



JON S. CORZINE
Governor

State of New Jersey

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JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

MEETING AGENDA

Thursday, November 20, 2008 - 10:00 a.m.

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES – October 30, 2008
6. CHAIRMAN'S REPORT (and Council Member Reports)
7. EXECUTIVE DIRECTOR'S REPORT
8. COMMITTEE REPORTS
9. CONSIDERATION OF RESOLUTION – *Approval of Certain Planning Assistance Grants* - (voting matter with public comment)
10. CONSIDERATION OF RESOLUTION – *Appointment of Chair of the Highlands Development Credit Bank* - (voting matter with public comment)
11. CONSIDERATION OF RESOLUTION – *Approval of Contract for Affordable Housing Consultant* - (voting matter with public comment)
12. CONSIDERATION OF RESOLUTION – *Consistency Determination for Hamilton Farm Golf Club* - (voting matter with public comment)
13. PUBLIC COMMENTS
14. EXECUTIVE SESSION (if deemed necessary)
15. ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF NOVEMBER 20, 2008

PRESENT

JOHN WEINGART) CHAIRMAN

BILL COGGER)
MIMI LETTS) COUNCIL MEMBERS
KURT ALSTED)
SCOTT WHITENACK)
TRACY CARLUCCIO)
ERIK PETERSON)

TELECONFERENCE

GLEN VETRANO)
JANICE KOVACH)

ABSENT

ELIZABETH CALABRESE)
TAHESHA WAY)
TIM DILLINGHAM)
DEBBIE PASQUARELLI)
JACK SCHRIER)

CALL TO ORDER

The Chairman of the Council, John Weingart, called the 79th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:20 am.

ROLL CALL

The members introduced themselves.

OPEN PUBLIC MEETINGS ACT

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

APPROVAL OF MINUTES OF October 30, 2008

Mr. Cogger introduced the motion to approve the minutes. Mr. Alstede seconded the motion. Ms. Calabrese, Ms. Way, Mr. Dillingham, Ms. Pasquarelli, Mr. Vetrano and Mr. Schrier were absent. All other members present voted to approve. The minutes were APPROVED.

CHAIRMAN'S REPORT

Chairman Weingart reported that hard copies of the RMP have been received from the printer. He noted that there were challenges in getting the RMP printed and congratulated the staff for their work on the RMP. He announced that copies of the RMP will be available to the public as of December 1, 2008.

EXECUTIVE DIRECTORS REPORT

Ms. Swan expressed the staff's pleasure with the delivery of the final printed RMP. She noted that it has been arranged in a way that is easier to navigate. Recycled paper was used which is consistent with the mission of the Highlands Council.

Since the last Council meeting, a joint session regarding Plan Conformance was held with the State League of Municipalities on the November 10th. Professionals from municipalities throughout the Highlands region (including 66 of the 88 Highlands municipalities) were represented. The program included background on the RMP, the impact of EO114, the process of Plan Conformance, and the immediate necessary actions. In addition, the program addressed initial assessment grants, build out methodology, long term planning and Highlands project review. Primary focus was on the necessity for immediate action (before the end of the year) regarding the need to adopt resolutions regarding a Notice of Intent to conform to the RMP and the Resolution requesting an extension and expressing intent to petition COAH. These two resolutions will allow a conforming municipality to receive adjusted affordable housing projections as well as an extension, to December 8, 2009, regarding COAH fair share plans. She noted that many municipalities were waiting to see the MOU with COAH before filing their intent to conform. The two resolutions: the notice of intent to conform, as well as the request for extension to COAH need to be completed as soon as possible by municipalities. The feedback from the joint session was very positive. Ms. Swan also noted that this was an opportunity for the municipalities to meet the staff of the Highlands Council who will be assisting them in conformance.

GLEN VETRANO JOINED THE MEETING VIA TELECONFERENCE.

Ms. Letts and Mr. Cogger stated that they received positive feedback as well. Ms. Swan extended her gratitude for the League of Municipalities for assisting with the session. Specifically, she thanked Mayor Art Ondish for his assistance and participation.

Ms. Swan noted that there was a form for conflict of interest for Council members to fill out.

Ms. Swan explained that information regarding Senate Bill 713 which has been discussed throughout development of the RMP, was included in the packet. Senate Bill 713 was released from the Senate Environment Committee November 13, 2008. The bill directs the Department of Environmental Protection (DEP) to establish a forest stewardship program for owners of forest land who prepare forest stewardship plans which are to be approved by the DEP. The bill also directs the DEP to establish a forest certification program under which it may certify that forest land is managed in a sustainable manner and expands the current farmland assessment program under the "Farmland Assessment Act of 1964" to provide differential property tax assessment to owners of forest land who implement an approved forest stewardship plan. Such an owner would not be required to meet the income threshold requirements of the Farmland Assessment Act for that woodland. The bill establishes the "Forest Stewardship Incentive Fund" which would be funded by monies currently allocated for programs that enhance the stewardship and restoration of the State's forests from the Global Warming Solutions Fund which would be used to provide grants for the development of forest stewardship plans. A forest stewardship advisory council will also be established to work in consultation with the DEP. Finally, the bill provides that activities conducted pursuant to a forest stewardship plan are exempt from the provisions the Highlands Act. The Act already exempts activities conducted pursuant to a woodland management plan from the Act.

Ms. Swan stated that the staff is continuing to work on RMP updates. Regarding the process for implementation and conformance – the Chairman had asked for a work plan which will be completed in December. Currently, it is important to make sure that the municipalities move forward with both of the necessary resolutions. Sample Resolutions have been provided to municipalities. Subsequent to that, the professionals of the municipalities will move forward with Plan Conformance which will begin with a local buildout analysis. This will be a partnership with the Highlands staff, as they will be providing a methodology to the municipality, and will allow for a clearer and smoother process. A model ERI (Environmental Resource Inventory), a Highlands Master Plan Element, and model ordinances are also being prepared for the municipalities. She noted that municipalities do not need to have taken final action on Plan Conformance documents, in fact is required that these documents be submitted as drafts.

Regarding conformance standards, the remaining standard the Water Conservation and Deficit Reduction Standard has been posted for public comment. The other standards that have been presented are being worked on. Regarding exemptions 9 & 11, comments from the Highlands Council have been requested by DEP. She noted there will be occasions where the Highlands Council will advise of their intent to comment on an exemption before DEP.

