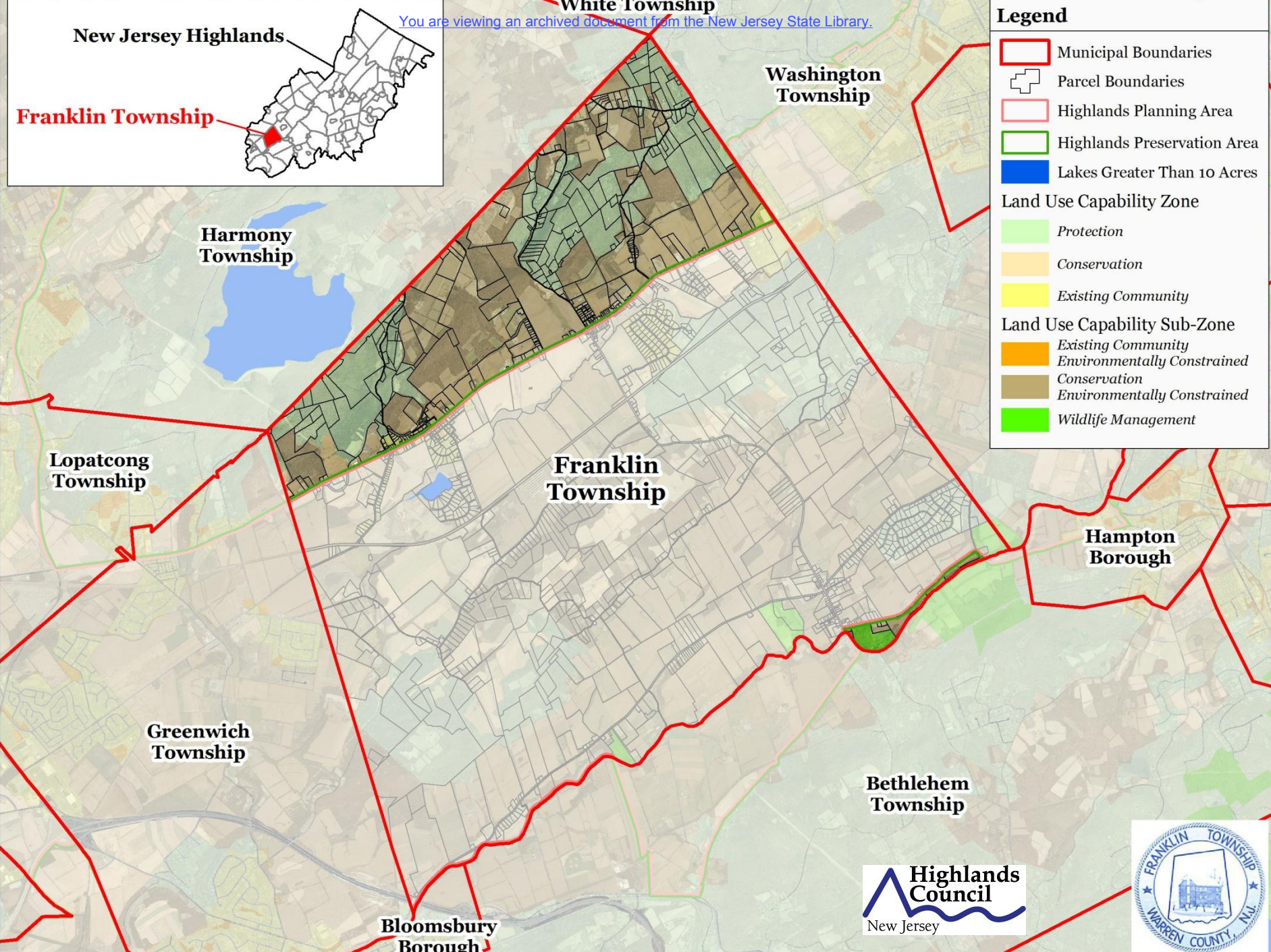
New Jersey Highlands

Franklin Township



Legend

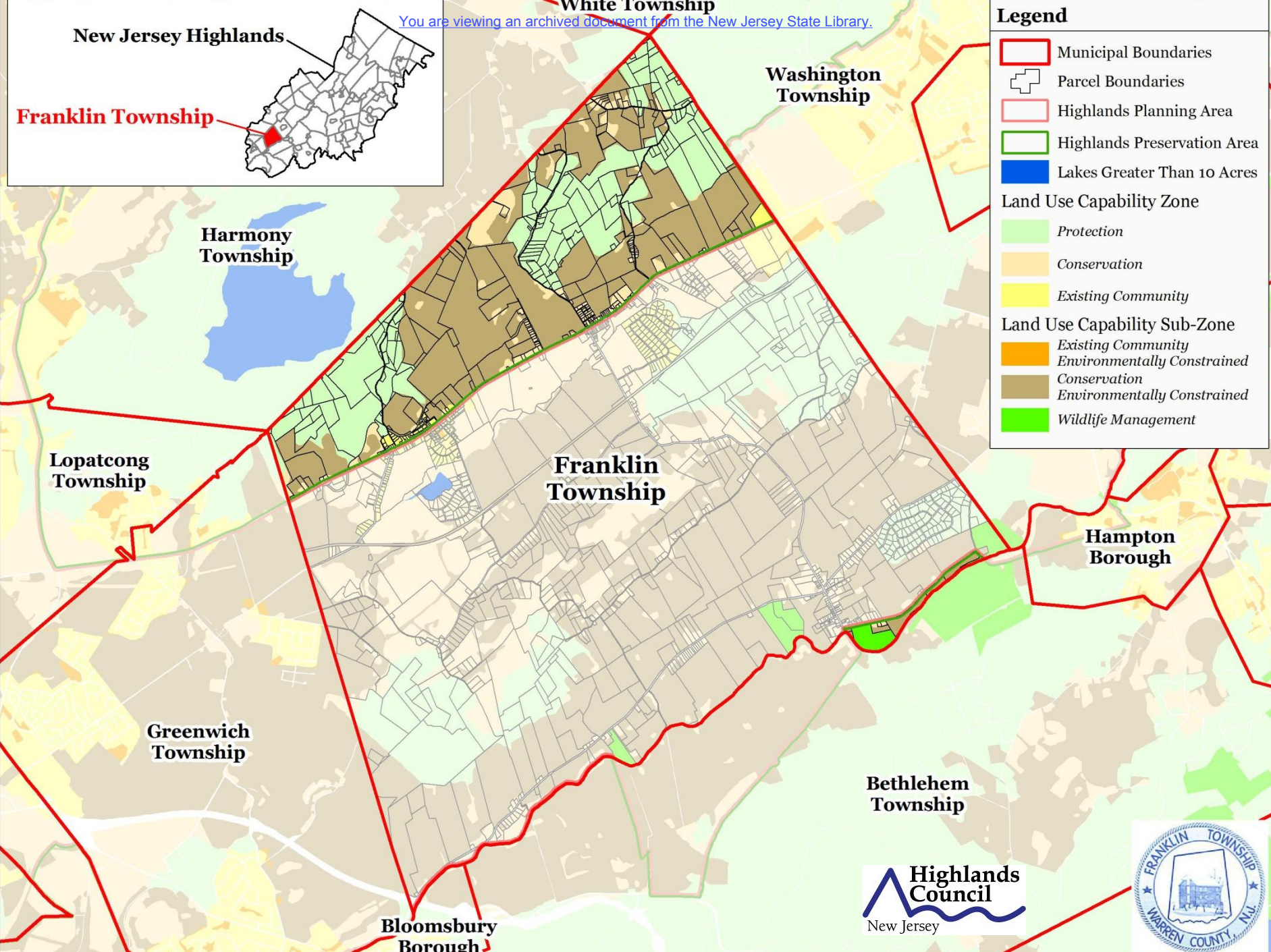
- Municipal Boundaries
- Parcel Boundaries
- Highlands Planning Area
- Highlands Preservation Area
- Lakes Greater Than 10 Acres
- Land Use Capability Zone
 - Protection
 - Conservation
 - Existing Community
- Land Use Capability Sub-Zone
 - Existing Community
 - Environmentally Constrained
 - Conservation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





Legend

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



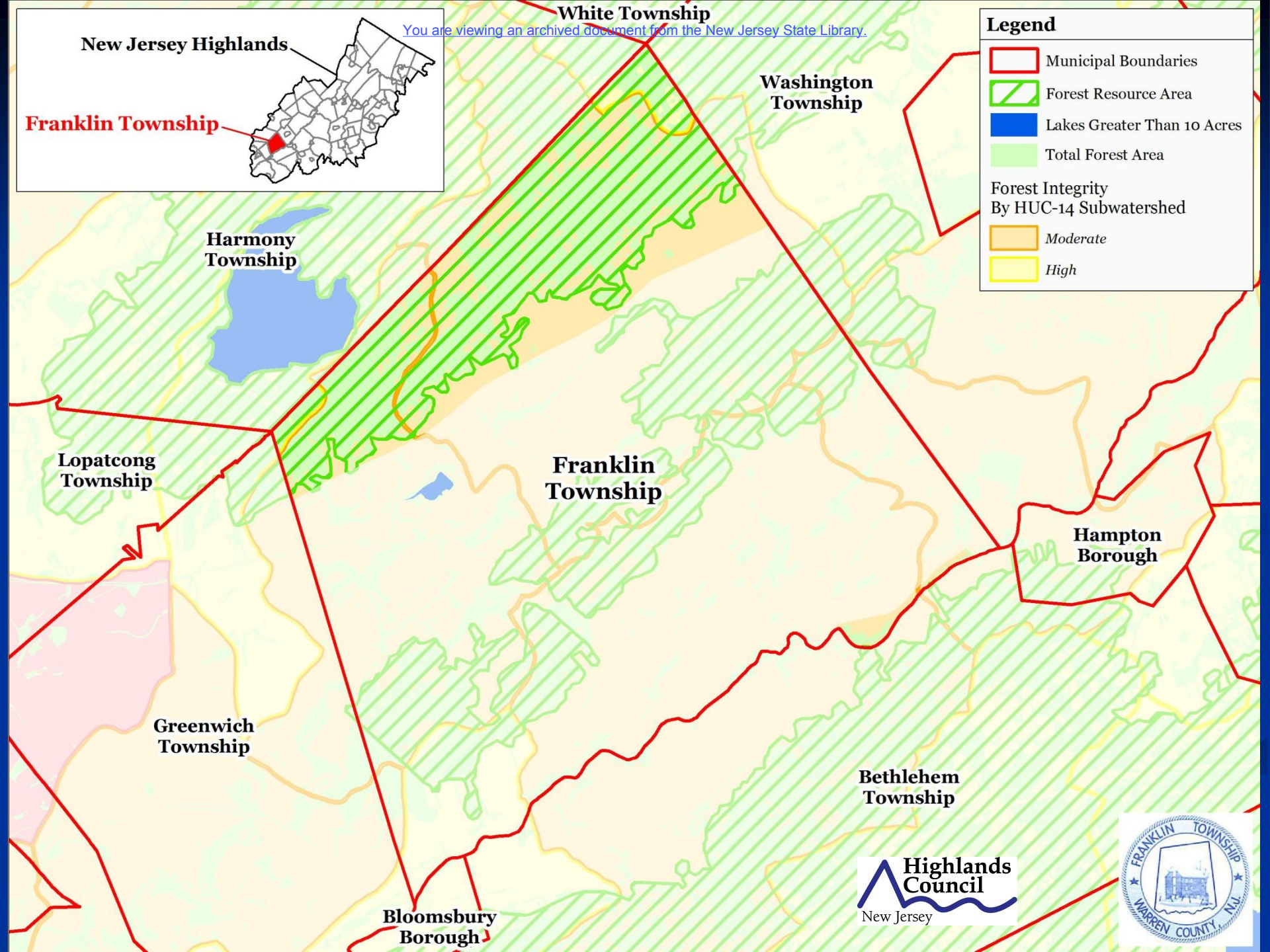
New Jersey Highlands

Franklin Township



Legend

-  Municipal Boundaries
-  Forest Resource Area
-  Lakes Greater Than 10 Acres
-  Total Forest Area
- Forest Integrity By HUC-14 Subwatershed
 -  Moderate
 -  High



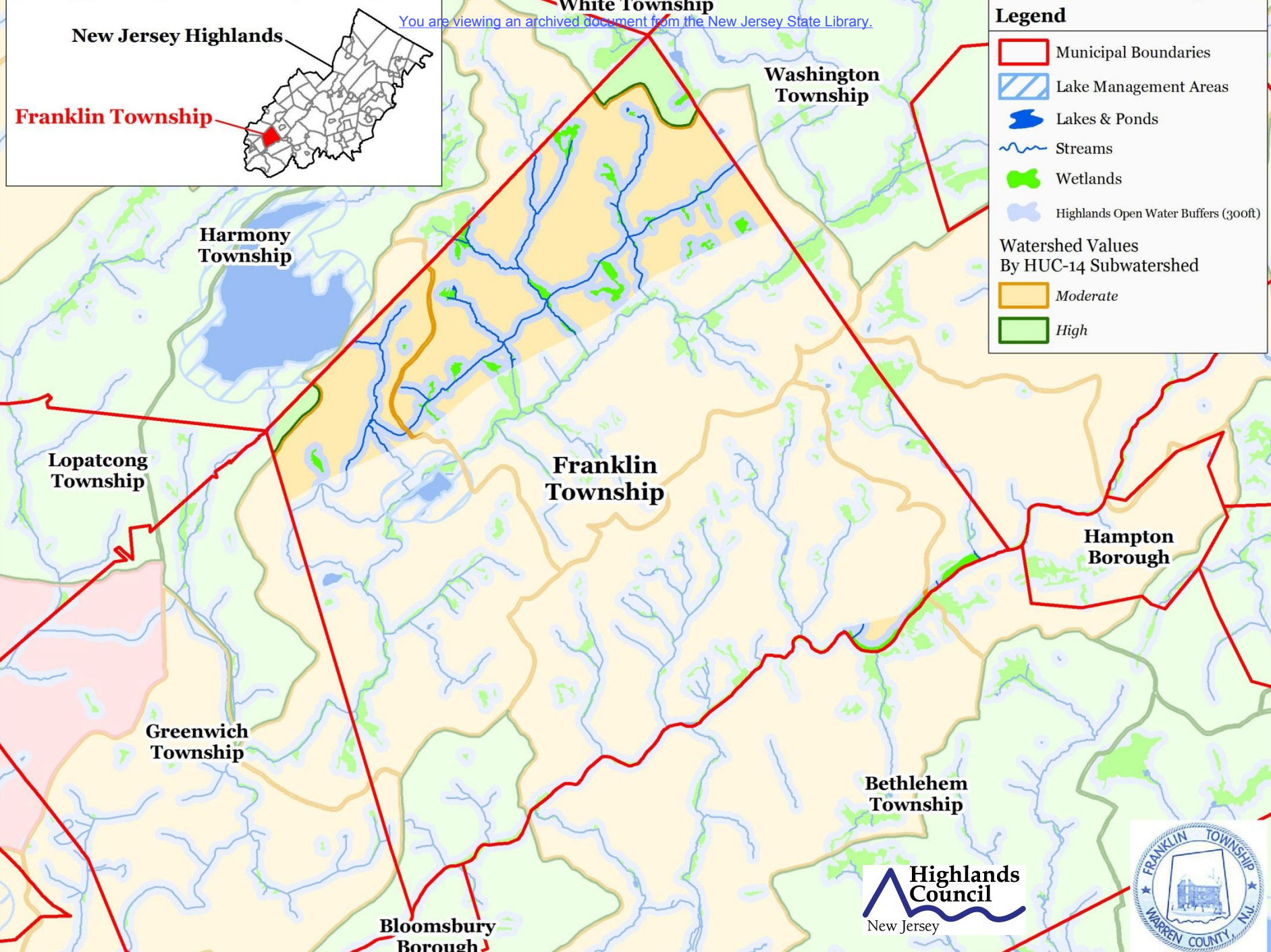


Legend

- Municipal Boundaries
- Lake Management Areas
- Lakes & Ponds
- Streams
- Wetlands
- Highlands Open Water Buffers (300ft)