Ms. Swan noted that a recent exemption request was submitted by PSEG regarding the expansion of a power line through the area and there has already been in communication with DEP on this project. The staff is preparing further information regarding the impacts of that project in accordance with the exemption criteria. While DEP is considering exemption determinations in the Preservation Area, the Highlands Council will be considering exemptions within the Planning Area. Ms. Carluccio announced that she is recusing herself regarding any discussion on the PSE&G project as she has a conflict due to her employment with the Delaware Riverkeeper Network. This project crosses the Delaware River and the Network will be submitting comments on the project.

Ms. Swan explained that the Council's website now includes two maps, one includes municipalities that have applied for an initial assessment grant and the other includes those that have submitted a Notice of Intent to conform to the RMP. She presented slides reviewing these maps and noted that the staff is reaching out to municipalities regarding filing the notice of intent to conform as it may be beneficial to them regarding COAH timelines and is nonbinding for Planning Area lands.

Chairman Weingart requested that Ms. Swan provide an overview of the resolutions for Council consideration.

RESOLUTIONS

I. CONSIDERATION OF RESOLUTION – Approval of Certain Planning Assistance Grants - (voting matter with public comment)

The Highlands Council initiated a grant application process for Initial Assessment grants to municipalities within the seven Highlands Counties in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000. Council staff reviewed the grant applications and recommend grants for Council consideration. Ms. Swan noted that there were 9 initial assessment grants, 1 TDR grant, and 2 CP3 grants. She asked the Chairman to address the initial assessment grants together.

INITIAL ASSESSMENT GRANTS

Ms. Swan reviewed the history of grants for each of the following Townships applying for initial assessment grants:

Washington Township - Applying for an Initial Assessment Grant in the amount of \$15,000 (total project amount = \$20,300). Previously, they had received \$7,500 for a COAH Round-3 grant with an execution date of 12/2/05, a resolution date of 10/6/05 and a payment date of 5/15/06. Grants committee recommends awarding \$20,000 contingent on further definition of need.

Pohatcong Township – Applying for an Initial Assessment Grant in the amount of \$15,000. Previously, they had applied for a \$7,500 COAH Round-3 grant with an execution date of 4/28/06 and a resolution date of 4/6/06. There was no payment for this grant as the project has been stalled.

Mendham Township – Applying for an Initial Assessment Grant in the amount of \$15,000 (total project amount = \$22,500) Previously, they had applied for multiple \$7,500 COAH Round-3 grants: a Planning Area Grant executed on 2/17/06 with a resolution date of 10/6/05 and payment date of 9/19/07, and a Split Area Grant executed on 2/17/06 with a resolution date of 10/6/05 and payment date of 5/15/06.

Borough of Chester – Applying for an Initial Assessment Grant in the amount of \$15,000. Previously, they had received \$7,500 for a COAH Round-3 grant with an execution date of 2/27/06, a resolution date of 1/05/06 and a payment date of 6/28/06.

Borough of Oakland – Applying for an Initial Assessment Grant in the amount of \$15,000. This is their first grant request.

Borough of Far Hills - Applying for an Initial Assessment Grant in the amount of \$15,000. This is their first grant request.

Borough of Ogdensburg – Applying for an Initial Assessment Grant in the amount of \$15,000. This is their first grant request.

Borough of Mount Arlington - Applying for an Initial Assessment Grant in the amount of \$15,000. This is their first grant request.

Township of Allamuchy – Applying for an Initial Assessment Grant in the amount of \$15,000. This is their first grant request.

Chairman Weingart asked for public comments and there were none.

Ms. Carluccio introduced the motion to approve the resolution. Mr. Whitenack seconded the motion. Ms. Calabrese, Ms. Way, Mr. Dillingham, Ms. Pasquarelli, and Mr. Schrier were absent. All other members present voted to approve. The resolution was APPROVED.

Ms. Swan expressed that the staff would be working further with the Borough of Chester regarding the scope of this grant, but that the staff recommends approval of the grant.

TDR FEASIBILITY GRANT

Borough of Chester – Applying for a TDR Feasibility Grant in the amount of \$25,000. Previously, they had received \$7,500 for a COAH Round-3 grant with an execution date of 2/27/06, a resolution date of 1/05/06 and a payment date of 6/28/06.

Chairman Weingart asked for public comments and there were none.

Ms. Carluccio introduced the motion to approve the resolution. Mr. Whitenack seconded the motion. Ms. Calabrese, Ms. Way, Mr. Dillingham, Ms. Pasquarelli, and Mr. Schrier were absent. All other members present voted to approve. The resolution was APPROVED.

MP3 GRANTS FOR LOCAL BUILDOUT ANALYSIS

Bedminster Township – Applying for an MP3 grant for Local Buildout Analysis for \$15,000. Previously, in 2005, they had received \$7,500 for a COAH Round-3 grant with an execution date of 12/12/05, a resolution date of 10/6/05 and a payment date of 5/15/06.

Clinton Township - Applying for an MP3 grant for \$15,000. Previously, in 2008, they had received an executed grant agreement in the amount of \$7,500 for a COAH Round-3 grant with an execution date of 8/21/08 and a resolution date of 5/15/08. The COAH grant is pending payment.

Ms. Swan explained the importance of this work regarding testing the methodology of local buildout. It is one of the major components of plan conformance. Chairman Weingart asked for public comments and there were none.

Mr. Cogger introduced the motion to approve the resolution. Mr. Whitenack seconded the motion. Ms. Calabrese, Ms. Way, Mr. Dillingham, Ms. Pasquarelli, and Mr. Schrier were absent. All other members present voted to approve. The resolution was APPROVED.

Ms. Swan also noted that the staff has worked with the counties to assist with the necessary analysis that must be completed. Ms. Swan thanked Morris County and Somerset County, as well as their planners, for access to their data for comparison regarding consistency.

II. CONSIDERATION OF RESOLUTION – Chair for HCD Bank

The Highlands Council established the Highlands Development Credit Bank (HDC Bank) by Resolution 2008-24 and pursuant to that the Highlands Council must appoint one member of the Highlands Development Credit Bank Board of Directors to serve as Chairperson.

Chairman Weingart introduced the resolution. He reviewed the board members appointed to the HDC Bank and noted that the Council needs to appoint a Chair for this committee.

Chairman Weingart asked for public comments and there were none.

Mr. Alstede made a motion to nominate Mr. Whitenack as HDC Bank Chairperson. Mr. Vetrano seconded that motion. Mr. Alstede asked that nominations be closed. Mr. Vetrano seconded the motion. All members present voted to approve. The resolution was APPROVED.

Mr. Whitenack thanked his fellow Council members for the support and pledged to do his very best as HDC Bank Chair.

III. CONSIDERATION OF RESOLUTION – APPROVAL OF CONTRACT FOR AFFORDABLE HOUSING CONSULTATION- (voting matter with public comment)

In order to comply with the new requirements of P.L. 2008, c.46 and the direction set forth in Executive Order 114, the Highlands Council adopted Resolution 2008-41 requiring, after public hearing and public comment, the adoption of affordable housing guidelines for the Highlands Region and to support the Highlands Council in the development of affordable housing guidelines for the Highlands Region. As a result, the Highlands Council prepared a Request for Qualifications (RFQ) seeking a firm to advise and assist the Highlands Council.

Ms. Swan noted that three proposals were received and reviewed and it is recommended that the Council enter into a contract with Group Melvin Design, which shall include a subcontract with Paul Chrystie Consulting, for an amount not to exceed \$125,000. Chairman Weingart asked for the timing of this and Ms. Swan responded that the consultant was asked to be available for intense work over the next six months.

Ms. Swan noted that there is an opportunity for a regional affordable housing plan (under Chapter 46, similar to the prior use of RCAs) which is only available to the regional planning agencies; the Highlands, the Pinelands and Meadowlands. Ms. Letts asked if the consultant will be looking to identify areas for affordable housing that fit the standards of the RMP. Ms. Swan stated that the consultant would be working with staff on guidelines that help create this new program. It is the staff that will be working with the municipalities regarding site specific details. Mr. Borden noted that the old RCA program will be utilized to help create a new program that addresses the economic variability throughout the Highlands Region using the economic information from the TDR program. The primary task will be to create this RCA program and a process for trading affordable housing obligations.

PUBLIC COMMENT:

David Shope: He stated his concern about the last paragraph of this resolution and the costs (as it doesn't add up to a specific number). Mr. Borden stated that there is a dollar amount noted within the bylaws, so there will be a maximum increase of \$25,000 without approval from the Council.

Ms. Carluccio introduced the motion to approve the resolution. Mr. Whitenack seconded the motion. Ms. Calabrese, Ms. Way, Mr. Dillingham, Ms. Pasquarelli, and Mr. Schrier were absent. All other members present voted to approve. The resolution was APPROVED.

IV. CONSIDERATION OF RESOLUTION - PROPOSED WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR HAMILTON FARM GOLF CLUB, LLC, BEDMINSTER TOWNSHIP

A proposal has been submitted that consists of a proposed amendment to the Upper Raritan WQMP and Somerset County/ Upper Raritan WMP which allows Hamilton Farm Golf Club (Block 9, Lot 1) to renovate an existing mansion to include four additional suites, a dining area, and a spa/exercise room; to expand the existing clubhouse as a restaurant, an office, a pro shop, and a locker room; to construct a new swimming pool area, pool hut, and tennis courts; to renovate the existing storage/caddy building and golf maintenance building; to connect two residential dwellings to the on-site discharge to ground water sewage treatment plan (STP); and to include beneficial reuse of all treated wastewater from the STP to be used for the purpose of golf course spray irrigation. The staff has conducted a review of the Proposed Amendment based upon the standards and policies set forth in the adopted Regional Master Plan, and completed a consistency determination regarding this project.

Ms. Swan noted that the determinations are posted and public comments have been received. Regarding this resolution, the comments received have been marked and tracked within the consistency determination. Ms. Swan reviewed the details of the application. She noted that further information has been included in the consistency determination as the applicant has provided that additional information. While these additions have been reviewed and taken into account, until they have been addressed in the application through DEP they are not included in the consistency determination. The determination is that this project is inconsistent. If the DEP adopts the revised plan, some of the inconsistencies will be addressed.

The Chairman emphasized that even with the revised plan, this project is inconsistent. Ms. Carluccio asked that if the project will still be inconsistent, she believes it should be stated clearly in the last paragraph that the revised plan will not properly address all inconsistencies (it will still be inconsistent).

Mr. Cogger moved resolution with Ms. Carluccio's amendment added. Ms. Carluccio seconded it.

Mr. Alstedne stated that he struggles with the economic situation within New Jersey and that some of these projects will stimulate the local economy as well as provide local jobs. He asked how far do these projects need to go to comply. He asked if guidance will be provided regarding how projects can become consistent. Ms. Swan stated that the staff has no ability to do anything other than the consistency determination. Mr. Cogger stated that it is the responsibility of the applicant to meet all of the necessary requirements. Ms. Swan reviewed that there is the mapping tool to help provide information, but the role of the staff is simply to provide an inconsistent or consistent determination. Mr. Alstede asked if the applicant can come to the Council's staff and discuss what they need to do to be consistent. Mr. Cogger made the example that it is similar to coming before a planning board – it is incumbent on the applicant to be consistent. Mr. Alstede expressed concerns regarding individuals with inconsistencies. Ms. Swan stated that the staff does help individuals through phone calls and meetings to try to be an agency that is responsive and responsible as much as possible. Mr. Alstede stated that there is a responsibility to fulfill all of the goals of the Act – including those regarding the economy, job market, etc. He asked the Council to look at the big picture.

PUBLIC COMMENT:

Wilma Frey, NJ Conservation Foundation: She stated that there are many inconsistencies that do not appear to be addressed by the revisions. It is not specifically stated or clear that the project would still be inconsistent.

David Shope: He stated that he would like to know what this application costs the applicant, as this is adding another layer of work. He stated that when an applicant comes before a planning board, they not only pay for their own consultant, but need to pay the town as well. The costs of bringing these matters before the Council should be discussed and reviewed. Adding this layer has made the process more expensive and cumbersome.

The Chair closed Public Comment on this issue.

Ms. Calabrese, Ms. Way, Mr. Dillingham, Ms. Pasquarelli, and Mr. Schrier were absent. Mr. Alstede abstained. All other members present voted to approve. The resolution was APPROVED. It was verified that the members on the phone voted in favor.

GENERAL PUBLIC COMMENT:

Sylvia Kovacs: She thanked both Ms. Swan and Mr. Borden for coming out to meet with her local government. There were many questions and the responses were specific and appropriate. There was much discussion after the meeting. She thanked them again for addressing the questions within her township so appropriately.