Watershed Values
By HUC-14 Subwatershed

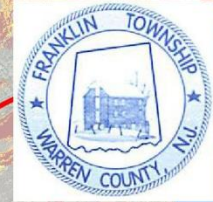
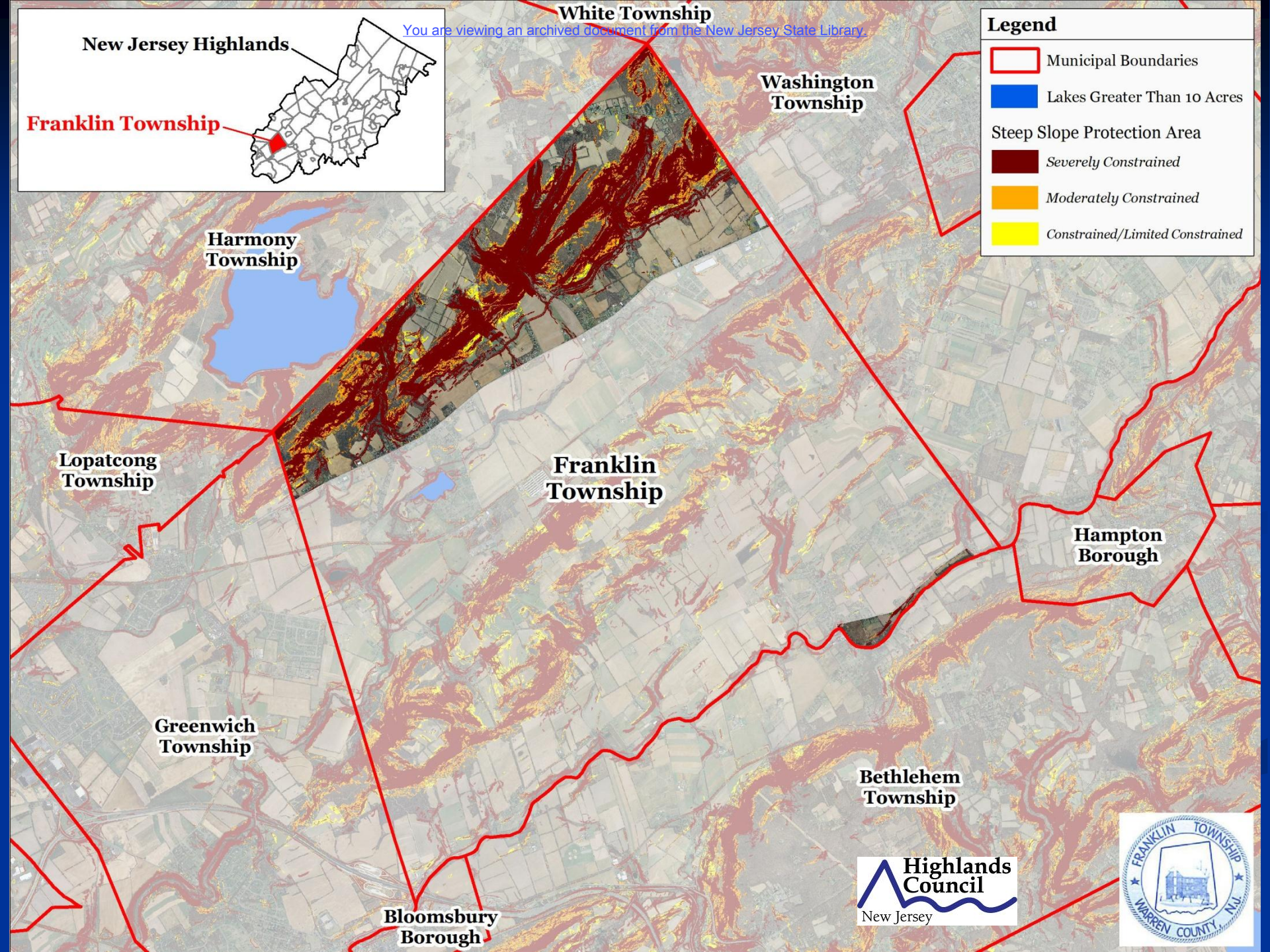
- Moderate
- High





Legend

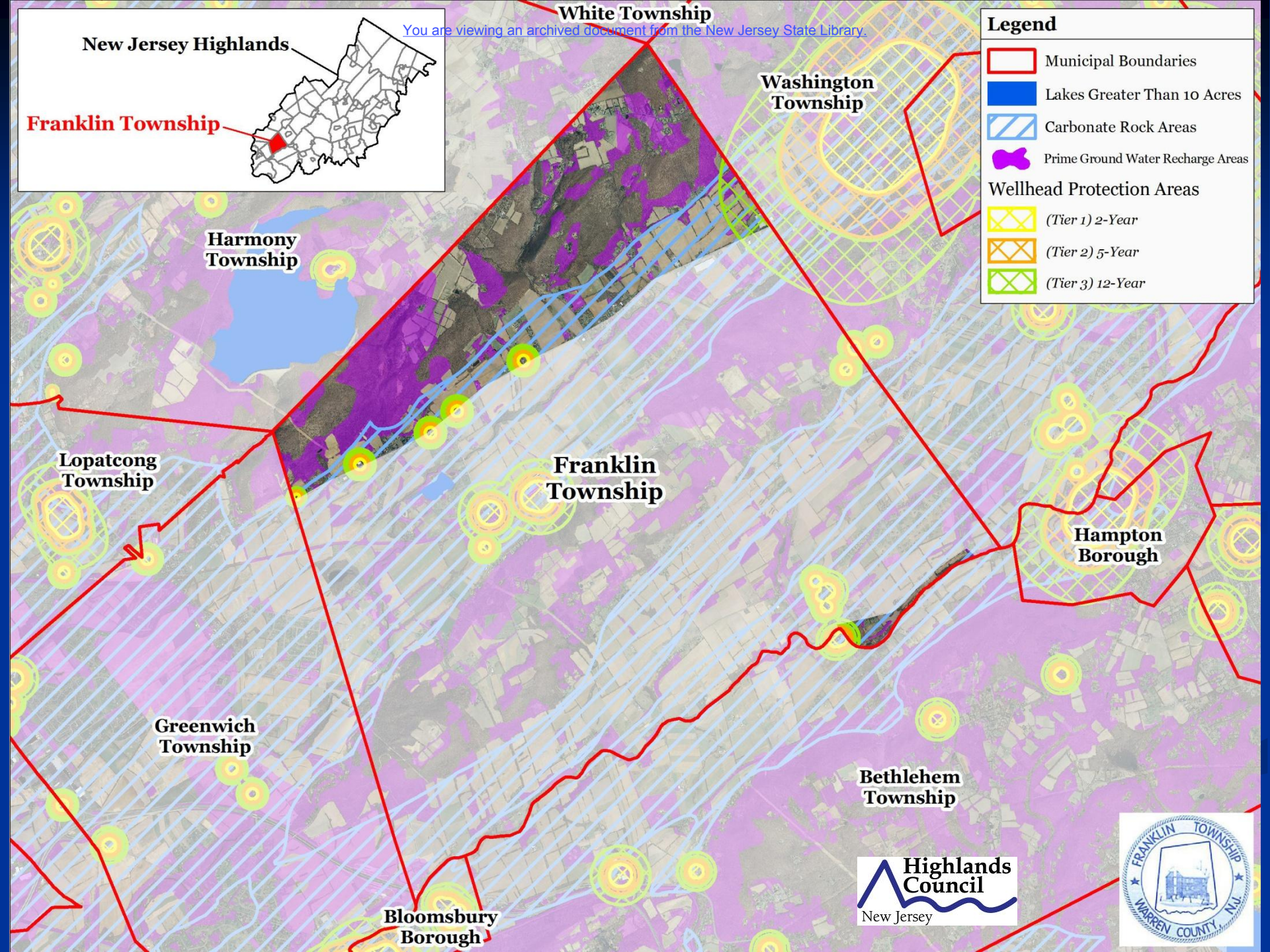
- Municipal Boundaries
- Lakes Greater Than 10 Acres
- Steep Slope Protection Area
 - Severely Constrained
 - Moderately Constrained
 - Constrained/Limited Constrained





Legend

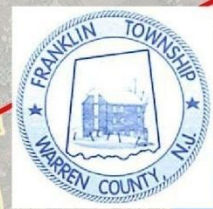
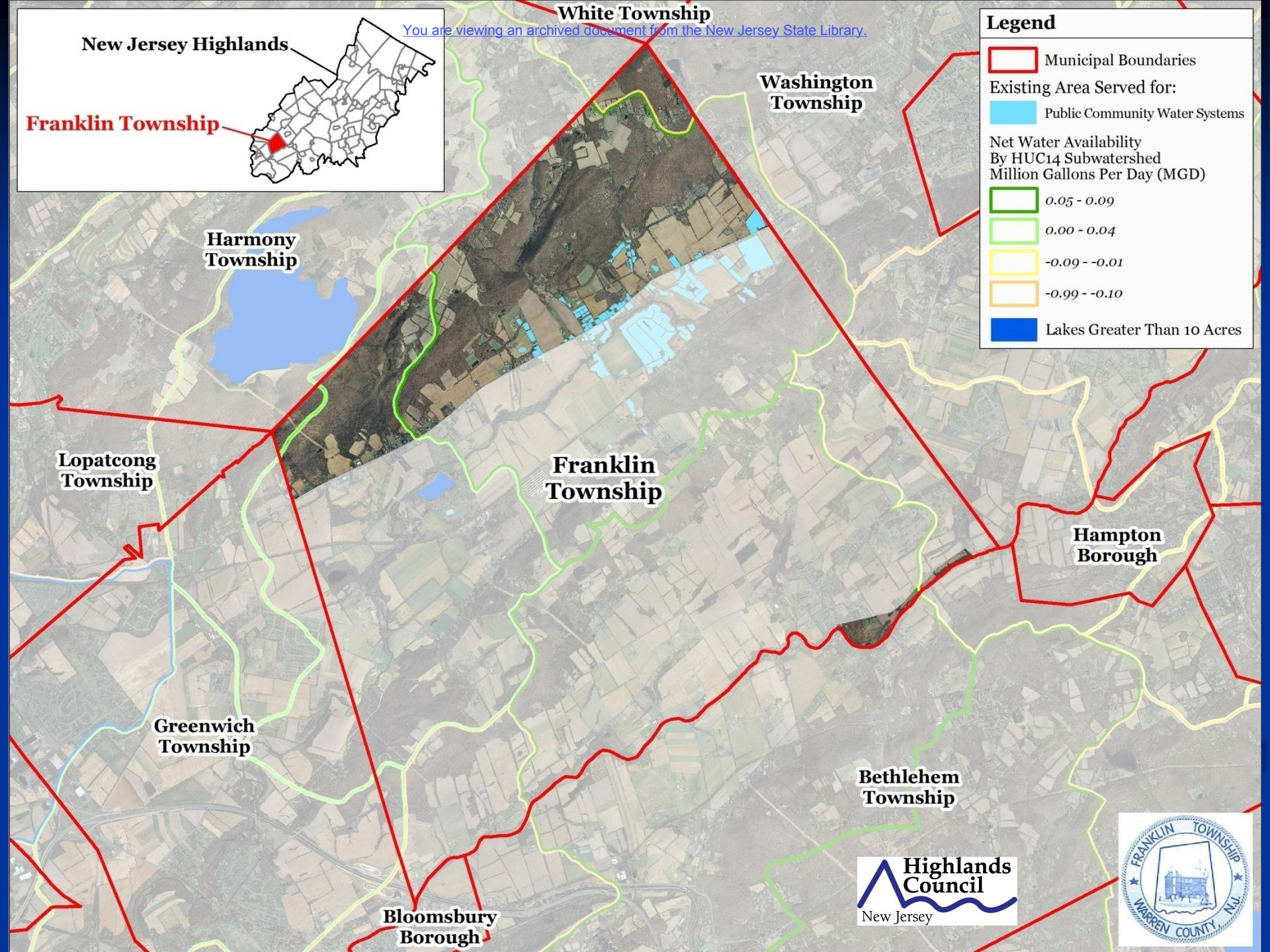
- Municipal Boundaries
- Lakes Greater Than 10 Acres
- Carbonate Rock Areas
- Prime Ground Water Recharge Areas
- Wellhead Protection Areas
 - (Tier 1) 2-Year
 - (Tier 2) 5-Year
 - (Tier 3) 12-Year





Legend

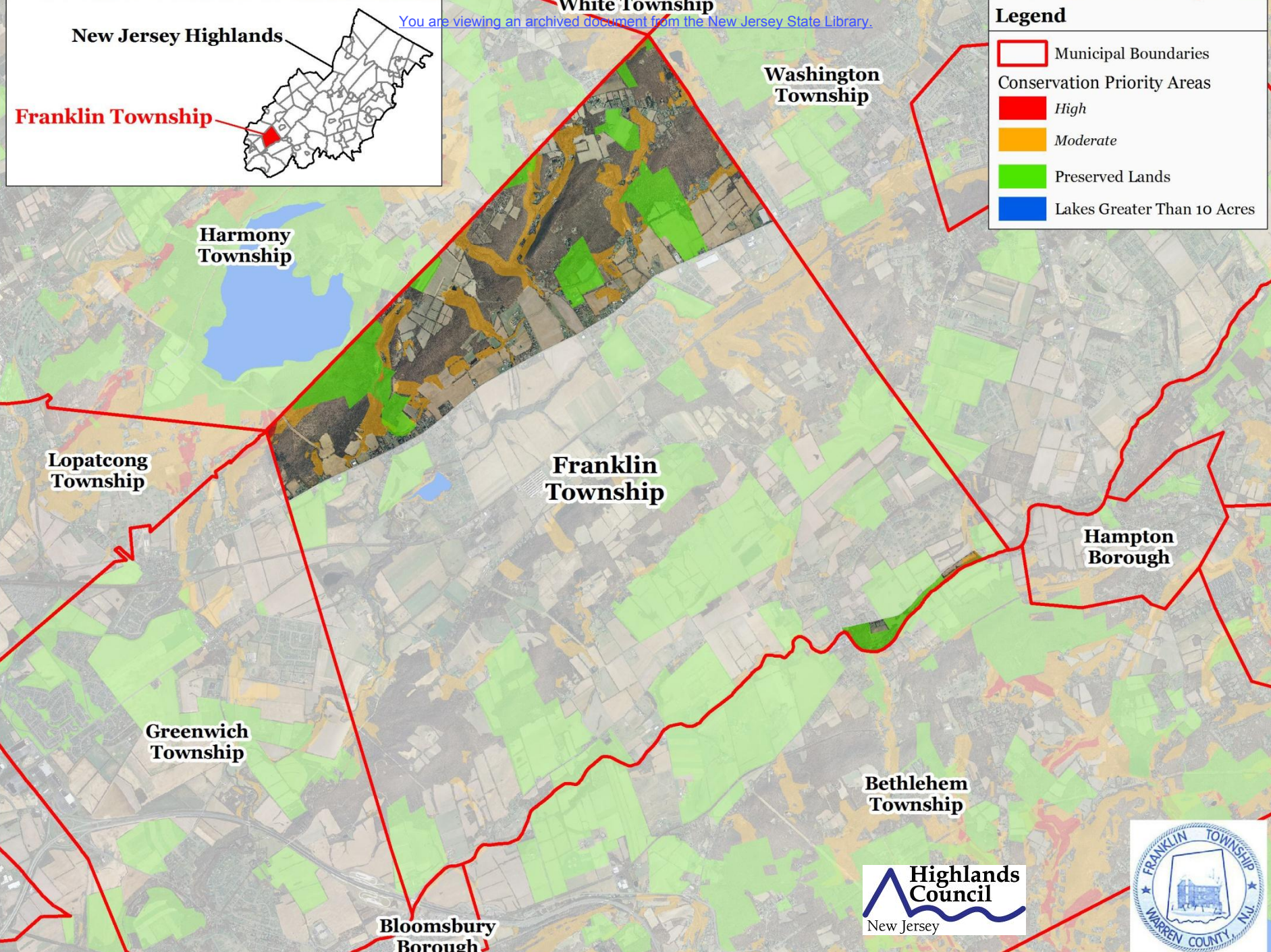
- Municipal Boundaries
- Existing Area Served for:
 - Public Community Water Systems
- Net Water Availability By HUC14 Subwatershed Million Gallons Per Day (MGD)
 - 0.05 - 0.09
 - 0.00 - 0.04
 - 0.09 - -0.01
 - 0.99 - -0.10
- Lakes Greater Than 10 Acres





Legend

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







New Jersey Highlands

Franklin Township



Legend

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

White Township

Washington Township

Harmony Township

Lopatcong Township

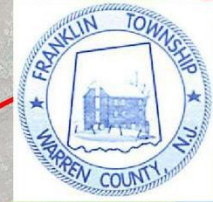
Franklin Township

Hampton Borough

Greenwich Township

Bethlehem Township

Bloomsbury Borough



Franklin Township

Sampling of Township Planning Initiatives

In addition to maintaining an up-to-date Comprehensive Master Plan (including all mandatory elements and numerous optional elements), Franklin Township has a history of proactive engagement in community planning and conservation initiatives:

- Master Plan Reexamination – 2006
- Open Space and Recreation Update – 2006
- Farmland Preservation Plan – 2008

Franklin Township

Warren County, New Jersey



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

12/8/09	Petition for Plan Conformance Submitted, Preservation Area
1/22/10	Petition Deemed Administratively Complete
2/1/10	Petition Posted to Highlands Council Website
10/18/10	Draft Consistency Report Sent to Municipality
4/4/11	Final Draft Report Posted to Highlands Council Website
4/18/11	End of Public Comment Period (Start 4/4/11)
5/13/11	Final Report Posted to Highlands Council Website
5/19/11	Highlands Council Public Hearing

Highlands Municipal Build-Out Report – Modules 1 & 2

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

Housing Plan – Module 3

- **Summary of Franklin Township’s Fair Share Obligation**
 - **Rehabilitation Share: 9 Units**
 - **Prior Round Obligation: 11 Units**
 - **Growth Share Obligation: 84 Units**
- **Summary of Franklin Township’s Fair Share Plan**
 - **Rehabilitation Obligation:** Four units completed, additional units to be provided in cooperation with Warren County.
 - **Prior Round Obligation:** 11 credits completed through two group homes.
 - **Growth Share Obligation:** 84 credits proposed through two group homes, two 100% affordable housing sites and two inclusionary developments.
- **Staff RMP Consistency Finding: CONSISTENT**

Environmental Resource Inventory

Module 4

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

Master Plan Highlands Element Module 5

- Incorporates RMP Goals & Objectives into local planning; provides basis for effectuation of RMP
- Franklin's Submittal Based on Highlands Council Model
 - ❖ Existing Community Zone—Environmentally Constrained Sub Zone: not applicable – deleted.
 - ❖ Lake Community Sub-Zone: not applicable – deleted.
- Staff RMP Consistency Finding: CONSISTENT

Highlands Area Land Use Ordinance

Module 6

- Sets forth regulatory provisions that protect Highlands Resources and effectuate the policies, goals and objectives of RMP at the local level.
- Franklin's Submittal Based on Highlands Council Model
 - ❖ Existing Community Zone–Environmentally Constrained Sub-Zone and Lake Community Sub-Zone: not applicable – deleted.
 - ❖ All Applicable Exhibits Provided by the Highlands Council (Parcel-Based)
- Staff RMP Consistency Finding: CONSISTENT

Municipal Petition for Plan Conformance

Module 7

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

Franklin's Petition for Plan Conformance

Public Comments Received

- The public comment period for Franklin's Petition for Plan Conformance opened April 4, 2011 and closed April 18, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.

- Comments received from:
 - New Jersey Farm Bureau

Franklin's Petition for Plan Conformance

Public Comments Received

Comments submitted by: Helen Heinrich, New Jersey Farm Bureau

- **Comment:** The NJ Farm Bureau strongly supports grant funding for development of an Agricultural Retention /Farmland Preservation Plan, for all of the Highland Preservation Area and Planning Area lands, although the Township is only conforming for the Preservation Area. The Bureau supports a regional strategy for enhancing the viability of local farming operations with surrounding communities such as Lopatcong and Bethlehem.
- **Response:** The Highlands Council acknowledges the Bureau's support of grant funding opportunities. The Plan will apply to all Township lands. The Highlands Council supports coordinated planning of shared or similar resources as an effective and efficient way to enhance results of the planning process, including any potential effort of multiple municipalities to work cooperatively with the Warren County Agriculture Development Board and the New Jersey Department of Agriculture on a regional plan.

Petition Disposition

Franklin Township's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS

- Adoption of Approved Checklist Ordinance
- Adoption of Completed Environmental Resource Inventory
- Adoption of Completed Master Plan Highlands Element
- Completion and Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan
- Compliance with Fair Housing Act (COAH Certification). This condition requires updates on COAH proceedings and Council review of any proposed changes to the Fair Share Plan and Housing Element.

Petition Disposition

Franklin Township's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS, Continued

- **Update/Development & Implementation of:**
 - **Water Use & Conservation Management Plan**
 - **Stormwater Management Plan (updates only)**
 - **Habitat Conservation and Management Plan**
 - **Land Preservation & Stewardship Program**
 - **Septic System Management/Maintenance Plan**
 - **Sustainable Economic Development Plan**
 - **Agricultural Retention Plan**
 - **Stream Corridor Protection & Restoration Plan**
 - **Highlands Redevelopment Area Planning**

Franklin's Petition for Plan Conformance

Future Highlands Protection Fund Grants

- **Highlands Implementation Plan and Schedule** – Grant funding is proposed for the following:
 - **Agriculture Retention Plan** to improve sustainability of agricultural businesses within the Township.
 - **Highlands Redevelopment Area Plan** to initiate planning to examine potential for redevelopment areas consistent with the Regional Master Plan in the Route 57 corridor.
 - **Habitat Conservation and Management Plan** to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects.
 - **Stream Corridor Protection Restoration Plan** to protect/restore streams and to mitigate the impacts of future land uses.

Council Deliberation



Franklin Township



**Proposed Highlands
Redevelopment Area Designation
for Sand Shore Road in
Mount Olive Township**

Proposed Highlands Redevelopment Area Designation for Mount Olive Township

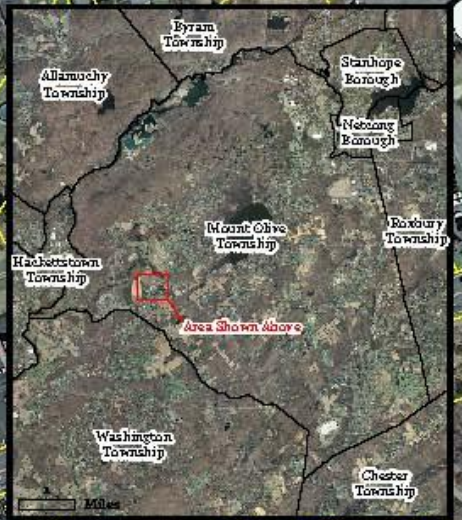
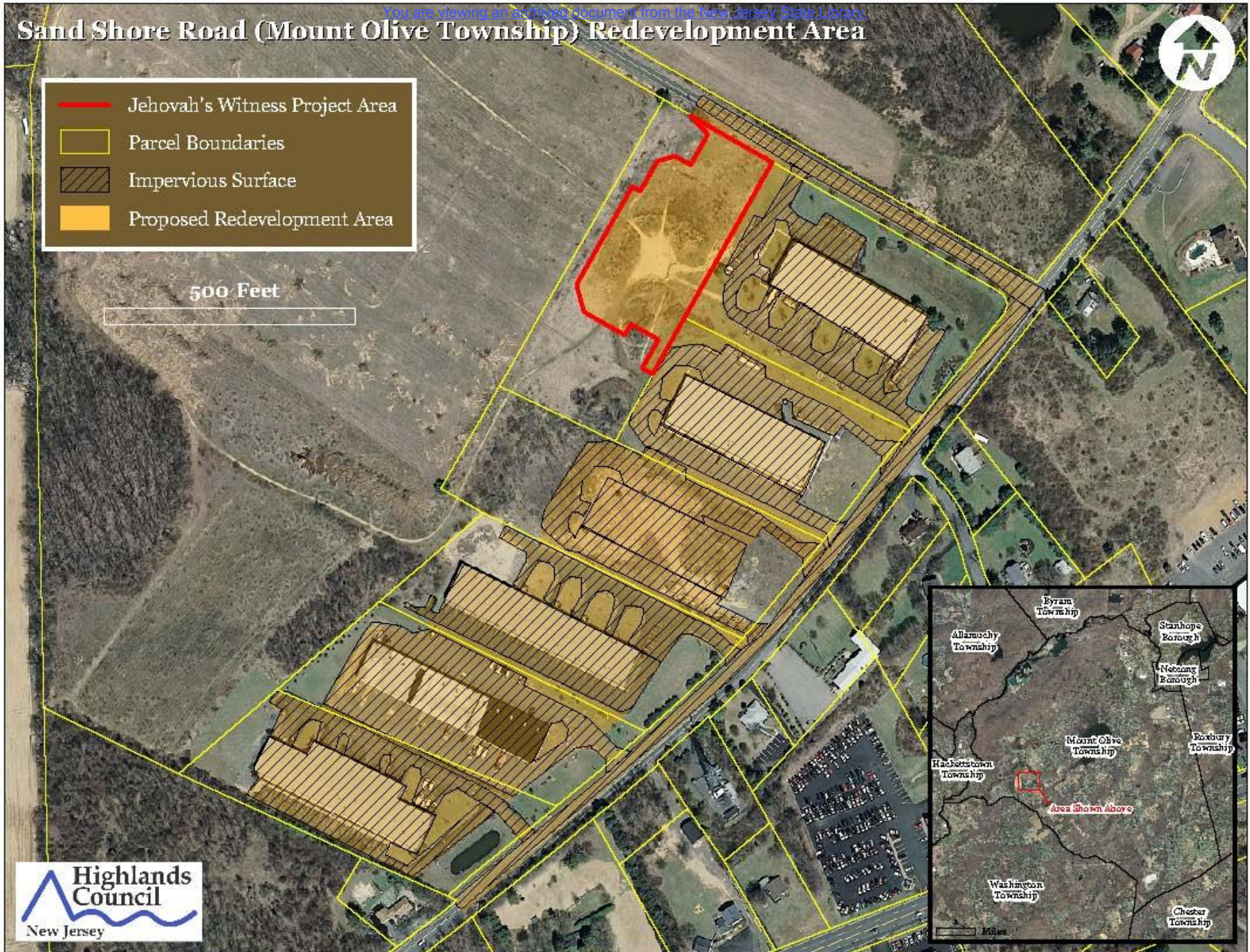
- The Township is petitioning the Highlands Council for a Highlands Redevelopment Area Designation in the Preservation Area using the 70% impervious surface criteria established in the Highlands Act. The Sand Shore Road area was identified in the approved Petition for Plan Conformance.
- The area includes portions of Block 8300 (Lots 5, 5.01, 5.02, 6, 7, 8 and 9) along the north side of Sand Shore Road, is mostly developed and contains a commercial building on each lot with the exception of Lot 5.01, which is largely an open field with surface disturbance. Preserved lands surround the area.
- The Hackettstown Congregation of Jehovah's Witness (owner of Lot 5.01) proposes to construct a 4,296 sq ft one-story building, associated parking area, drainage, and a new septic system, and to deed restrict approximately 1.65 acres
- According to information provided by the Township regarding maximum lot coverage and Floor Area Ratio based on zoning, future development on Lots 5, 5.02, 6, 7, 8, and 9 is highly constrained.
- If approved, the Congregation may apply for a Highlands Preservation Area Approval (HPAA) with redevelopment waiver permit from the NJDEP.

Sand Shore Road (Mount Olive Township) Redevelopment Area



-  Jehovah's Witness Project Area
-  Parcel Boundaries
-  Impervious Surface
-  Proposed Redevelopment Area

500 Feet

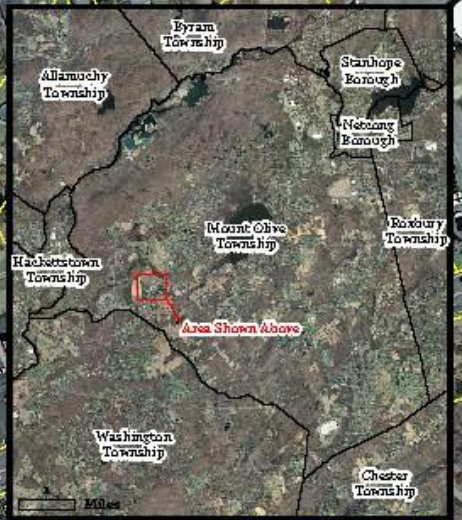


Sand Shore Road (Mount Olive Township) Redevelopment Area



-  Jehovah's Witness Project Area
-  Parcel Boundaries
-  Proposed Redevelopment Area
-  Preserved Lands

500 Feet



Sand Shore Road (Mount Olive Township) Redevelopment Area



-  Jehovah's Witness Project Area
-  Parcel Boundaries
-  Proposed Redevelopment Area
-  Wetlands
-  Highlands Open Water Buffers

500 Feet



Sand Shore Road (Mount Olive Township) Redevelopment Area



-  Jehovah's Witness Project Area
-  Parcel Boundaries
-  Proposed Redevelopment Area
-  Critical Wildlife Habitat

500 Feet



Sand Shore Road (Mount Olive Township) Redevelopment Area



- Jehovah's Witness Project Area
- Parcel Boundaries
- Proposed Redevelopment Area

Net Water Availability
By HUC 14 Subwatershed (Million Gallons Per Day)

- 0.09 -- -0.01
- 0.99 -- -0.10

500 Feet



Proposed Highlands Redevelopment Area Designation for Mount Olive Township

- Approximate 4,296 sq ft one-story building; proposed disturbance is approximately 2.03 acres in an area that is currently disturbed
- Impervious surface requirement (70%) is met: the total Highlands Redevelopment Area is 18.92 acres, with an existing impervious surface of 13.46 acres, or 71.17%

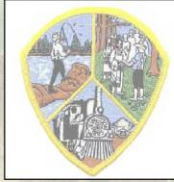
Proposed Staff Recommendations

Staff recommendation is to approve the proposed Highlands Redevelopment Area designation subject to the following conditions:

1. Encroachment into a Highlands Open Waters buffer shall be entirely within a previously disturbed area, which would not result in a net impact to the functional value of the buffer and therefore qualifies for a waiver;
2. Township of Mount Olive commits to provide mitigation equal to 125% of the proposed consumptive water uses through on-site recharge or water conservation practices within the same site or HUC14 subwatershed to the maximum extent feasible;
3. Remainder of Lot 5.01 outside of the proposed Highlands Redevelopment Area be protected through a conservation restriction, specifically authorizing ecological restoration and maintenance; and
4. Stormwater regulations must be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. The Highlands Council expects that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques as dictated by current NJDEP Stormwater Rules.

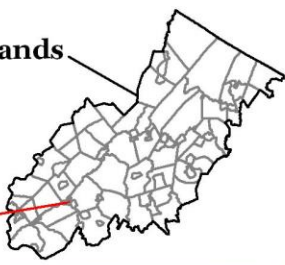
Plan Conformance Grant for Hampton Borough Feasibility Study

- A 1988 Settlement Agreement created an affordable housing zone in Hampton for a 300-unit development to satisfy a 27 unit rehabilitation obligation through a contribution of \$270,000 (\$10K per unit). The proposed 300-unit development did not include affordable housing and was to be located in the Preservation Area. In 2010, Hampton Borough filed a Fair Share Plan and Housing Element with COAH seeking to remove this site and fulfill its rehabilitation obligation through other mechanisms and filed an action in the Law Division to set aside the Agreement.
- The Highlands Council approved Hampton Borough's Petition for Plan Conformance with conditions on November 19, 2010. Hampton Farm LLC submitted comments objecting to the Council's finding that the proposed 300 unit development is inconsistent with the policies of the RMP.
- The Highlands Council's comment and response document specifically stated that "the Council recognizes that some development may take place in the Planning Area portion of property in a way that could be found consistent with the RMP, Hampton's proposed Highlands Area Land Use Ordinance, and the Mount Laurel doctrine."