David Shope: He discussed the effects of nitrates within water. He reviewed peer studies regarding this subject. The numbers that they have mentioned are not consistent with those of the RMP. The MCL of 10mg/L was discussed, particularly in regards to infant health. There was no conclusive proof of the danger of nitrates at this level within the United States. He discussed the recharge level within the Highlands and how the numbers within the RMP are not based on facts. He believes that there are no issues regarding water availability and high demand. Mr. Shope discussed interbasin transfers within the Highlands area and associated the region as a water colony. He stated that the regulations are all politically based.

Helen Heinrich, NJ Farm Bureau – Regarding the new law on Forest Stewardship, there is much confusion about this within the Farm Bureau, particularly regarding the credibility of applicants (involving stewardship). The ability for people to receive farmland assessment and be excused from the income requirements is contradictory to what another Senator is working on currently. She noted that there is supposed to be money in the 2008 Farm Bill for Healthy Forests and that the EQUIP Program also includes money for forest stewardship. She stated appreciation regarding the email notices, but stated that she has not received notices about new standards and asked if these could be included as well. She stated that she wants to look back at her notes regarding what she stated at the last meeting, as she believes that the minutes did not properly capture her comments.

Ross Kushner, Pequannock River Coalition: He stated that he is here to request the assistance of the Highlands Council. He spoke about the problem with flow within the Pequannock River. The DEP even noted in 2007 that it is over allocated – particularly to Newark. He stated that

Newark is now negotiating with 2 new water customers – Pequannock and Kinnelon. Pequannock has a history of causing a sodium issue within the water. They are looking to purchase water to dilute the water supply instead of properly addressing the problem. In Fasin Lakes water company in Kinnelon, they have out built their water supply. They are looking to purchase water from Newark as well instead of seeking other alternatives because of cost. He stated that this is a large issue that needs to be addressed by the Highlands Council. He asked for the help of the Highlands staff as this is a major issue. Chairman Weingart stated that the staff would respond.

Mr. Alstede stated that there should be an economic review within the Consistency Review. He read from the RMP regarding the importance of sustainable economic development and stated that an economic review should also be completed. Ms. Swan stated that the WQMP consistency determination procedures will be posted and that would be the appropriate time if the Council would like to consider adding elements. However, these determinations are advisory to the DEP and she cannot say how an economic review will be taken into account by the DEP.

Ms. Carluccio stated that this should not be added as it is not part of the Water Quality Management review process. It is not appropriate for a WQMP amendment and will take up valuable time of the staff. Much time has been spent developing this review sheet so that it encompasses all of the relevant standards. Mr. Alstede stated that these components of the plan should be part of the review – if not within the consistency review, then where. The sustainable economic development aspect should be looked into. Ms. Swan stated that these issues are looked into while redevelopment areas are considered and certainly within conformance. There are other elements of the plan not involved in the WQMP process, which is advisory to the DEP, but there are situations where sustainability programs will be reviewed.

Mr. Alstede stated his concern that there is a blind eye to some of the aspects of the plan – these are goals the legislature found to be important. Chairman Weingart stated that most developments that are proposed that will need approval will lead to some type of economic development. Within the review, what areas are not consistent and how they could be consistent is laid out within the determination. Mr. Peterson stated that Mr. Alstede makes a good point – it is important that all components of the Plan be taken into consideration. The economic component shouldn't be ignored. Perhaps some flexibility could be allowed when there are minor inconsistencies, and an economic review should be included. Mr. Cogger stated that if you want to include an economic review that is fine, but to say that one component outweighs another component, is a dangerous move. The question is – is it consistent or inconsistent.

Mr. Peterson stated that it should be noted if a project is consistent with the economic component of the plan – this would be review of all components of the RMP. He doesn't believe that one component should outweigh another either. Ms. Carluccio stated that she disagrees as there are no standards for these components. There are very strict standards regarding these environmental components – there are no standards regarding economic standards. She stated that a series of standards would need to be laid out first. It is not appropriate to include these in the WQMP reviews. There was further discussion on whether the economic component should be included within the consistency reviews and in what capacity.

Chairman Weingart stated that the issue is really whether the economic component should be addressed within these consistency determinations. Ms. Letts spoke about how municipalities issue variances within situations where there are some inconsistencies. Ms. Swan stated that there are

adjustments and waivers so there is a process for some flexibility similar to what Ms Letts describes. Ms. Swan explained that these wastewater management plans are going to be addressed at a county level. This process will be changing anyway – individual projects should no longer be reviewed. She explained that the Plan is about which areas are available for further development while protecting the natural resources. Mr. Alstede asked when the Council will have the opportunity to plan. In a situation like this where a project could have many beneficial aspects, when can the Council move a project like this forward. Ms. Carluccio stated that projects like this shouldn't be moved forward at the expense of the environment. While the economic component is important, when a project is inconsistent, then it is inappropriate.

Chairman Weingart noted that this discussion will be continued in the future. He reminded that the Council to fill out the conflict of interest form and announced that the next meeting was on December 18th at 10 a.m. He congratulated Mr. Peterson on the birth of his fourth child and on his re-election to the Board of Freeholders.

Mr. Weingart made a motion to adjourn. Ms. Letts seconded it. The meeting was adjourned.

CERTIFICATION

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

DATE: 12/22/08

NAME: Paula M. Dees
 Paula M. Dees, Executive Assistant to Eileen Swan

Vote on the Approval of these Minutes

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

PUBLIC COMMENTS SUBMITTED



Pequannock River Coalition

P.O. Box 392, Newfoundland, NJ 07435 (973)492-3212

www.pequannockriver.org

November 20, 2008

New Jersey Highlands Council
100 North Road
Chester, NJ 07930

Comments submitted at Highlands Council Meeting
on November 20, 2008 by Ross Kushner.
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To the Highlands Council:

Designated as "Critical Treasure" by the Highlands Coalition, the Pequannock River is a cornerstone of the Highlands Preservation Area, significant as a source of potable water, as wildlife habitat, and as a recreational resource. Recognition of these values predates the Highlands Act. Most sections of the Pequannock River and most river tributaries are classified as Category 1, earning strict and specific water quality protections under the New Jersey Surface Water Quality Standards.

In recent years concern has grown over elevated water temperatures in the Pequannock River. These high water temperatures triggered a substantial fish kill in 1994 and a less-severe kill in 2002. The Pequannock River Coalition initiated a temperature monitoring program in 1994 to determine the sources and extent of these problems and collect baseline data. We were licensed as a laboratory for this work in 2001. Based on data we submitted in 2001 and 2003 several portions of the Pequannock River and several Pequannock River tributaries were listed as "impaired" for temperature in the 2002 and 2004 NJDEP Integrated Lists.