New Jersey Highlands

Hampton
Borough



Lebanon
Township

Washington
Township

Glen Gardner
Borough

Hampton
Borough

Legend

-  Municipal Boundaries
-  Parcel Boundaries
-  Highlands Planning Area
-  Highlands Preservation Area
- Land Use Capability Zone**
-  Protection
-  Conservation
-  Existing Community
- Land Use Capability Sub-Zone**
-  Existing Community
Environmentally Constrained
-  Conservation
Environmentally Constrained
-  Wildlife Management

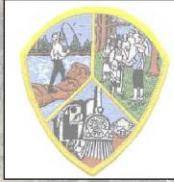
Bethlehem
Township



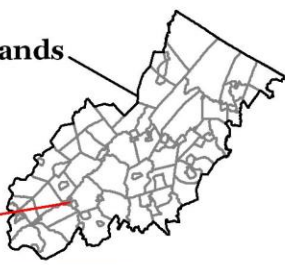
Haberman Site

Plan Conformance Grant for Hampton Borough Feasibility Study, Hunterdon County

- On April 26, 2011, Hampton Borough formally requested an Amended Petition for Plan Conformance to address the potential to provide affordable housing on the Hampton Farm LLC site and requested financial and technical assistance to examine the maximum feasible development potential of the site.
- Hampton Borough specified that the Supreme Court's pending review of COAH's Growth Share rules makes it impossible to quantify the Borough's obligations but that the Hampton Farm LLC site likely could have a role in satisfying yet to be determined obligations.
- Highlands Council Staff recommends that it is premature to consider an Amended Petition absent detailed information that the Hampton Farm LLC site may be developed consistent with the RMP. In addition, staff recommends that the site feasibility issues be considered in a broader context through examination of infrastructure issues at a municipal scale.



New Jersey Highlands



Hampton
Borough

Lebanon
Township

Washington
Township

Glen Gardner
Borough


Hampton
Borough

Bethlehem
Township


Legend


 Municipal Boundaries

Existing Area Served for:

 Public Community Water Systems

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

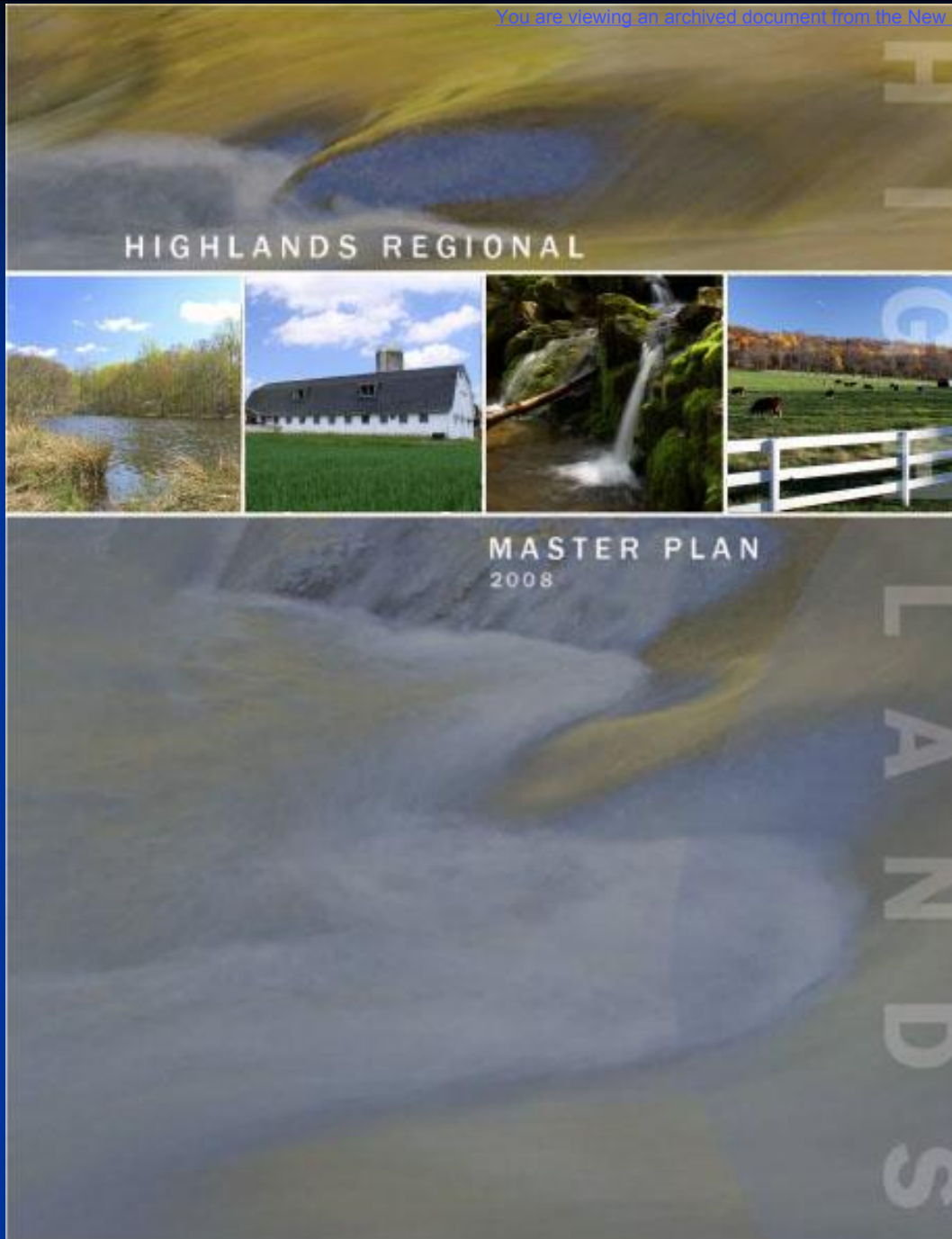
 -0.09 - -0.01

 -0.09 - -0.10

Plan Conformance Grant for Hampton Borough Feasibility Study

- Staff recommends that the Highlands Council approve financial and technical assistance to enable Hampton Borough to examine:
 - 1) the feasibility of the provision affordable housing on Block 23, Lot 1 consistent with the Regional Master Plan;
 - 2) the feasibility of a community on-site wastewater treatment plant to serve this site and proximate existing development in Hampton Borough presently served by individual subsurface systems; and
 - 3) the feasibility of Highlands Center and/or Redevelopment Area designation(s) in the Borough based in significant part on water supply/wastewater utility planning (with an emphasis on efficient utility uses), such designation and associated planning and development activities offering opportunities to improve the economic sustainability of the Borough.

- Highlands Council staff recommends that the Highlands Council authorize the execution of an amended Plan Conformance Grant Agreement with Hampton Borough to include a feasibility analysis for the above listed items in the amount of \$65,000



Highlands Council Meeting

May 19, 2011





New Jersey Highlands Council

- [Home](#)
- [About the Council](#)
- [Highlands Act & Maps](#)
- [Master Plan](#)
- [Project Review](#)
- [Plan Conformance](#)
- [Grant Programs](#)
- [Stakeholders](#)
- [Rules and Permits](#)
- [News](#)
- [Highlands Development Credits \(TDR Program\)](#)



[Home](#) > [Plan Conformance](#) > [Washington Township \(Morris County\)](#)

Washington Township (Morris County)

The Highlands Council approved Washington Township's (Morris County) Petition for Plan Conformance at its meeting on May 19, 2011.

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

- [Resolution](#)
- [Pictures](#)
- [Washington Township's \(Morris County\) Presentation](#)
- [Public Hearing: May 19, 2011](#)
- [Washington Township \(Morris County\) Movie](#)

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

- [1 - Highlands Council Resolution 2011-14 Approval of Washington Township's Petition for Plan Conformance](#) (416 KB pdf) (posted previously)
- [1a - Highlands Final Consistency Review and Recommendations Report](#) (915 KB pdf) (posted 7/22/11)
- [1b - Highlands Implementation Plan and Schedule](#) (177 KB pdf) (posted 7/22/11)
- [2 - Highlands Municipal Build-Out Report](#) (1.21 MB pdf) (posted previously)
- [3 - Adopted Housing Element and Fair Share Plan](#) (172 KB pdf) (posted previously)
- [4 - Highlands Environmental Resource Inventory](#) (8.44 MB pdf) (posted previously)
- [5 - Highlands Master Plan Element](#) (1.08 MB pdf) (posted previously)
- [5a - Highlands Master Plan Element Exhibits](#) (13 MB pdf) (posted previously)
- [6 - Highlands Area Land Use Ordinance](#) (1.25 MB pdf) (posted previously)
- [6a - Highlands Area Land Use Ordinance Exhibits](#) (34 MB pdf) (posted 7/22/11)

Previously Posted Documents

The documents below include all edits made prior to the Highlands Council consideration of Washington Township's Petition for Plan Conformance, which will be held at its May 19, 2011 meeting.

- [Final Posting Prior to Public Hearing](#) (34 MB zip)
 - [1 - Final Consistency Review and Recommendations Report](#) (932 KB pdf)
 - [2 - Public Comments/Highlands Council Responses](#) (153 KB pdf)
 - [3 - Highlands Area Land Use Ordinance Exhibits](#) (34 MB pdf)

Petition Posting for Public Comment (Public Comment Period: Apr. 18, 2011 - May 3, 2011)

A public hearing for Washington Township's Petition for Plan Conformance is scheduled for the Highlands Council meeting of May 19, 2011. [Public notice for this hearing.](#)

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

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

- [Petition Posting for Public Comment](#) (104 MB zip)
 - [1 - Final Draft Consistency Review & Recommendations Report](#) (913 KB pdf)
 - [2 - Highlands Implementation Plan & Schedule](#) (180 KB pdf)
 - [3 - Highlands ERI DRAFT April 2011](#) (9.67 MB pdf)
 - [4 - Master Plan Highlands Element April 2011](#) (862 KB pdf)
 - [4a -Master Plan Element Exhibits](#) (59 MB pdf)
 - [5 - Highlands Area Land Use Ordinance April 2011](#) (935 KB pdf)
 - [5a - Highlands Area Land Use Ordinance Exhibits](#) (34 MB pdf)
 - [6 - Adopted Housing Element and Fair Share Plan](#) (172 KB pdf) (posted previously)

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

- [Administrative Completeness Letter](#) (5.5 MB pdf)
- [Highlands Council Response Letter dated March 15, 2010 re Municipal RMP Update and/or Map Adjustment Request\(s\)](#) (1.2 MB pdf)
- [Municipal Petition for Plan Conformance](#) (75 MB zip)

- [Petition Cover Letter](#) (130 KB pdf)
- [Petition Submittal Checklist](#) (88 KB pdf)
- [Combined Preservation Area and Planning Area Resolution](#) (892 KB pdf)
- [Record of Public Involvement](#) (143 KB pdf)
- [Current List of Planning/Regulatory Documents](#) (17 KB pdf)
- Modules 1 and 2: See **Highlands Municipal Build-Out Report** below
- Module 3:
 - [Affordable Housing Summary](#) (49 KB pdf)
 - [Prior Round Sites Consistency Reports](#) (8.9 MB pdf)
 - [Final 3rd Round Housing Element/Fair Share Plan](#) (173 KB pdf)
- [Module 4 Highlands ERI](#) (9.3 MB pdf)
- [Module 5 Master Plan Highlands Element](#) (12.3 MB pdf)
- [Module 6 Highlands Land Use Ordinance](#) (12.1 MB pdf)
- Module 7:
 - [Municipal Self-Assessment Report](#) (150 KB pdf)
 - [Municipal Self-Assessment Checklist](#) (140 KB pdf)
 - [Implementation Plan and Schedule](#) (81 KB pdf)
- Supporting Materials:
 - [2009 Master Plan and Development Regulations Reexamination Report](#) (29 MB pdf)
 - [Township of Morris Point of Contact Information](#) (59 KB pdf)
- [Map Adjustments](#) (725 KB pdf)
- Municipal Resolution: [Notice of Intent](#) (pdf)
- Municipal Resolution: [COAH extension](#) (pdf)
- [Initial Assessment Grant Report](#) (pdf)
- [Highlands Municipal Build-Out Report](#) (pdf)
 - [Supporting Documents](#) (64 MB zip)



RESOLUTION 2011-14
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF WASHINGTON, MORRIS COUNTY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Highlands Act establishes development goals in the Planning Area, to encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local

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and regional growth and economic development in an orderly way while protecting the Highlands environment from individual and cumulative adverse impacts; and

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

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

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

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

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of

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land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

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

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

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

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

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

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

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

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

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

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plan Highlands element; (6) Highlands Area land use ordinance; and (7) municipal Petition for Plan Conformance; and

WHEREAS, in the Township of Washington 25,235 acres are in the Preservation Area and 3,491 acres are in the Planning Area; and

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

WHEREAS, on February 8, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on February 18, 2010, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, on November 19, 2010, the Executive Director provided the Township of Washington with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

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

WHEREAS, on April 18, 2011, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before May 3, 2011; and

WHEREAS, the Highlands Implementation Plan and Schedule includes a detailed accounting of the existing Plan Conformance Grants and the allocation of additional grant funding in order to address the Highlands Act requirements for Plan Conformance funding; and

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

WHEREAS, on May 19, 2011, the Highlands Council held a public hearing on the Township of Washington's Petition for Plan Conformance and provided an opportunity for public comment; and

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

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

WHEREAS, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by the Township of Washington of its master plan and development regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the Highlands Council hereby approves the Township of Washington's Highlands Implementation Plan and Schedule including the reallocation of the existing Plan Conformance Grant and the allocation of additional grant funding to pay for the reasonable expenses incurred to complete the Plan Conformance conditions; and

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

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

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

RESOLUTION 2011-14

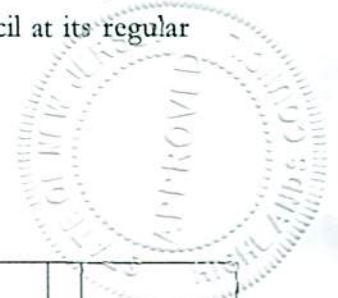
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE TOWNSHIP OF WASHINGTON, MORRIS COUNTY

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of May, 2011.



Jack J. Schrier, Acting Chairman



Vote of the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Cogger	✓		✓			
Councilmember Francis		✓	✓			
Councilmember Holtaway			✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Acting Chairman Schrier			✓			



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Holland Township

Holland Township in Hunterdon County has 13,352 acres in the Planning Area and 1,973 acres in the Preservation Area of the Highlands Region. The municipality submitted a Petition for Plan Conformance for both areas, which was approved by the Highlands Council at its meeting on May 19, 2011. This page contains links to documents related to the Township's conformance with the Highlands Regional Master Plan.

Note: All files are in pdf format unless otherwise noted. For faster downloads, right-click on a file and select "Save Target As..." to save it to your computer.

Conformance Documents Adopted by the Municipality

This section contains documents approved by Holland Township that effectuate the Township's conformance with the Highlands Regional Master Plan.

- [Planning Area Petition Ordinance](#) (pdf)
- [Checklist Ordinance](#) (pdf)
- [Re-examination Report](#) (pdf)

Inquiries and Reviews

This section contains documents related to proposed projects in Holland Township that have been reviewed by Highlands Council staff.

- [Highlands Planning Area Exemption Determination \(exemption #15\) - GenOn REMA, LLC](#) (pdf)

Petition for Plan Conformance

The Highlands Council approved Holland Township's Petition for Plan Conformance at its meeting on May 19, 2011.

Council Approved Documents

- [Highlands Council Resolution 2011-15 Approval of Holland Township's Petition for Plan Conformance](#) (513 KB pdf) (posted 8/23/11)
- [Highlands Final Consistency Review and Recommendations Report](#) (337 KB pdf) (posted 8/23/11)
- [Highlands Implementation Plan and Schedule](#) (184 KB pdf) (posted 8/23/11)
- [Highlands Municipal Build-Out Report](#) (1.71 MB pdf) (posted previously)
- [Adopted Housing Element and Fair Share Plan](#) (5.26 MB pdf) (posted previously)
- [Highlands Environmental Resource Inventory](#) (390KB pdf) (posted 8/23/11)
 - [Highlands Environmental Resource Inventory Figures](#) (8.03 MB pdf) (posted 8/23/11)
- [Highlands Master Plan Element](#) (550 KB pdf) (posted 8/23/11)
 - [Highlands Master Plan Element Exhibits](#) (8.02 MB pdf) (posted 8/23/11)
- [Highlands Area Land Use Ordinance](#) (1 MB pdf) (posted 8/23/11)
 - [Highlands Area Land Use Ordinance Exhibits](#) (18 MB pdf) (posted 8/23/11)

Materials from Public Hearing

- [Meeting Agenda](#) (pdf)
- [HollandTownship Presentation](#) (pdf)
- [Pictures](#) (pdf)
- [Holland Township Movie](#)

Archived Plan Conformance Documents

The PDF archive below contains links to all previously posted documents related to High Bridge Borough's Plan Conformance process prior to Highlands Council approval on January 20, 2011. **PLEASE NOTE:** The documents above are the most recent and any documents accessed through the archive are no longer valid; they are provided for reference only.

- [Holland Township's Archived Plan Conformance Documents](#) (138 KB pdf)



RESOLUTION 2011-15
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF HOLLAND, HUNTERDON COUNTY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Highlands Act establishes development goals in the Planning Area, to encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from individual and cumulative adverse impacts; and

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APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF HOLLAND, HUNTERDON COUNTY

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

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

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

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

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

RESOLUTION 2011-15
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF HOLLAND, HUNTERDON COUNTY

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

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

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

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

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

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

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

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

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

WHEREAS, in the Township of Holland 1,973 acres are in the Preservation Area and 13,352 acres are in the Planning Area; and

RESOLUTION 2011-15
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APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF HOLLAND, HUNTERDON COUNTY

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

WHEREAS, on January 22, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on February 1, 2010, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, on January 13, 2011, the Executive Director provided the Township of Holland with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

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

WHEREAS, on April 19, 2011, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before May 4, 2011; and

WHEREAS, the Highlands Implementation Plan and Schedule includes a detailed accounting of the existing Plan Conformance Grants and the allocation of additional grant funding in order to address the Highlands Act requirements for Plan Conformance funding; and

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

WHEREAS, on May 19, 2011, the Highlands Council held a public hearing on the Township of Holland's Petition for Plan Conformance and provided an opportunity for public comment; and

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

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

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WHEREAS, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by the Township of Holland of its master plan and development regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

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

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

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

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

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

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

RESOLUTION 2011-15

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE TOWNSHIP OF HOLLAND, HUNTERDON COUNTY

BE IT FURTHER RESOLVED that the Highlands Council hereby approves the Township of Holland's Highlands Implementation Plan and Schedule including the reallocation of the existing Plan Conformance Grant and the allocation of additional grant funding to pay for the reasonable expenses incurred to complete the Plan Conformance conditions; and

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

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

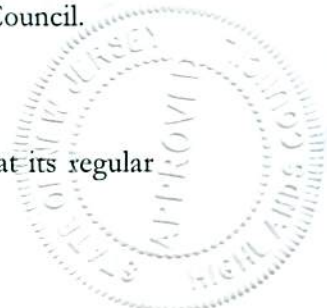
BE IT FURTHER RESOLVED, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor the Township of Holland's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of May, 2011.



Jack J. Schrier, Acting Chairman



Vote of the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio	✓		✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway		✓	✓			
Councilmember Kovach						✓
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Acting Chairman Schrier			✓			



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Kinnelon Borough

The Highlands Council approved Kinnelon Borough's Petition for Plan Conformance at its meeting on May 19, 2011.

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

- [Resolution](#)
- [Pictures](#)
- [Kinnelon Borough Presentation](#)
- [Public Hearing: May 19, 2011](#)
- [Kinnelon Borough Movie](#)

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

- - [1 - Highlands Council Resolution 2011-16 Approval of Kinnelon Borough's Petition for Plan Conformance](#) (484 KB pdf) (posted previously)
 - [1a - Highlands Final Consistency Review and Recommendations Report](#) (432 KB pdf) (posted 7/22/11)
 - [1b - Highlands Implementation Plan and Schedule](#) (169 KB pdf) (posted 7/22/11)
 - [2 - Highlands Municipal Build-Out Report](#) (2.24 MB pdf) (posted previously)
 - [3 - Adopted Housing Element and Fair Share Plan](#) (1.37 MB pdf) (posted previously)
 - [4 - Highlands Environmental Resource Inventory](#) (4.18 MB pdf) (posted previously)
 - [5 - Highlands Master Plan Element](#) (867 KB pdf) (posted previously)
 - [5a - Highlands Master Plan Element Exhibits](#) (24 MB pdf) (posted previously)
 - [6 - Highlands Area Land Use Ordinance](#) (1.17 MB pdf) (posted previously)
 - [6a - Highlands Area Land Use Ordinance Exhibits](#) (21 MB pdf) (posted 7/22/11)

Previously Posted Documents

Petition Posting for Public Comment (Public Comment Period: Apr. 20, 2011 - May 5, 2011)

A public hearing for Kinnelon Borough's Petition for Plan Conformance is scheduled for the Highlands Council meeting of May 19, 2011. The [Public notice](#) for this hearing includes information on how to submit public comments.

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

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

- [Petition Posting for Public Comment](#) (52 MB zip)
 - [1 - Final Draft Consistency Review & Recommendations Report](#) (4430 KB pdf)
 - [2 - Highlands Implementation Plan & Schedule](#) (175 KB pdf)
 - [3 - Highlands Environmental Resource Inventory April 2011](#) (4.81 MB pdf)
 - [4 - Highlands Master Plan Highlands Element April 2011](#) (863 KB pdf)
 - [4a - Highlands Master Plan Element Exhibits](#) (24 MB pdf)
 - [5 - Highlands Area Land Use Ordinance April 2011](#) (1.32 MB pdf)
 - [5a - Highlands Area Land Use Ordinance Exhibits](#) (21 MB pdf)
 - [6 - Adopted Housing Element and Fair Share Plan](#) (1.37 MB pdf)

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

- Administrative Completeness Letter:
 - [Completeness Letter dated March 31, 2010](#) (565 KB pdf)
 - [Completeness Letter dated January 29, 2010](#) (696 KB pdf)
- [Municipal Petition for Plan Conformance](#) (22 MB zip)
 - [Petition Cover Letter](#) (42 KB pdf)
 - [Petition Submittal Checklist](#) (66 KB pdf)
 - [Preservation Area Resolution](#) (138 KB pdf)
 - [Planning Area Resolution](#) (179 KB pdf)
 - [General Correspondence - Letter from Geoffrey Price, Ferriero Engineering, Inc.](#) (219 KB pdf)
 - [General Correspondence - Letter from John Miller, Esq., Buzak Law Group, LLC](#) (1 MB pdf)

[Record of Public Involvement](#) (338 KB pdf)

- [Current List of Planning/Regulatory Documents dated March 9, 2009](#) (91 KB pdf)
- [Current List of Planning/Regulatory Documents dated December 8, 2009](#) (154 KB pdf)
- Modules 1 and 2: See **Highlands Municipal Build-Out Report** below
- Module 3:
 - [Affordable Housing Summary](#) (1.2 KB pdf)
- [Module 4 Highlands ERI](#) (4.9 MB pdf)
- [Module 5 Master Plan Highlands Element](#) (2.9 KB pdf)
- [Module 6 Highlands Land Use Ordinance](#) (7.5 MB pdf)
- [Master Plan/Land Use Ordinance Exhibits](#) (4.6 MB pdf)
- Module 7:
 - [Municipal Self-Assessment Report](#) (325 KB pdf)
 - [Municipal Self-Assessment Checklist](#) (595 KB pdf)
 - [Implementation Plan and Schedule](#) (80 KB pdf)

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

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

- [Highlands Municipal Build-Out Report](#) (pdf)
 - [Supporting documents](#) (37 MB zip)

The documents below include all edits made prior to the Highlands Council consideration of Kinnelon Borough's Petition for Plan Conformance, which will be held at its May 19, 2011 meeting.

- [Final Posting Prior to Public Hearing](#) (21 MB zip)
 - [1 - Final Consistency Review and Recommendations Report](#) (432 KB pdf)
 - [2 - Public Comments/Highlands Council Responses](#) (204 KB pdf)
 - [3 - Highlands Area Land Use Ordinance Exhibits](#) (21 MB pdf)



RESOLUTION 2011-16
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF KINNELON, MORRIS COUNTY

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

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

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

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

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

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

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

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

RESOLUTION 2011-16
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF KINNELON, MORRIS COUNTY

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

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

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

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

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

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

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

WHEREAS, the Highlands Act establishes development goals in the Planning Area, to encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from individual and cumulative adverse impacts; and

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF KINNELON, MORRIS COUNTY

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

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

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

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

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

RESOLUTION 2011-16
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF KINNELON, MORRIS COUNTY

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

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

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

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

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

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

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

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

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

WHEREAS, in the Borough of Kinnelon 11,984 acres are in the Preservation Area and 325 acres are in the Planning Area; and

RESOLUTION 2011-16
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF KINNELON, MORRIS COUNTY

WHEREAS, on December 8, 2009, the Borough of Kinnelon submitted a Petition for Plan Conformance including one resolution for all lands lying in the Preservation Area and one resolution for all lands lying in the Planning Area; and

WHEREAS, on March 31, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on April 9, 2010, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, on January 13, 2011, the Executive Director provided the Borough of Kinnelon with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

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

WHEREAS, on April 20, 2011, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before May 5, 2011; and

WHEREAS, the Highlands Implementation Plan and Schedule includes a detailed accounting of the existing Plan Conformance Grants and the allocation of additional grant funding in order to address the Highlands Act requirements for Plan Conformance funding; and

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

WHEREAS, on May 19, 2011, the Highlands Council held a public hearing on the Borough of Kinnelon's Petition for Plan Conformance and provided an opportunity for public comment; and

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

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

RESOLUTION 2011-16
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF KINNELON, MORRIS COUNTY

WHEREAS, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by the Borough of Kinnelon of its master plan and development regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

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

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

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

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

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

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

RESOLUTION 2011-16

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF KINNELON, MORRIS COUNTY

BE IT FURTHER RESOLVED that the Highlands Council hereby approves the Borough of Kinnelon's Highlands Implementation Plan and Schedule including the reallocation of the existing Plan Conformance Grant and the allocation of additional grant funding to pay for the reasonable expenses incurred to complete the Plan Conformance conditions; and


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

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of May, 2011.



 Jack J. Schrier, Acting Chairman



Vote of the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway		✓	✓			
Councilmember Kovach			✓			
Councilmember Letts	✓		✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Acting Chairman Schrier			✓			



New Jersey Highlands Council

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Franklin Township

Franklin Township in Warren County has 3,763 acres in the Preservation Area and 11,288 in the Planning Area of the Highlands Region. The municipality submitted a Petition for Plan Conformance for its Preservation Area, which was approved by the Highlands Council on May 19, 2011. This page contains links to documents related to the Township's conformance with the Highlands Regional Master Plan.

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

Petition for Plan Conformance

The Highlands Council approved Franklin Township's Petition for Plan Conformance at its meeting on May 19, 2011.

Council Approved Documents

- All documents below in one compressed file: [Highlands Council Approved Documents](#) (29 MB zip)
 - [Highlands Council Resolution 2011-17 Approval of the Township of Franklin Petition for Plan Conformance](#)
 - [Highlands Final Consistency Review and Recommendations Report](#) (294 KB pdf)
 - [Highlands Implementation Plan and Schedule](#) (183 KB pdf)
 - [Highlands Municipal Build-Out Report](#) (2.13 MB pdf)
 - [Adopted Housing Element and Fair Share Plan](#) (207 KB pdf)
 - [Highlands Environmental Resource Inventory](#) (377 KB pdf)
 - [Highlands Environmental Resource Inventory Figures](#) (7.3 MB pdf)
 - [Highlands Master Plan Element](#) (479 KB pdf)
 - [Highlands Master Plan Element Exhibits](#) (6.33 MB pdf)
 - [Highlands Area Land Use Ordinance](#) (932 KB pdf)
 - [Highlands Area Land Use Ordinance Exhibits](#) (14 MB pdf)
 - [Highlands Council Explanation of Exhibit Changes](#) (109 KB pdf)

Materials from Public Hearing

- [FranklinTownship Presentation](#)
- [Meeting Agenda: May 19, 2011](#)
- [Pictures](#)
- [Franklin Township GIS Animation](#)

Archived Plan Conformance Documents

The PDF archive below contains links to all previously posted documents related to Franklin Township's Plan Conformance process prior to Highlands Council approval on May 19, 2011. PLEASE NOTE: The documents above are the most recent and any documents accessed through the archive are provided for reference only.

- [Franklin Township Archived Plan Conformance Documents](#) (144 KB pdf)



RESOLUTION 2011-17
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF FRANKLIN, WARREN COUNTY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Highlands Act establishes development goals in the Planning Area, to encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from individual and cumulative adverse impacts; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, in the Township of Franklin 3,763 acres are in the Preservation Area and 11,288 acres are in the Planning Area; and

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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WHEREAS, on December 8, 2009, the Township of Franklin submitted a Petition for Plan Conformance including one resolution for all lands lying in the Preservation Area; and

WHEREAS, on January 22, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on February 1, 2010, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, on October 18, 2010, the Executive Director provided the Township of Franklin with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

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

WHEREAS, on April 4, 2011, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before April 18, 2011; and

WHEREAS, the Highlands Implementation Plan and Schedule includes a detailed accounting of the existing Plan Conformance Grants and the allocation of additional grant funding in order to address the Highlands Act requirements for Plan Conformance funding; and

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

WHEREAS, on May 19, 2011, the Highlands Council held a public hearing on the Township of Franklin's Petition for Plan Conformance and provided an opportunity for public comment; and

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the Highlands Council hereby approves the Township of Franklin's Highlands Implementation Plan and Schedule including the reallocation of the existing Plan Conformance Grant and the allocation of additional grant funding to pay for the reasonable expenses incurred to complete the Plan Conformance conditions; and

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

RESOLUTION 2011-17
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF FRANKLIN, WARREN COUNTY

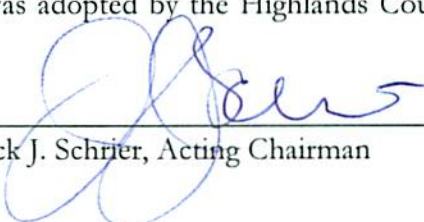
consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and to execute the Report, Schedule and Grant Agreement on behalf of the Council; and

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

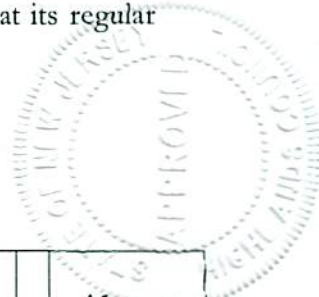
BE IT FURTHER RESOLVED, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor the Township of Franklin's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of May, 2011.



 Jack J. Schrier, Acting Chairman



Vote of the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach	✓		✓			
Councilmember Letts		✓	✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Acting Chairman Schrier			✓			

RESOLUTION 2011-13

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF AUDIT REPORTS AND EXECUTIVE ORDER 37 ANNUAL REPORT

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

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

WHEREAS, Section 29 of the Highlands Act requires that the Highlands Council, on or before March 31 in each year, prepare an annual report of its activities and a operating and financial statement to the Governor, the Legislature, and the governing body and the chief executive officer of each municipality and county in the Highlands Region; and

WHEREAS, on March 31, 2011, the Highlands Council provided the Annual Report for 2010 to the Governor, the Legislature, and the governing body and the chief executive officer of each municipality and county in the Highlands Region; and

WHEREAS, Executive Order 37 (2006) and Executive Order 122 (2004) require an annual comprehensive report concerning the Highlands Council's operations and require the acceptance and approval of an annual audit; and

WHEREAS, in order to properly perform independent audits as required by State law, the Highlands Council established the Highlands Council's Audit Committee and Audit Evaluation Committee by Resolution 2006-06 dated January 19, 2006; and

WHEREAS, after the review and recommendations of the Audit Evaluation Committee and the Audit Committee, the Highlands Council approved Resolution 2008-12, on April 24, 2008, authorizing the Executive Director to enter a contract for auditing services with Mercadien, P.C. (Mercadien); and

WHEREAS, on April 15, 2011, Mercadien completed and prepared the final report on the Highlands Council's financial statements and recommended actions for Fiscal Years 2009 and 2010 and presented them to the Audit Committee of the Highlands Council; and

WHEREAS, the Highlands Council Audit Committee reviewed the final reports and the annual management letter with Mercadien and recommended that the Highlands Council accept and approve the audit reports for Fiscal Years 2009 and 2010; and

WHEREAS, the contract period for auditing services with Mercadien ends on June 30, 2011; and

WHEREAS, in order for the Highlands Council to retain a firm with expertise in auditing , it is necessary for the Highlands Council's Audit Evaluation Committee and Audit Committee to prepare and approve a new Request for Proposal for such services; and

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

RESOLUTION 2011-13

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF AUDIT REPORTS AND EXECUTIVE ORDER 37 ANNUAL REPORT

expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby:

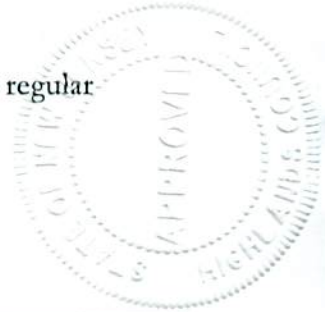
- 1) accepts and approves Mercadien's final audit reports for Fiscal Years 2009 and 2010; and
- 2) approves the final audit reports and the Annual Report for 2010 in fulfillment of the annual report and annual audit required by Executive Order 37 (2006) and Executive Order 122 (2004); and
- 3) directs the Audit Evaluation Committee and Audit Committee to continue to oversee the proper implementation of the audit requirements in accordance with State law.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of May, 2011.