Subsequent exhaustive study by the NJDEP identified lack of sufficient river flow as the cause of more than 70% of the river's temperature problems, since insufficient water releases from Newark-owned reservoirs result in severely degraded flows. Each summer, flow rates on the Pequannock River below Newark's reservoirs fall to very low rates; often to a zero rate. We must consider that the Wanaque River below Wanaque Reservoir enjoys a flow rate in summer of 12 million gallons per day and the Rockaway River below the Jersey City Reservoir runs at 7 million gallons per day. Clearly, the situation on the Pequannock is extraordinary.

In August of 2004 the NJDEP issued new permit requirements for the City of Newark in their diversion permit for the Pequannock River, including requirements for minimum river flows. These permit conditions were immediately challenged by the City of Newark. Negotiations between the NJDEP and the City have dragged on ever since. It has now been more than 4 years since this modified permit was released, with no improvement in river flows and no enforcement of the new permit conditions.

In 2007 the NJDEP finally acknowledged that the Pequannock system had been over-allocated, meaning there is not enough water in the Pequannock reservoir system to supply the full water diversion that Newark is allowed to take from the Pequannock by permit. Fortunately, they also reported that Newark does not presently use its full allocation. While the excess water between the amount Newark actually uses and the amount the Pequannock is capable of supplying cannot to supply the full 12 cubic feet per second river flow required under the modified permit, there is enough water for a more modest 3-4 cubic foot per second flow.

Now, even this small amount of water may be lost. In recent press it was revealed that Newark has been discussing deals with two new water customers— Pequannock Township and the Borough of Kinnelon. In Pequannock Township, water from the Pequannock River system would be used by the Township to dilute their public well water and reduce high sodium levels in that supply. In Kinnelon, the problem is the poor yield of wells supplying the Fayson Lakes Water Company that has caused some outdoor water use restrictions.

First and foremost, this answers the question on Newark having sufficient water to improve conditions on the lower Pequannock. If they have extra water to sell, then they have enough to enhance flows on the river.

In addition, we must question if the needs of these communities should take precedence over the needs of the river. In both cases the towns have alternatives. For Pequannock Township, the primary goal should be to address the source of sodium contamination. This is almost certainly runoff from salt-laden roads. In Kinnelon, ample water is available from the local Butler Reservoir, although it would require expansion of the delivery system. Also, the extra water there

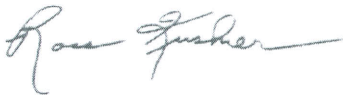
is only necessary to lift restrictions on outdoor water use. That is hardly an emergency. At a minimum a moratorium should be imposed in Kinnelon on all new construction in the area served by the Fayson Lakes Water Company. That has yet to occur.

In both instances the fact that it is easier or cheaper to use Pequannock River water should not outweigh the basic needs of the river. Newark should not profit at the expense of the river. But if these deals are finalized, the fate of the Pequannock may be sealed. It's time the Pequannock's ecological health took priority. If Newark has water to sell, they have enough to do what is right for the Pequannock.

An issue of this scope and complexity cries out for the intervention of the Highlands Council. Indeed, this is the kind of concern for which the Council was formed. We trust that the Council will take this on.

We thank the Council for considering this information and look forward to working with in resolving this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Kushner". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ross Kushner
Executive Director

Newark water sought

Suburban Trends

Sunday, November 2, 2008

By Deborah Walsh

Staff Writer

Borough officials had preliminary talks with Newark about the possibility of Newark supplying the borough with water.

At last month's Borough council meeting, Councilman Evan Swalling said the borough is looking into the possibility of connecting to Newark's water supply in the vicinity of Kosco Harley-Davidson at the corner of Route 23 South and Cutlass Road. As part of the talks, there was some discussion about erecting another water tank off of Denise Drive, he indicated.

Last week, Mayor Glenn Sisco said the Newark viaduct could be accessed by Cutlass Road at Route 23. Though a substantial amount of work would take place in order to cut into Newark's line, not a lot of infrastructure work would be needed because the Borough's water line already serves Caitlin Court off of Cutlass Road.

Mayor Sisco said one of the main reasons for exploring Newark as a water source is to provide a greater feed to the Fayson Lakes Water Company (FLWC) which serves 890 customers in Kinnelon. Despite the end of summer, a peak usage season, customers of FLWC are still under some modified water usage restrictions because of reduction in well production.

Currently FLWC buys a lot of water from Kinnelon and Butler systems, but the quantity of its purchase was apparently over taxing the municipal systems. Sisco said Newark would be able to provide FLWC with a lot more water than Butler and the feed would be very positive, he said.

The City of Newark owns and operates the Pequannock Water System, which includes five reservoirs on the Pequannock River and its tributaries in Morris, Passaic, and Sussex counties. The reservoirs in the Pequannock have a total usable storage of 14 billion gallons. The City of Newark is also connected with the North Jersey District Water Supply, which has two reservoirs along the Wanaque River. These reservoirs provide approximately 37 billion gallons of storage.

Although the production level of one of its primary wells that suffered a significant drop in production had increased when the lake's level rose, Jeff Kalajian, vice president of FLWC, said the well was still only at about two-thirds of the capacity it had been at a year ago.

Kalajian said FLWC felt it was prudent to keep its customers at a Level 2 (odd/even day) restriction schedule because the well production never bounced back fully. In the summer, the customers were under the more stringent Level 3 restrictions, which ban outdoor water usage.

Back in July FLWC treasurer John Cannie said it is believed that responsibility for the drop in output rested with Morris County's bridge/culvert project outside the FLWC's building at 160 Boonton Ave., in addition to the state-mandated dam upgrade on Fayson Lakes' South Lake

Dam behind FLWC. The mandated upgrade required the lake to be lowered.

In July, Cannie said one of FLWC's primary wells dropped from 160 gallons per minute (GPM) to 70 GPM, but was back up to 90 GPM, which still represented a significant output reduction.

"Our well field was affected by the road and dam projects. The construction work was mandated. The capacity of our primary well was cut significantly," said Cannie. "We hope when we get the lake filled back up, more water will enter the well system."

Cannie said FLWC had a well team come in and work on the well because it was thought that the well's screen might have become clogged because of all the construction work. That work did not yield the level of success that was hoped for, he said.

Cannie said FLWC had to resort to a Level 3 restriction because it could not continue to obtain water from Kinnelon and Butler's water systems at a rate it was receiving water. The substantial amount it was receiving was over taxing the municipal systems.

Level 1 is the least restrictive and Level 4 is the most restrictive. Level 1 asks for voluntary compliance of odd and even day outdoor water usage corresponding with odd and even house numbers. Level 2 institutes mandatory odd-even outdoor water usage. Level 3 bans all outdoor water usage, except for those who have installed sod and those who can prove they are obtaining water from a stream. Level 4 imposes indoor usage restrictions as well as the outdoor restrictions.

Cannie indicated that FLWC has gone to great lengths to ensure that customers have adequate water in their homes. FLWC even stationed a water truck in the Stonybrook Highlands neighborhood, which historically has had more serious water problems when there is a drought or water system problems.

"We had a tanker truck in the Highlands. We have gone to extraordinary lengths to serve our clients. We take our responsibility to provide water very seriously," he said.

Cannie said there is enough water at Butler Reservoir to supply FLWC. The problem lies in the distribution system, which is designed to supply water at a certain capacity. Butler processes the water and pumps it to Kinnelon and Kinnelon pumps it to FLWC. Kinnelon's connection with FLWC is at Denise Drive, he said.

Cannie said FLWC thought it was in good shape with a new well fairly recently dug and significant capital improvements made to the distribution system. The company is served by four wells and there is still a plan to dig another well.

Water upgrades could cost plenty

BY STEVE JANOSKI
Staff Writer

A new study has concluded that the water that township residents drink may not be as safe as was previously thought. The Township Council must move to correct the problem in order to bring certain chemical levels down to that deemed "safe" by the NJ Department of Environmental Protection (DEP).

The improvements to the system will end up costing the township up to \$1.9 million, and will involve in the construction of not only a "blending facility", but possibly a 110-foot-high water tank.

Michael Simone of Crew Engineering in Butler conducted the study, and presented it to the Town Council at its meeting on Tuesday, Sept. 23.

Simone found that although municipal water meets all of the DEP's primary drinking water standards in regards to chemicals such as lead and mercury, it did not meet the secondary standards concerning two elements - sodium and calcium.

Specifically, water coming from the well on West Parkway consistently tested high for the two substances.

Simone stated that DEP upper limits for sodium are set at 50 parts per million (ppm). The township's water supply regularly exceeds this, coming in at nearly twice the limit at 95 ppm.

He also said that the calcium in the water comes in at about 300 ppm. DEP standards allow for no more than 250 ppm.

Simone reported that there is no immediate health threat because of the high levels.

"The sodium is naturally occurring, and a result of either runoff or heavy salting in the winter. It can affect those with high blood pressure who are on sodium-restricted diets, but for most people there is no immediate concern," said Simone.

The high calcium levels have caused a condition known as "hard water," Simone said that this is common in the area and that residents may notice it takes more soap or detergent to clean things like bathrooms that are in regular contact with the water.

He also stated that calcium buildup on plumbing are another effect of hard water.

The township currently receives its water from three wells in the north end of town - one on Dunn Place, one on Ridge Road and another at West Parkway. During peak demand times, water is also drawn from the Newark Aqueduct for use in town.

Possible solutions

Simone stated that the council had charged his company with finding the safest and cheapest way to address the problem and so Crew Engineering explored several possible remedies.

Drilling more wells was one possibility, said Simone, except there would be no guarantee that the water found in the new wells would be any different from that in the old ones.

Another option was to treat the water in high-pressure filters through a process known as "reverse osmosis and chemical stripping."

However, this would leave the township with sterilized water while creating more than 100,000 gallons a day of wastewater that would need disposal. This, Simone said, was not a good plan because of the tremendous expense that disposal would entail.

Simone also said that the com-

pany investigated using the water from the Newark Aqueduct to supply Pequannock; however, this water is three to four times as expensive as well water and would also cost the township a tremendous amount of money.

What Simone proposed was to build a blending station in the township where the well water that is high in sodium and calcium can be mixed with safer water from the Newark Aqueduct, thus leaving the township with water that meets all DEP standards.

"This will provide flexibility in the amount of Newark water used and will take care of the exceedances. Plus, the maintenance is cheaper than with any of the other solutions," said Simone.

Simone said that the DEP has approved the concept for the plan already.

New facilities

To explain the new facilities, Simone called up his associate from Crew Engineering, Alec Mittiga.

On top of the blending facility, which would be a one-story masonry building, Mittiga proposed the building of a new water storage tank where water would be kept in reserve to meet needs during high demand times.

Mittiga said that though the water tank in Greenview Park is still working, a new tank would hold more water, thus lessening the demand on the aqueduct.

He suggested building a 110-foot high tower on ground in a remote part of Foothills Park near Interstate 287, saying that though it will be very visible, it would require far less piping because of its close proximity to the blending center itself, which would be located on West Parkway.

Another option for the water tank would be to locate it in neighboring Riverdale, which has a natural elevation rise of about 140 feet. This tank would, at its highest point, be below the tree line, making it much less visible than its towering counterpart.

However, piping to the facility would cost twice as much. The township would also be forced to deal with not only the borough of Riverdale, but also the landowner for building and maintenance purposes. Mittiga said that the instrumentation on the facilities would be able to continuously track the water quality from the blending facility.

"This will eliminate the exceedances, minimize the aqueduct water by only bringing in what's needed," said Mittiga.

He added that the controls would be set up in such a way that if DEP requirements were to change in the future, the mixing formula could easily be changed to allow more or less water from the aqueduct.

Councilman Ed Engelbart later asked Simone which tank he would recommend, he replied that in his view, the raised tower was the best.

"You'll be able to retain total control with an elevated tank," said Mittiga, adding that the council would know better than he would how Riverdale might react to having a Pequannock tank within its community.

Costs

The cost of the blending facility would be about \$1.1 million, said Mittiga. The cost of the water tank would vary depending on the type chosen. The elevated tank is more costly at \$2.8 million while the ground tank is \$2.2 million.

Simone estimated that the design time for the project would

be six to eight months, while construction would probably begin a few months after, allowing time for permits. The project would then take about a year to complete.

Councilman Joe Jorgensen asked Simone how much aqueduct water would be required for the project.

Simone replied that about 70 percent would be needed when the West Parkway well was running during peak operation times; otherwise, they would use about 15 to 20 percent.

This would cost the township

about \$60,000 annually in higher water prices, although Simone said that the municipality would still be saving money compared to the expense of buying all of its water from Newark.

Jorgensen said that the council would null over costs and impacts before deciding which type of storage tank to erect.

"We'll have to weigh the two... there's benefits to each," said Jorgensen.