 Jack J. Schrier, Acting Chairman



Vote of the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede						✓
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway		✓	✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli	✓		✓			
Acting Chairman Schrier			✓			

**NEW JERSEY HIGHLANDS WATER
PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

Financial Statements

June 30, 2009 and 2008

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

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INDEPENDENT AUDITORS' REPORT

To the Commissioners of
New Jersey Highlands Water Protection & Planning Council
Directly Administered Funds

We have audited the accompanying financial statements of the directly administered funds of New Jersey Highlands Water Protection & Planning Council (the "Council") as of and for the years ended June 30, 2009 and 2008. These financial statements are the responsibility of the Council's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control over financial reporting. Accordingly, we express no such opinion. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Council's directly administered funds as of June 30, 2009 and 2008, and the respective changes in financial position for the years then ended, in conformity with accounting principles generally accepted in the United States of America.

- AN INDEPENDENTLY OWNED MEMBER OF THE RSM MCGADNEY NETWORK
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- NEW YORK SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS
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INDEPENDENT AUDITORS' REPORT (CONTINUED)

In accordance with *Government Auditing Standards*, we have also issued our report dated April 15, 2011 on our consideration of the Council's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The Management's Discussion and Analysis is not a required part of the basic financial statements but is supplementary information required by the Governmental Accounting Standards Board. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Mercaderes, P.C.
Certified Public Accountants

April 15, 2011

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

MANAGEMENT'S DISCUSSION AND ANALYSIS

This section of the annual financial report for the New Jersey Highlands Water Protection & Planning Council (the "Council") presents our discussion and analysis of the Council's financial performance of directly administered funds during the fiscal year ended June 30, 2009. Please read it in conjunction with the Council's financial statements and accompanying notes.

FINANCIAL HIGHLIGHTS

- Current assets decreased by \$396,840 (or 21%)
- Current liabilities decreased by \$3,134 (or 3%)
- Revenues decreased by \$619,972 (or 49%)
- Expenditures increased by \$49,504 (or 5%)
- Net assets decreased by \$408,264 (or 21%)

OVERVIEW OF THE FINANCIAL STATEMENTS

The annual financial report consists of two parts: Management's Discussion and Analysis (this section) and the basic financial statements, which consist of government-wide and governmental fund financial statements, which are linked by a reconciliation. The government-wide financial statements are prepared using the economic resources management focus and the accrual basis of accounting; the governmental fund financial statements are prepared using the current financial resources measurement focus and the modified accrual basis of accounting.

FINANCIAL ANALYSIS OF THE COUNCIL

Balance Sheets

The following table summarizes the changes in the statements of net assets between June 30, 2009 and 2008. Explanations of significant changes follow the report:

	<u>June 30,</u>			
	<u>2009</u>	<u>2008</u>	<u>Difference</u>	<u>% Increase (Decrease)</u>
<u>ASSETS</u>				
Current assets				
Cash and cash equivalents	\$ 1,480,030	\$ 1,893,512	\$ (413,482)	(22)%
Due from State of NJ	353	353	-	-
Prepaid expenses	<u>25,133</u>	<u>8,491</u>	<u>16,642</u>	100 %
Total current assets	1,505,516	1,902,356	(396,840)	(21)%
Property and equipment, net of accumulated depreciation of \$233,529 (2009) and \$153,700 (2008)	<u>153,530</u>	<u>168,088</u>	<u>(14,558)</u>	(9)%
Total assets	<u>\$ 1,659,046</u>	<u>\$ 2,070,444</u>	<u>\$ (411,398)</u>	(20)%
<u>LIABILITY AND NET ASSETS</u>				
Liability				
Accounts payable	<u>\$ 116,376</u>	<u>\$ 119,510</u>	<u>\$ (3,134)</u>	(3)%
Total liability	<u>116,376</u>	<u>119,510</u>	<u>(3,134)</u>	(3)%
Net assets				
Restricted - Regional Master Plan	594,321	1,101,013	(506,692)	(46)%
Unrestricted	<u>948,349</u>	<u>849,921</u>	<u>98,428</u>	12 %
Total net assets	<u>1,542,670</u>	<u>1,950,934</u>	<u>(408,264)</u>	(21)%
Total liability and net assets	<u>\$ 1,659,046</u>	<u>\$ 2,070,444</u>	<u>\$ (411,398)</u>	(20)%

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

MANAGEMENT'S DISCUSSION AND ANALYSIS (CONTINUED)

FINANCIAL ANALYSIS OF THE COUNCIL (CONTINUED)

Current assets: Cash and cash equivalents decreased by approximately 22%, or \$413,482, during fiscal year 2009, primarily due to an excess of expenditures over appropriations revenue.

Liability: Liabilities decreased by approximately 3%, or \$3,134. At the end of fiscal year 2009, payables were \$116,376 compared to \$119,510 at the end of fiscal year 2008, which includes outstanding obligations accrued at the end of the year.

Statements of Revenues, Expenses and Changes in Net Assets

The following table summarizes the changes in statements of revenues, expenses and changes in net assets between June 30, 2009 and 2008. Explanations of significant changes follow the report:

	Year Ended June 30.		Difference	% Increase (Decrease)
	2009	2008		
Revenues				
State appropriations - RMP	\$ -	\$ 500,000	\$ (500,000)	(100)%
State appropriations - operating	622,151	750,075	(127,924)	(17)%
Interest income	6,526	-	6,526	- %
Other	7,530	6,104	1,426	23 %
Total revenues	<u>636,207</u>	<u>1,256,179</u>	<u>(619,972)</u>	(49)%
Expenditures				
RMP expenditures	506,693	484,239	22,454	5 %
Administrative expenses	457,949	445,385	12,564	3 %
Provision for depreciation	79,829	65,343	14,486	22 %
Total expenditures	<u>1,044,471</u>	<u>994,967</u>	<u>49,504</u>	5 %
Change in net assets	<u>\$ (408,264)</u>	<u>\$ 261,212</u>	<u>\$ (669,476)</u>	(256)%

Other revenues: Other revenues increased by \$1,426 due to an increase in the fees charged for copies in response to Open Public Records Act ("OPRA") requests.

Expenditures: Expenditures increased by \$49,504 primarily due to an increase in expenditures dedicated to the Regional Master Plan ("RMP").

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

MANAGEMENT'S DISCUSSION AND ANALYSIS (CONTINUED)

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital Assets

The Council's capital assets include computer equipment, furniture and leasehold improvements made to its facilities. Net capital assets decreased by \$14,558 during fiscal year 2009. The change in net capital assets includes the depreciation of the new and existing furniture and computer equipment. The following table summarizes the changes in capital assets between June 30, 2009 and 2008:

	<u>June 30,</u>		<u>Difference</u>	<u>% Increase (Decrease)</u>
	<u>2009</u>	<u>2008</u>		
Furniture	\$ 57,806	\$ 57,806	\$ -	- %
Computer equipment	305,393	242,785	62,608	26 %
Leasehold improvements	<u>23,860</u>	<u>21,197</u>	<u>2,663</u>	13 %
Total capital assets	387,059	321,788	65,271	20 %
Less: accumulated depreciation	<u>(233,529)</u>	<u>(153,700)</u>	<u>(79,829)</u>	52 %
Capital assets, net	<u>\$ 153,530</u>	<u>\$ 168,088</u>	<u>\$ (14,558)</u>	(9)%

Capital Debt

The Council's directly administered funds had no debt for the years ended June 30, 2009 and 2008.

CONTACTING THE COUNCIL'S FINANCIAL MANAGEMENT

This financial report is designed to provide New Jersey citizens, taxpayers and legislators with a general overview of the Council's finances for its directly administered funds and to demonstrate the Council's accountability for the appropriations and revenues that it receives. If you have questions about this report or need additional financial information, contact the Council at (908) 879-6737 or visit its website at: www.highlands.state.nj.us.

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

STATEMENT OF NET ASSETS AND GOVERNMENTAL FUNDS BALANCE SHEET

June 30, 2009

	<u>Governmental Funds</u>	<u>Adjustments (Note E)</u>	<u>Statement of Net Assets</u>
ASSETS			
Cash and cash equivalents	\$ 1,480,030	\$ -	\$ 1,480,030
Due from State of New Jersey	-	353	353
Prepaid expenses	-	25,133	25,133
Property and equipment, net	<u>-</u>	<u>153,530</u>	<u>153,530</u>
Total Assets	<u>\$ 1,480,030</u>	<u>\$ 179,016</u>	<u>\$ 1,659,046</u>
LIABILITY AND FUND BALANCE/NET ASSETS			
Liability			
Accounts payable	<u>\$ 116,376</u>	<u>\$ -</u>	<u>\$ 116,376</u>
Total Liability	<u>116,376</u>	<u>-</u>	<u>116,376</u>
Fund Balance/Net Assets			
Restricted - Regional Master Plan	594,321	-	594,321
Unrestricted	<u>769,333</u>	<u>179,016</u>	<u>948,349</u>
Total Fund Balance/Net Assets	<u>1,363,654</u>	<u>179,016</u>	<u>1,542,670</u>
Total Liability and Fund Balance/Net Assets	<u>\$ 1,480,030</u>	<u>\$ 179,016</u>	<u>\$ 1,659,046</u>

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

STATEMENT OF NET ASSETS AND GOVERNMENTAL FUNDS BALANCE SHEET

June 30, 2008

	<u>Governmental Funds</u>	<u>Adjustments (Note E)</u>	<u>Statement of Net Assets</u>
ASSETS			
Cash and cash equivalents	\$ 1,893,512	\$ -	\$ 1,893,512
Due from State of New Jersey	-	353	353
Prepaid expenses	-	8,491	8,491
Property and equipment, net	<u>-</u>	<u>168,088</u>	<u>168,088</u>
Total Assets	<u>\$ 1,893,512</u>	<u>\$ 176,932</u>	<u>\$ 2,070,444</u>
LIABILITY AND FUND BALANCE/NET ASSETS			
Liability			
Accounts payable	<u>\$ 119,510</u>	<u>\$ -</u>	<u>\$ 119,510</u>
Total Liability	<u>119,510</u>	<u>-</u>	<u>119,510</u>
Fund Balance/Net Assets			
Restricted - Regional Master Plan	1,101,013	-	1,101,013
Unrestricted	<u>672,989</u>	<u>176,932</u>	<u>849,921</u>
Total Fund Balance/Net Assets	<u>1,774,002</u>	<u>176,932</u>	<u>1,950,934</u>
Total Liability and Fund Balance/Net Assets	<u>\$ 1,893,512</u>	<u>\$ 176,932</u>	<u>\$ 2,070,444</u>

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

**STATEMENT OF ACTIVITIES AND GOVERNMENTAL FUNDS REVENUES,
EXPENDITURES AND CHANGES IN FUND BALANCE/NET ASSETS**

Year Ended June 30, 2009

	<u>Governmental Funds</u>	<u>Adjustments (Note E)</u>	<u>Statement of Net Assets</u>
Revenues			
State appropriations - operating	\$ 622,151	\$ -	\$ 622,151
Interest income	6,526	-	6,526
Other	<u>7,530</u>	<u>-</u>	<u>7,530</u>
Total revenues	<u>636,207</u>	<u>-</u>	<u>636,207</u>
Expenditures			
Materials and supplies	38,367	-	38,367
Professional fees	26,000	-	26,000
Rent and utilities	216,183	-	216,183
Depreciation	-	79,829	79,829
Capital outlay	65,271	(65,271)	-
Other operating expenses	194,041	(16,642)	177,399
Regional Master Plan expenditures	<u>506,693</u>	<u>-</u>	<u>506,693</u>
Total expenditures	<u>1,046,555</u>	<u>(2,084)</u>	<u>1,044,471</u>
Change in fund balance/net assets	(410,348)	2,084	(408,264)
Fund balance/net assets, beginning of year	<u>1,774,002</u>	<u>176,932</u>	<u>1,950,934</u>
Fund balance/net assets, end of year	<u>\$ 1,363,654</u>	<u>\$ 179,016</u>	<u>\$ 1,542,670</u>

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

STATEMENT OF ACTIVITIES AND GOVERNMENTAL FUNDS REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE/NET ASSETS

Year Ended June 30, 2008

	<u>Governmental Funds</u>	<u>Adjustments (Note E)</u>	<u>Statement of Net Assets</u>
Revenues			
State appropriations - Regional Master Plan	\$ 500,000	\$ -	\$ 500,000
State appropriations - operating	750,075	-	750,075
Other	<u>6,104</u>	<u>-</u>	<u>6,104</u>
Total revenues	<u>1,256,179</u>	<u>-</u>	<u>1,256,179</u>
Expenditures			
Materials and supplies	46,126	-	46,126
Professional fees	13,000	-	13,000
Rent and utilities	221,002	-	221,002
Depreciation	-	65,343	65,343
Capital outlay	115,860	(115,860)	-
Other operating expenses	173,748	(8,491)	165,257
Regional Master Plan expenditures	<u>484,239</u>	<u>-</u>	<u>484,239</u>
Total expenditures	<u>1,053,975</u>	<u>(59,008)</u>	<u>994,967</u>
Change in fund balance/net assets	202,204	59,008	261,212
Fund balance/net assets, beginning of year	<u>1,571,798</u>	<u>117,924</u>	<u>1,689,722</u>
Fund balance/net assets, end of year	<u>\$ 1,774,002</u>	<u>\$ 176,932</u>	<u>\$ 1,950,934</u>

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS
NOTES TO FINANCIAL STATEMENTS**

A. NATURE OF ACTIVITIES AND SIGNIFICANT ACCOUNTING POLICIES

Nature of Activities

New Jersey Highlands Water Protection & Planning Council (the "Council"), located in Chester, New Jersey, was created by the State of New Jersey (the "State") on November 30, 2004, pursuant to the Highlands Water Protection and Planning Act (the "Act") that preserves open space and protects the State's greatest diversity of natural resources including the precious water resources that supply drinking water to more than half of New Jersey's families. The Act documents the geographical boundary of the Highlands Region and establishes the Highlands Preservation Area and the Highlands Planning Area. The Council is charged with carrying out the provisions of the Act, including the development of a regional master plan for the Highlands Region. State appropriations fund all directly administered expenditures included in these financial statements. The Council's debt and certain other program related activities are only included in the State of New Jersey's financial statements.

Significant Accounting Policies

Basis of Accounting

The accompanying financial statements have been prepared in conformity with accounting principles generally accepted in the United States of America as prescribed by the Governmental Accounting Standards Board ("GASB").

The accompanying financial statements include only the accounts and activity of the directly administered funds of the Council.

The basic financial statements consist of government-wide and governmental fund financial statements.

The Council combines government-wide and governmental fund financial statements, which are linked together by a reconciliation.

The government-wide financial statements are prepared using the economic resources measurement focus and the accrual basis of accounting. Revenues are recognized when earned, and expenditures are recognized when incurred.

The governmental fund financial statements are prepared using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recorded when measurable and available. Expenditures are recognized when the related liability is incurred.

Cash Equivalents

The Council considers all highly liquid debt instruments with original maturities of ninety days or less to be cash equivalents.

Concentration of Risk

The Council maintains cash balances which may exceed federally insured limits. It historically has not experienced any credit-related losses.

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS
NOTES TO FINANCIAL STATEMENTS**

**A. NATURE OF ACTIVITIES AND SIGNIFICANT ACCOUNTING POLICIES
(CONTINUED)**

Significant Accounting Policies (continued)

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes to the financial statements. Actual results could differ from those estimates.

Due from State of New Jersey

Amounts due from the State of New Jersey consist of appropriations receivable from the June 30, 2009 and 2008, State of New Jersey budgets, respectively.

Property and Equipment

Property and equipment are recorded at cost when purchased in the government-wide financial statements. Depreciation is computed by the straight-line method over the estimated useful lives of the assets, which are 3 years for computers and computer equipment, and 7 years for furniture and equipment. Leasehold improvements are depreciated over the lesser of the length of the related leases or the estimated useful lives of the assets. Property and equipment are expensed when purchased in the governmental fund financial statements. Repairs and maintenance which do not extend the useful lives of the related assets are expensed as incurred.

Income Taxes

As a public body, the Council is exempt from both federal and state taxes under existing statute.

B. CASH AND CASH EQUIVALENTS

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover deposits that are in the possession of an outside party. The following is a summary of the Council's cash deposits by financial institution. The Council's deposits at TD Bank and Peapack-Gladstone Bank are insured by the Federal Deposit Insurance Corporation ("FDIC") up to \$250,000 and \$100,000 as of June 30, 2009 and 2008, respectively. In addition, the Council has entered into agreements with Peapack-Gladstone Bank and TD Bank to collateralize all deposits in excess of the FDIC insured limits.

	June 30.	
	2009	2008
Peapack-Gladstone Bank	\$ -	\$ 1,936,225
TD Bank	1,655,661	-
Less: FDIC insured deposits	250,000	100,000
Less: deposits collateralized by financial institution	1,405,661	1,836,225
Total deposits exposed to custodial credit risk	\$ -	\$ -
Total book balance of deposits	\$ 1,480,030	\$ 1,893,512

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS
NOTES TO FINANCIAL STATEMENTS**

C. RESTRICTED NET ASSETS

Restricted net assets are available for the development of the Regional Master Plan. Restricted net assets amounted to \$594,321 and \$1,101,013 at June 30, 2009 and 2008, respectively.

D. COMMITMENTS AND CONTINGENCIES

The Council leases office space at 100 North Road in Chester, New Jersey under an operating lease that expired December 31, 2009. Effective January 1, 2010, the Council's lease agreement for its office space is automatically renewed on a month to month basis. Rent and utilities expenses under all leases was \$216,183 and \$221,002 for the years ended June 30, 2009 and 2008, respectively.

Future minimum lease payments under operating leases are as follows:

Year Ending June 30, 2010	<u>\$ 78,652</u>
------------------------------	------------------

E. ADJUSTMENTS - RECONCILIATION OF DIFFERENCES BETWEEN THE GOVERNMENTAL FUNDS AND GOVERNMENT-WIDE FINANCIAL STATEMENTS

- (1) When capital assets that are to be used in governmental activities are purchased or constructed, the cost of those assets is reported as an expenditure in governmental funds. However, the statement of net assets includes those capital assets among the assets of the Council as a whole.

	June 30.	
	2009	2008
Leasehold improvements	\$ 23,860	\$ 21,197
Furniture and equipment	57,806	57,806
Computers and computer equipment	305,393	242,785
Total cost of property and equipment	387,059	321,788
Accumulated depreciation	(233,529)	(153,700)
Property and equipment, net	\$ 153,530	\$ 168,088
Capital outlay	\$ 65,271	\$ 115,860

- (2) Receivables from the State of New Jersey are not part of the Council's governmental fund activities because no portion of this balance is available for use by the Council at year end.

	June 30.	
	2010	2009
Due from State of New Jersey	\$ 353	\$ 353

- (3) Depreciation expense in the governmental fund (\$0 for both 2009 and 2008) differs from depreciation expense in the statement of activities (\$79,829 for 2009 and \$65,343 for 2008). The difference is a result of the long-term economic focus of the statement of activities versus the current financial resources focus of the governmental funds.

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS
NOTES TO FINANCIAL STATEMENTS**

F. SUBSEQUENT EVENTS

Management has evaluated subsequent events that occurred after the statement of net assets date but before April 15, 2011, the date the financial statements were available to be issued. No items were determined by management to require disclosure.



INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Commissioners of
New Jersey Highlands Water Protection & Planning Council
Directly Administered Funds

We have audited the financial statements of the directly administered funds of New Jersey Highlands Water Protection & Planning Council (the "Council") as of and for the year ended June 30, 2009, and have issued our report thereon dated April 15, 2011. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control over Financial Reporting

In planning and performing our audit, we considered the Council's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Council's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

- * AN INDEPENDENTLY OWNED MEMBER OF THE RSMH MCGLAUDREY NETWORK
- * AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
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- * NEW YORK SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS
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OVER 45 YEARS OF SERVICE TO THE COMMUNITY

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT
AUDITING STANDARDS* (CONTINUED)

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Council's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations and contracts, noncompliance with which could have direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of the Commissioners, the audit committee, management, and others within the Council and is not intended to be and should not be used by anyone other than these specified parties.

Amersbach, PC
Certified Public Accountants

April 15, 2011

**NEW JERSEY HIGHLANDS WATER
PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

Financial Statements

June 30, 2010 and 2009

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

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INDEPENDENT AUDITORS' REPORT

To the Commissioners of
New Jersey Highlands Water Protection & Planning Council
Directly Administered Funds

We have audited the accompanying financial statements of the directly administered funds of New Jersey Highlands Water Protection & Planning Council (the "Council") as of and for the years ended June 30, 2010 and 2009. These financial statements are the responsibility of the Council's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control over financial reporting. Accordingly, we express no such opinion. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Council's directly administered funds as of June 30, 2010 and 2009, and the changes in its financial position for the years then ended, in conformity with accounting principles generally accepted in the United States of America.

- * AN INDEPENDENTLY OWNED MEMBER OF THE RSM MCGladREY NETWORK
- * AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
- * NEW JERSEY SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS
- * NEW YORK SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS
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OVER 45 YEARS OF SERVICE TO THE COMMUNITY

INDEPENDENT AUDITORS' REPORT (CONTINUED)

In accordance with *Government Auditing Standards*, we have also issued our report dated April 15, 2011 on our consideration of the Council's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The Management's Discussion and Analysis is not a required part of the basic financial statements but is supplementary information required by the Governmental Accounting Standards Board. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Mercaderes, P.C.
Certified Public Accountants

April 15, 2011

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

MANAGEMENT'S DISCUSSION AND ANALYSIS

This section of the annual financial report for the New Jersey Highlands Water Protection & Planning Council (the "Council") presents our discussion and analysis of the Council's financial performance of directly administered funds during the fiscal year ended June 30, 2010. Please read it in conjunction with the Council's financial statements and accompanying notes.

FINANCIAL HIGHLIGHTS

Current assets increased by \$1,603,433 (or 107%)
 Current liabilities increased by \$18,688 (or 16%)
 Revenues increased by \$1,604,018 (or 252%)
 Expenditures decreased by \$326,521 (or 31%)
 Net assets increased by \$1,522,275 (or 99%)

OVERVIEW OF THE FINANCIAL STATEMENTS

The annual financial report consists of two parts: Management's Discussion and Analysis (this section) and the basic financial statements, which consist of government-wide and governmental fund financial statements, which are linked by a reconciliation. The government-wide financial statements are prepared using the economic resources management focus and the accrual basis of accounting; the governmental fund financial statements are prepared using the current financial resources measurement focus and the modified accrual basis of accounting.

FINANCIAL ANALYSIS OF THE COUNCIL

Balance Sheets

The following table summarizes the changes in the statements of net assets between June 30, 2010 and 2009. Explanations of significant changes follow the report:

	<u>June 30,</u>			
	<u>2010</u>	<u>2009</u>	<u>Difference</u>	<u>% Increase (Decrease)</u>
<u>ASSETS</u>				
Current assets				
Cash and cash equivalents	\$ 3,092,531	\$ 1,480,030	\$ 1,612,501	109 %
Due from State of NJ	353	353	-	-
Prepaid expenses	<u>16,065</u>	<u>25,133</u>	<u>(9,068)</u>	100 %
Total current assets	3,108,949	1,505,516	1,603,433	107 %
Property and equipment, net of accumulated depreciation of \$312,355 (2010) and \$233,529 (2009)	<u>91,060</u>	<u>153,530</u>	<u>(62,470)</u>	(41)%
Total assets	<u>\$ 3,200,009</u>	<u>\$ 1,659,046</u>	<u>\$ 1,540,963</u>	93 %
<u>LIABILITY AND NET ASSETS</u>				
Liability				
Accounts payable	<u>\$ 135,064</u>	<u>\$ 116,376</u>	<u>\$ 18,688</u>	16 %
Total liability	<u>135,064</u>	<u>116,376</u>	<u>18,688</u>	16 %
Net assets				
Restricted - Regional Master Plan	391,094	594,321	(203,227)	(34)%
Unrestricted	<u>2,673,851</u>	<u>948,349</u>	<u>1,725,502</u>	182 %
Total net assets	<u>3,064,945</u>	<u>1,542,670</u>	<u>1,522,275</u>	99 %
Total liability and net assets	<u>\$ 3,200,009</u>	<u>\$ 1,659,046</u>	<u>\$ 1,540,963</u>	93 %

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

MANAGEMENT'S DISCUSSION AND ANALYSIS (CONTINUED)

FINANCIAL ANALYSIS OF THE COUNCIL (CONTINUED)

Current assets: Cash and cash equivalents increased by approximately 109%, or \$1,612,501, during fiscal year 2010, due to an excess of appropriations revenue over expenditures.

Liability: Liabilities increased by approximately 16%, or \$18,688. At the end of fiscal year 2010, payables were \$135,064 compared to \$116,376 at the end of fiscal year 2009, which includes outstanding obligations accrued at the end of the year.

Statements of Revenues, Expenses and Changes in Net Assets

The following table summarizes the changes in statements of revenues, expenses and changes in net assets between June 30, 2010 and 2009. Explanations of significant changes follow the report:

	<u>Year Ended June 30,</u>			<u>% Increase</u>
	<u>2010</u>	<u>2009</u>	<u>Difference</u>	<u>(Decrease)</u>
Revenues				
State appropriations - operating	\$ 443,346	\$ 622,151	\$ (178,805)	(29)%
State appropriations - HDCB	1,734,000	-	1,734,000	- %
Interest income	4,520	6,526	(2,006)	(31)%
Other	58,359	7,530	50,829	675 %
Total revenues	<u>2,240,225</u>	<u>636,207</u>	<u>1,604,018</u>	252 %
Expenditures				
RMP expenditures	203,227	506,693	(303,466)	(60)%
Administrative expenses	435,897	457,949	(22,052)	(5)%
Provision for depreciation	78,826	79,829	(1,003)	(1)%
Total expenditures	<u>717,950</u>	<u>1,044,471</u>	<u>(326,521)</u>	(31)%
Change in net assets	<u>\$1,522,275</u>	<u>\$ (408,264)</u>	<u>\$1,930,539</u>	(473)%

Other revenues: Other revenues increased by \$50,829 due to additional revenue received from the State of New Jersey for the Regional Master Plan ("RMP") budget.

Expenditures: Expenditures decreased by \$326,521 primarily due to a decrease in expenditures dedicated to the RMP.

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

MANAGEMENT'S DISCUSSION AND ANALYSIS (CONTINUED)

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital Assets

The Council's capital assets include computer equipment, furniture and leasehold improvements made to its facilities. Net capital assets decreased by \$62,470 during fiscal year 2010. The change in net capital assets includes the depreciation of the new and existing furniture and computer equipment. The following table summarizes the changes in capital assets between June 30, 2010 and 2009:

	June 30,		Difference	% Increase (Decrease)
	2010	2009		
Furniture	\$ 57,806	\$ 57,806	\$ -	- %
Computer equipment	321,749	305,393	16,356	5 %
Leasehold improvements	<u>23,860</u>	<u>23,860</u>	<u>-</u>	- %
Total capital assets	403,415	387,059	16,356	4 %
Less: accumulated depreciation	<u>(312,355)</u>	<u>(233,529)</u>	<u>(78,826)</u>	34 %
Capital assets, net	<u>\$ 91,060</u>	<u>\$ 153,530</u>	<u>\$ (62,470)</u>	(41)%

Capital Debt

The Council had no debt for the years ended June 30, 2010 and 2009.

CONTACTING THE COUNCIL'S FINANCIAL MANAGEMENT

This financial report is designed to provide New Jersey citizens, taxpayers and legislators with a general overview of the Council's finances for its directly administered funds and to demonstrate the Council's accountability for the appropriations and revenues that it receives. If you have questions about this report or need additional financial information, contact the Council at (908) 879-6737 or visit its website at: www.highlands.state.nj.us.

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

STATEMENT OF NET ASSETS AND GOVERNMENTAL FUNDS BALANCE SHEET

June 30, 2010

	<u>Governmental Funds</u>	<u>Adjustments (Note E)</u>	<u>Statement of Net Assets</u>
ASSETS			
Cash and cash equivalents	\$ 3,092,531	\$ -	\$ 3,092,531
Due from State of New Jersey	-	353	353
Prepaid expenses	-	16,065	16,065
Property and equipment, net	<u>-</u>	<u>91,060</u>	<u>91,060</u>
Total Assets	<u>\$ 3,092,531</u>	<u>\$ 107,478</u>	<u>\$ 3,200,009</u>
LIABILITY AND FUND BALANCE/NET ASSETS			
Liability			
Accounts payable	<u>\$ 135,064</u>	<u>\$ -</u>	<u>\$ 135,064</u>
Total Liability	<u>135,064</u>	<u>-</u>	<u>135,064</u>
Fund Balance/Net Assets			
Restricted - Regional Master Plan	391,094	-	391,094
Unrestricted	<u>2,566,373</u>	<u>107,478</u>	<u>2,673,851</u>
Total Fund Balance/Net Assets	<u>2,957,467</u>	<u>107,478</u>	<u>3,064,945</u>
Total Liability and Fund Balance/Net Assets	<u>\$ 3,092,531</u>	<u>\$ 107,478</u>	<u>\$ 3,200,009</u>

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

STATEMENT OF NET ASSETS AND GOVERNMENTAL FUNDS BALANCE SHEET

June 30, 2009

	<u>Governmental Funds</u>	<u>Adjustments (Note E)</u>	<u>Statement of Net Assets</u>
ASSETS			
Cash and cash equivalents	\$ 1,480,030	\$ -	\$ 1,480,030
Due from State of New Jersey	-	353	353
Prepaid expenses	-	25,133	25,133
Property and equipment, net	-	<u>153,530</u>	<u>153,530</u>
Total Assets	<u>\$ 1,480,030</u>	<u>\$ 179,016</u>	<u>\$ 1,659,046</u>
LIABILITY AND FUND BALANCE/NET ASSETS			
Liability			
Accounts payable	<u>\$ 116,376</u>	<u>\$ -</u>	<u>\$ 116,376</u>
Total Liability	<u>116,376</u>	<u>-</u>	<u>116,376</u>
Fund Balance/Net Assets			
Restricted - Regional Master Plan	594,321	-	594,321
Unrestricted	<u>769,333</u>	<u>179,016</u>	<u>948,349</u>
Total Fund Balance/Net Assets	<u>1,363,654</u>	<u>179,016</u>	<u>1,542,670</u>
Total Liability and Fund Balance/Net Assets	<u>\$ 1,480,030</u>	<u>\$ 179,016</u>	<u>\$ 1,659,046</u>

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

STATEMENT OF ACTIVITIES AND GOVERNMENTAL FUNDS REVENUES,
EXPENDITURES AND CHANGES IN FUND BALANCE/NET ASSETS

Year Ended June 30, 2010

	<u>Governmental</u> <u>Funds</u>	<u>Adjustments</u> <u>(Note E)</u>	<u>Statement of</u> <u>Net Assets</u>
Revenues			
State appropriations - operating	\$ 443,346	\$ -	\$ 443,346
State appropriations - HDCB	1,734,000	-	1,734,000
Interest income	4,520	-	4,520
Other	<u>58,359</u>	<u>-</u>	<u>58,359</u>
Total revenues	<u>2,240,225</u>	<u>-</u>	<u>2,240,225</u>
Expenditures			
Materials and supplies	26,785	-	26,785
Professional fees	14,000	-	14,000
Rent and utilities	223,054	-	223,054
Depreciation	-	78,826	78,826
Capital outlay	16,356	(16,356)	-
Other operating expenses	162,990	9,068	172,058
Regional Master Plan expenditures	<u>203,227</u>	<u>-</u>	<u>203,227</u>
Total expenditures	<u>646,412</u>	<u>71,538</u>	<u>717,950</u>
Change in fund balance/net assets	1,593,813	(71,538)	1,522,275
Fund balance/net assets, beginning of year	<u>1,363,654</u>	<u>179,016</u>	<u>1,542,670</u>
Fund balance/net assets, end of year	<u>\$ 2,957,467</u>	<u>\$ 107,478</u>	<u>\$ 3,064,945</u>

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

STATEMENT OF ACTIVITIES AND GOVERNMENTAL FUNDS REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE/NET ASSETS

Year Ended June 30, 2009

	Governmental Funds	Adjustments (Note E)	Statement of Net Assets
Revenues			
State appropriations - operating	\$ 622,151	\$ -	\$ 622,151
Interest income	6,526	-	6,526
Other	7,530	-	7,530
Total revenues	636,207	-	636,207
Expenditures			
Materials and supplies	38,367	-	38,367
Professional fees	26,000	-	26,000
Rent and utilities	216,183	-	216,183
Depreciation	-	79,829	79,829
Capital outlay	65,271	(65,271)	-
Other operating expenses	194,041	(16,642)	177,399
Regional Master Plan expenditures	506,693	-	506,693
Total expenditures	1,046,555	(2,084)	1,044,471
Change in fund balance/net assets	(410,348)	2,084	(408,264)
Fund balance/net assets, beginning of year	1,774,002	176,932	1,950,934
Fund balance/net assets, end of year	\$ 1,363,654	\$ 179,016	\$ 1,542,670

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

NOTES TO FINANCIAL STATEMENTS

A. NATURE OF ACTIVITIES AND SIGNIFICANT ACCOUNTING POLICIES

Nature of Activities

New Jersey Highlands Water Protection & Planning Council (the "Council"), located in Chester, New Jersey, was created by the State of New Jersey (the "State") on November 30, 2004, pursuant to the Highlands Water Protection and Planning Act (the "Act") that preserves open space and protects the State's greatest diversity of natural resources including the precious water resources that supply drinking water to more than half of New Jersey's families. The Act documents the geographical boundary of the Highlands Region and establishes the Highlands Preservation Area and the Highlands Planning Area. The Council is charged with carrying out the provisions of the Act, including the development of a regional master plan for the Highlands Region. State appropriations fund all directly administered expenditures included in these financial statements. The Council's debt and certain other program related activities are only included in the State of New Jersey's financial statements.