Steve Janoski's e-mail address is janoski@northjersey.com

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RESOLUTION 2008-58

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO ALLAMUCHY TOWNSHIP

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

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

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

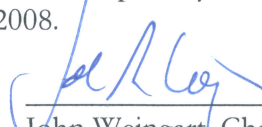
WHEREAS, on February 28, 2008 the Highlands Council by Resolution 2008-4 authorized the initiation of a grant application process for Initial Assessment grants to municipalities within the seven Highlands counties in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000; and

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of November, 2008.



John Weingart, Chairman

Vote on the Approval of this Resolution

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	✓	_____	✓	_____	_____	_____
Councilmember Cogger	_____	_____	✓	_____	_____	_____
Councilmember Dillingham	_____	_____	_____	_____	_____	✓
Councilmember Kovach	_____	_____	✓	_____	_____	_____
Councilmember Letts	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-58

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO ALLAMUCHY TOWNSHIP

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Pasquarelli	_____	_____	_____	_____	_____	✓
Councilmember Peterson	_____	_____	✓	_____	_____	_____
Councilmember Schrier	_____	_____	_____	_____	_____	✓
Councilmember Vetrano	_____	_____	✓	_____	_____	_____
Councilmember Way	_____	_____	_____	_____	_____	✓
Councilmember Whitenack	_____	✓	_____	_____	_____	_____
Councilmember Weingart	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-59

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO CHESTER BOROUGH

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

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

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

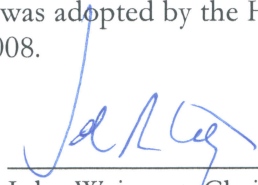
WHEREAS, on February 28, 2008 the Highlands Council by Resolution 2008-4 authorized the initiation of a grant application process for Initial Assessment grants to municipalities within the seven Highlands counties in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000; and

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of November, 2008.



John Weingart, Chairman

Vote on the Approval of this Resolution

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	✓	_____	✓	_____	_____	_____
Councilmember Cogger	_____	_____	✓	_____	_____	_____
Councilmember Dillingham	_____	_____	_____	_____	_____	✓
Councilmember Kovach	_____	_____	✓	_____	_____	_____
Councilmember Letts	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-59

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO CHESTER BOROUGH

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Pasquarelli	_____	_____	_____	_____	_____	✓
Councilmember Peterson	_____	_____	✓	_____	_____	_____
Councilmember Schrier	_____	_____	_____	_____	_____	✓
Councilmember Vetrano	_____	_____	✓	_____	_____	_____
Councilmember Way	_____	_____	_____	_____	_____	✓
Councilmember Whitenack	_____	✓	_____	_____	_____	_____
Councilmember Weingart	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-60

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO FAR HILLS BOROUGH

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

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

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

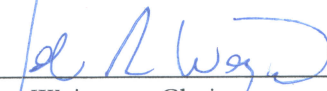
WHEREAS, on February 28, 2008 the Highlands Council by Resolution 2008-4 authorized the initiation of a grant application process for Initial Assessment grants to municipalities within the seven Highlands counties in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000; and

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of November, 2008.



John Weingart, Chairman

Vote on the Approval of this Resolution

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	✓	_____	✓	_____	_____	_____
Councilmember Cogger	_____	_____	✓	_____	_____	_____
Councilmember Dillingham	_____	_____	_____	_____	_____	✓
Councilmember Kovach	_____	_____	✓	_____	_____	_____
Councilmember Letts	_____	_____	✓	_____	_____	_____
Councilmember Pasquarelli	_____	_____	_____	_____	_____	✓

RESOLUTION 2008-60

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO FAR HILLS BOROUGH

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Peterson	_____	_____	✓	_____	_____	_____
Councilmember Schrier	_____	_____	_____	_____	_____	✓
Councilmember Vetrano	_____	_____	✓	_____	_____	_____
Councilmember Way	_____	_____	_____	_____	_____	✓
Councilmember Whitenack	_____	✓	_____	_____	_____	_____
Councilmember Weingart	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-61

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO MENDHAM TOWNSHIP

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

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

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

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

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of November, 2008.



John Weingart, Chairman

Vote on the Approval of this Resolution

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	✓	_____	✓	_____	_____	_____
Councilmember Cogger	_____	_____	✓	_____	_____	_____
Councilmember Dillingham	_____	_____	_____	_____	_____	✓
Councilmember Kovach	_____	_____	✓	_____	_____	_____
Councilmember Letts	_____	_____	✓	_____	_____	_____
Councilmember Pasquarelli	_____	_____	_____	_____	_____	✓

RESOLUTION 2008-61

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO MENDHAM TOWNSHIP

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Peterson	_____	_____	✓	_____	_____	_____
Councilmember Schrier	_____	_____	_____	_____	_____	✓
Councilmember Vetrano	_____	_____	✓	_____	_____	_____
Councilmember Way	_____	_____	_____	_____	_____	✓
Councilmember Whitenack	_____	✓	_____	_____	_____	_____
Councilmember Weingart	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-62
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF INITIAL ASSESSMENT GRANT
TO MOUNT ARLINGTON BOROUGH

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

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

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

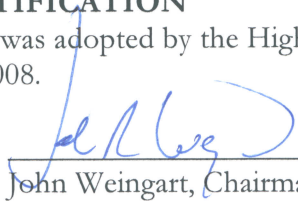
WHEREAS, on February 28, 2008 the Highlands Council by Resolution 2008-4 authorized the initiation of a grant application process for Initial Assessment grants to municipalities within the seven Highlands counties in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000; and

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of November, 2008.



John Weingart, Chairman

Vote on the Approval of this Resolution

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	✓	_____	✓	_____	_____	_____
Councilmember Cogger	_____	_____	✓	_____	_____	_____
Councilmember Dillingham	_____	_____	_____	_____	_____	✓
Councilmember Kovach	_____	_____	✓	_____	_____	_____
Councilmember Letts	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-62
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF INITIAL ASSESSMENT GRANT
TO MOUNT ARLINGTON BOROUGH

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Pasquarelli	_____	_____	_____	_____	_____	✓
Councilmember Peterson	_____	_____	✓	_____	_____	_____
Councilmember Schrier	_____	_____	_____	_____	_____	✓
Councilmember Vetrano	_____	_____	✓	_____	_____	_____
Councilmember Way	_____	_____	_____	_____	_____	✓
Councilmember Whitenack	_____	✓	_____	_____	_____	_____
Councilmember Weingart	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-63

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO OAKLAND BOROUGH

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

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

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

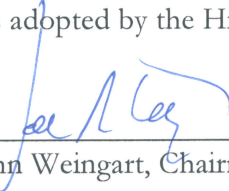
WHEREAS, on February 28, 2008 the Highlands Council by Resolution 2008-4 authorized the initiation of a grant application process for Initial Assessment grants to municipalities within the seven Highlands counties in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000; and

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of November, 2008.