Significant Accounting Policies

Basis of Accounting

The accompanying financial statements have been prepared in conformity with accounting principles generally accepted in the United States of America as prescribed by the Governmental Accounting Standards Board ("GASB").

The accompanying financial statements include only the accounts and activity of the directly administered funds of the Council.

The basic financial statements consist of government-wide and governmental fund financial statements.

The Council combines government-wide and governmental fund financial statements, which are linked together by a reconciliation.

The government-wide financial statements are prepared using the economic resources measurement focus and the accrual basis of accounting. Revenues are recognized when earned, and expenditures are recognized when incurred.

The governmental fund financial statements are prepared using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recorded when measurable and available. Expenditures are recognized when the related liability is incurred.

Cash Equivalents

The Council considers all highly liquid debt instruments with original maturities of ninety days or less to be cash equivalents.

Concentration of Risk

The Council maintains cash balances which may exceed federally insured limits. It historically has not experienced any credit-related losses.

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

NOTES TO FINANCIAL STATEMENTS

**A. NATURE OF ACTIVITIES AND SIGNIFICANT ACCOUNTING POLICIES
(CONTINUED)**

Significant Accounting Policies (continued)

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes to the financial statements. Actual results could differ from those estimates.

Due from State of New Jersey

Amounts due from the State of New Jersey consist of appropriations receivable from the June 30, 2010 and 2009, State of New Jersey budgets, respectively.

Property and Equipment

Property and equipment are recorded at cost when purchased in the government-wide financial statements. Depreciation is computed by the straight-line method over the estimated useful lives of the assets, which are 3 years for computers and computer equipment, and 7 years for furniture and equipment. Leasehold improvements are depreciated over the lesser of the length of the related leases or the estimated useful lives of the assets. Property and equipment are expensed when purchased in the governmental fund financial statements. Repairs and maintenance which do not extend the useful lives of the related assets are expensed as incurred.

Income Taxes

As a public body, the Council is exempt from both federal and state taxes under existing statute.

B. CASH AND CASH EQUIVALENTS

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover deposits that are in the possession of an outside party. The following is a summary of the Council's cash deposits by financial institution. The Council's deposits at TD Bank are insured by the Federal Deposit Insurance Corporation ("FDIC") up to \$250,000. In addition, the Council has entered into an agreement with TD Bank to collateralize all deposits in excess of the FDIC insured limits.

	June 30,	
	2010	2009
TD Bank	\$3,201,521	\$1,655,661
Less: FDIC insured deposits	250,000	250,000
Less: deposits collateralized by TD Bank	2,951,521	1,405,661
Total deposits exposed to custodial credit risk	<u>\$ -</u>	<u>\$ -</u>
Total book balance of deposits	<u>\$3,092,531</u>	<u>\$1,480,030</u>

**NEW JERSEY HIGHLANDS WATER PROTECTION & PLANNING COUNCIL
DIRECTLY ADMINISTERED FUNDS**

NOTES TO FINANCIAL STATEMENTS

C. RESTRICTED NET ASSETS

Restricted net assets are available for the development of the Regional Master Plan. Restricted net assets amounted to \$391,094 and \$594,321 at June 30, 2010 and 2009, respectively.

D. ADJUSTMENTS - RECONCILIATION OF DIFFERENCES BETWEEN THE GOVERNMENTAL FUNDS AND GOVERNMENT-WIDE FINANCIAL STATEMENTS

- (1) When capital assets that are to be used in governmental activities are purchased or constructed, the cost of those assets is reported as an expenditure in governmental funds. However, the statement of net assets includes those capital assets among the assets of the Council as a whole.

	<u>June 30.</u>	
	<u>2010</u>	<u>2009</u>
Leasehold improvements	\$ 23,860	\$ 23,860
Furniture and equipment	57,806	57,806
Computers and computer equipment	<u>321,749</u>	<u>305,393</u>
Total cost of property and equipment	403,415	387,059
Accumulated depreciation	<u>(312,355)</u>	<u>(233,529)</u>
Property and equipment, net	<u>\$ 91,060</u>	<u>\$ 153,530</u>
Capital outlay	<u>\$ 16,356</u>	<u>\$ 65,271</u>

- (2) Receivables from the State of New Jersey are not part of the Council's governmental fund activities because no portion of this balance is available for use by the Council at year end.

	<u>June 30.</u>	
	<u>2010</u>	<u>2009</u>
Due from State of New Jersey	<u>\$ 353</u>	<u>\$ 353</u>

- (3) Depreciation expense in the governmental fund (\$0 for both 2010 and 2009) differs from depreciation expense in the statement of activities (\$78,826 for 2010 and \$79,829 for 2009). The difference is a result of the long-term economic focus of the statement of activities versus the current financial resources focus of the governmental funds.

E. SUBSEQUENT EVENTS

Management has evaluated subsequent events that occurred after the statement of net assets date but before April 15, 2011, the date the financial statements were available to be issued. No items were determined by management to require disclosure.



INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Commissioners of
New Jersey Highlands Water Protection & Planning Council
Directly Administered Funds

We have audited the financial statements of the directly administered funds of New Jersey Highlands Water Protection & Planning Council (the "Council") as of and for the year ended June 30, 2010, and have issued our report thereon dated April 15, 2011. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control over Financial Reporting

In planning and performing our audit, we considered the Council's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Council's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

- AN INDEPENDENTLY OWNED MEMBER OF THE RSM MCGILDRAY NETWORK
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INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT
AUDITING STANDARDS* (CONTINUED)

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Council's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations and contracts, noncompliance with which could have direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of the Commissioners, the audit committee, management, and others within the Council and is not intended to be and should not be used by anyone other than these specified parties.

Michael P. C.
Certified Public Accountant

April 15, 2011

RESOLUTION 2011-18
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
DESIGNATION OF HIGHLANDS REDEVELOPMENT AREA
SAND SHORE ROAD, MOUNT OLIVE TOWNSHIP, MORRIS COUNTY

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

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

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

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

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

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

WHEREAS, the Applicant, Mount Olive Township (Morris County) submitted a Petition for Highlands Redevelopment Area Determination for Block 8300, Lots 5, 5.01, 5.02, 6, 7, 8, and 9; and

WHEREAS, the Highlands Council released the Highlands Council Staff Draft Recommendation Report dated April 15, 2011 for public comment; and

WHEREAS, the Highlands Council held a public comment period concerning the proposed Highlands Redevelopment Area Designation commencing April 18, 2011 and ending May 9, 2011; and

WHEREAS, the Highlands Council did not receive any public comments on the proposed Highlands Redevelopment Area Designation; and

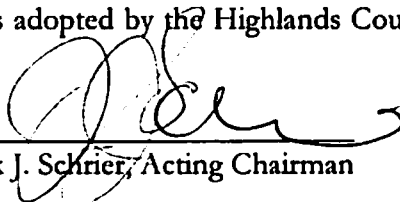
RESOLUTION 2011-18
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
DESIGNATION OF HIGHLANDS REDEVELOPMENT AREA
SAND SHORE ROAD, MOUNT OLIVE TOWNSHIP, MORRIS COUNTY

WHEREAS, after Highlands Council staff review, staff recommended that the Highlands Council approve the proposed Highlands Redevelopment Area Designation with conditions set forth in the Highlands Council Staff Final Recommendation Report dated May 10, 2011;

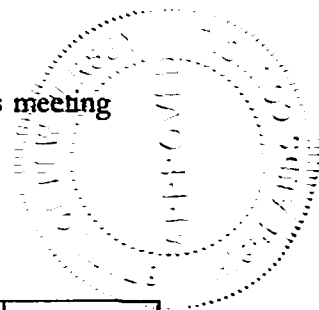
NOW, THEREFORE, BE IT RESOLVED, the Highlands Council hereby approves of the Mount Olive Sand Shore Road Highlands Redevelopment Area Designation with conditions as set forth in the Final Recommendation Report and authorizes the Executive Director to prepare a document so informing the NJDEP of the Highlands Redevelopment Area Designation.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 19th day of May, 2011.



 Jack J. Schrier, Acting Chairman



Vote of the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	✓		✓			
Councilmember Carluccio				✓		
Councilmember Cogger			✓			
Councilmember Francis		✓	✓			
Councilmember Holtaway			✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Richko				✓		
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Acting Chairman Schrier			✓			

RESOLUTION 2011-19
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF A FEASIBILITY GRANT FOR
THE BOROUGH OF HAMPTON, HUNTERDON COUNTY

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

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

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

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

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

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

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

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

WHEREAS, in the Borough of Hampton, 823 acres are in the Preservation Area and 134 acres are in the Planning Area; and

WHEREAS, on December 3, 2009, Hampton Borough submitted a Petition for Plan Conformance including two resolutions, one for all lands lying in the Preservation Area and one for all lands lying in the Planning Area; and

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APPROVAL OF A FEASIBILITY GRANT FOR
THE BOROUGH OF HAMPTON, HUNTERDON COUNTY

WHEREAS, on October 13, 2010, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition package on the Highlands Council website for a public review and comment period, with written comments due on or before November 4, 2010; and

WHEREAS, on November 15, 2010, the Executive Director posted the Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule on the Highlands Council website, which addressed issues raised during the public comment period; and

WHEREAS, on November 19, 2010, the Highlands Council held a public hearing on Hampton Borough's Petition for Plan Conformance and provided an opportunity for public comment; and

WHEREAS, on November 19, 2010, after due consideration the Highlands Council approved Hampton Borough's Petition for Plan Conformance with conditions as set forth in Resolution 2010-9, the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

WHEREAS, the Highlands Council approval of Resolution 2010-9 authorized the Executive Director to amend the Hampton Borough's Plan Conformance Grant Agreement consistent with direction from the Highlands Council; and

WHEREAS, with respect to Hampton Borough's Fair Share Plan, the Highlands Council's approval was specifically conditioned on approval of the Borough's adopted Housing Element and Fair Share Plan through substantive certification or through approval of these plans by the Law Division of the Superior Court, and the Highlands Council's comment and response document specifically stated that "Hampton is able to amend its Housing Element, Fair Share Plan or implementing regulation, if necessary, to comply with COAH's review of the Borough's affordable housing plans or the Court's decision on Hampton Borough's action to invalidate the 1991 Final Judgment on Compliance;" and

WHEREAS, the Highlands Council's comment and response document also specifically stated that "[w]hile the density of development currently proposed for the Hampton Farm property (whether in the Preservation Area or Planning Area) is inconsistent with the policies of the RMP, the Council recognizes that some development may take place in the Planning Area portion of property in a way that could be found consistent with the RMP, Hampton's proposed Highlands Area Land Use Ordinance, and the Mount Laurel doctrine. For example, the expansion of public water and waste water systems in the Protection Zone and Conservation Zone – Environmentally Constrained Subzone is generally prohibited by the RMP; however it may be approved if the development can meet the standards for cluster development which includes an 80% open space set aside. Moreover, the RMP provides a process for seeking an amendment to the Highlands land use capability mapping through a petition for a Map Adjustment with priority given for creation of meaningful opportunities for affordable housing;" and

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF A FEASIBILITY GRANT FOR
THE BOROUGH OF HAMPTON, HUNTERDON COUNTY

WHEREAS, on December 28, 2010, Hampton Farm LLC filed a Notice of Appeal in the Appellate Division of the Superior Court challenging the Highlands Council's approval of Hampton Borough's Petition for Plan Conformance; and

WHEREAS, on March 30, 2011, Hampton Borough sought the Highlands Council's guidance on the process to amend Hampton Borough's Petition for Plan Conformance to address the potential to provide affordable housing on Block 23, Lot 1; and

WHEREAS, on April 4, 2011, the Highlands Council provided guidance to Hampton Borough specifying the Highlands Council's jurisdiction to entertain an amendment from Hampton Borough pursuant to the Plan Conformance provisions of the Highlands Act, the condition in the approved Petition requiring review of any amendments to the Borough's Fair Share Plan, and the authority of the Council to provide conforming municipalities with technical and financial assistance to examine the feasibility of development, redevelopment, and center designation; and

WHEREAS, on April 26, 2011, Hampton Borough formally requested an Amended Petition for Plan Conformance to address the potential to provide affordable housing on Block 23, Lot 1 and requested financial and technical assistance to examine the maximum feasible development potential of the site; and

WHEREAS, on May 18, 2011, Hampton Farm LLC wrote an objection letter to the Highlands Council seeking that the draft resolution that was included in the agenda and posted on the Council's website on May 13, 2011 be tabled; and

WHEREAS, the Highlands Council staff has reviewed the request submitted by Hampton Borough and the objection filed by Hampton Farms LLC and recommends that the Borough's request for an Amended Petition is premature and not ripe at this time and recommends that prior to formal consideration of an Amended Petition for Plan Conformance, the Highlands Council approve financial and technical assistance to enable Hampton Borough to examine: 1) the feasibility of the provision affordable housing on Block 23, Lot 1 consistent with the Regional Master Plan; 2) the feasibility of a community on-site wastewater treatment plant to serve this site and proximate existing development in Hampton Borough presently served by individual subsurface systems; and 3) the feasibility of Highlands Center and/or Redevelopment Area designation(s) in the Borough based in significant part on water supply/wastewater utility planning (with an emphasis on efficient utility uses), such designation and associated planning and development activities offering opportunities to improve the economic sustainability of the Borough; and

WHEREAS, the Highlands Council staff recommends that the Highlands Council authorize the execution of an amended Plan Conformance Grant Agreement with Hampton Borough to include a feasibility analysis for the above listed items in the amount of \$65,000; and

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


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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF A FEASIBILITY GRANT FOR
THE BOROUGH OF HAMPTON, HUNTERDON COUNTY

prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or her designee, is hereby authorized to amend the Plan Conformance Grant Agreement with Hampton Borough to include a feasibility analysis in the amount of \$65,000 and provide technical assistance to examine the feasibility of an Amended Petition for Plan Conformance consistent with this Resolution and appoint Councilmember Robert Holtaway to monitor the preparation and implementation of the Amended Plan Conformance Grant Agreement.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of May, 2011.



 Jack J. Schrier, Acting Chairman

Vote of the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	✓		✓			
Councilmember Carluccio			✓			
Councilmember Cogger						✓
Councilmember Francis		✓	✓			
Councilmember Holtaway			✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Acting Chairman Schrier			✓			