John Weingart, Chairman

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	✓	_____	✓	_____	_____	_____
Councilmember Cogger	_____	_____	✓	_____	_____	_____
Councilmember Dillingham	_____	_____	_____	_____	_____	✓
Councilmember Kovach	_____	_____	✓	_____	_____	_____
Councilmember Letts	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-63

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO OAKLAND BOROUGH

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Pasquarelli						✓
Councilmember Peterson			✓			
Councilmember Schrier						✓
Councilmember Vetrano			✓			
Councilmember Way						✓
Councilmember Whitenack		✓				
Councilmember Weingart			✓			

RESOLUTION 2008-64

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO OGDENSBURG BOROUGH

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

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

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

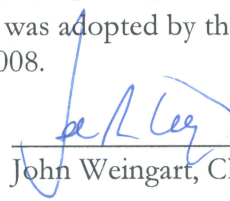
WHEREAS, on February 28, 2008 the Highlands Council by Resolution 2008-4 authorized the initiation of a grant application process for Initial Assessment grants to municipalities within the seven Highlands counties in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000; and

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of November, 2008.



John Weingart, Chairman

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	✓	_____	✓	_____	_____	_____
Councilmember Cogger	_____	_____	✓	_____	_____	_____
Councilmember Dillingham	_____	_____	_____	_____	_____	✓
Councilmember Kovach	_____	_____	✓	_____	_____	_____
Councilmember Letts	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-64

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO OGDENSBURG BOROUGH

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Pasquarelli	_____	_____	_____	_____	_____	✓
Councilmember Peterson	_____	_____	✓	_____	_____	_____
Councilmember Schrier	_____	_____	_____	_____	_____	✓
Councilmember Vetrano	_____	_____	✓	_____	_____	_____
Councilmember Way	_____	_____	_____	_____	_____	✓
Councilmember Whitenack	_____	✓	_____	_____	_____	_____
Councilmember Weingart	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-65

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO POHATCONG TOWNSHIP

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

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

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

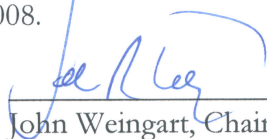
WHEREAS, on February 28, 2008 the Highlands Council by Resolution 2008-4 authorized the initiation of a grant application process for Initial Assessment grants to municipalities within the seven Highlands counties in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000; and

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of November, 2008.



John Weingart, Chairman

Vote on the Approval of this Resolution

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	✓	_____	✓	_____	_____	_____
Councilmember Cogger	_____	_____	✓	_____	_____	_____
Councilmember Dillingham	_____	_____	_____	_____	_____	✓
Councilmember Kovach	_____	_____	✓	_____	_____	_____
Councilmember Letts	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-65

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO POHATCONG TOWNSHIP

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Pasquarelli	_____	_____	_____	_____	_____	✓
Councilmember Peterson	_____	_____	✓	_____	_____	_____
Councilmember Schrier	_____	_____	_____	_____	_____	✓
Councilmember Vetrano	_____	_____	✓	_____	_____	_____
Councilmember Way	_____	_____	_____	_____	_____	✓
Councilmember Whitenack	_____	✓	_____	_____	_____	_____
Councilmember Weingart	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-66

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO WASHINGTON 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, the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Washington Township (Morris County) for an Initial Assessment Grant in an amount not to exceed \$20,000, provided that the Executive Director may authorize additional amounts under this agreement pursuant to her authority under the Highlands Council Bylaws.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of November, 2008.



John Weingart, Chairman

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	✓	_____	✓	_____	_____	_____
Councilmember Cogger	_____	_____	✓	_____	_____	_____
Councilmember Dillingham	_____	_____	_____	_____	_____	✓
Councilmember Kovach	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-66
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF INITIAL ASSESSMENT GRANT TO
WASHINGTON TOWNSHIP (MORRIS COUNTY)

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Letts	_____	_____	✓	_____	_____	_____
Councilmember Pasquarelli	_____	_____	_____	_____	_____	✓
Councilmember Peterson	_____	_____	✓	_____	_____	_____
Councilmember Schrier	_____	_____	_____	_____	_____	✓
Councilmember Vetrano	_____	_____	✓	_____	_____	_____
Councilmember Way	_____	_____	_____	_____	_____	✓
Councilmember Whitenack	_____	✓	_____	_____	_____	_____
Councilmember Weingart	_____	_____	✓	_____	_____	_____

RESOLUTION 2008-67
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE
FEASIBILITY GRANT TO CHESTER BOROUGH

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

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

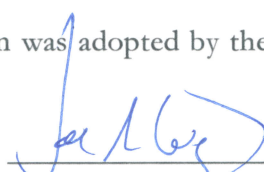
WHEREAS, on March 22, 2007, the Highlands Council by Resolution 2007-9 authorized the TDR Committee to develop and implement a process for the solicitation and distribution of grants and other support to municipalities within the seven Highlands counties in furtherance of the development of the Highlands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

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th of November, 2008.



 John Weingart, Chairman

Vote on the Approval of this Resolution

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Calabrese						✓
Councilmember Carluccio	✓		✓			
Councilmember Cogger			✓			
Councilmember Dillingham						✓
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Pasquarelli						✓
Councilmember Peterson			✓			

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Schrier						✓
Councilmember Vetrano			✓			
Councilmember Way						✓
Councilmember Whitenack		✓				
Councilmember Weingart			✓			

RESOLUTION 2008-68

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF A PLANNING ASSISTANCE GRANT TO BEDMINSTER TOWNSHIP

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

WHEREAS, on August 4, 2005, the Highlands Council by Resolution 2005-27 authorized the initiation of a grant application process for certain grant categories, and included among the categories are Planning Assistance Grants for Municipal Partnership Pilot Projects; and

WHEREAS, the Highlands Council's staff has identified a need for a Municipal Partnership Pilot Project Grant to help develop a municipal build-out analysis process for utilization in the Highlands Region; and

WHEREAS, the Highlands Council's staff the recommends the approval of a Municipal Partnership Pilot Project Grant to the Township of Bedminster;

NOW THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or his designee, is authorized to enter in a grant agreement with the Township of Bedminster for an amount not to exceed \$15,000, provided that the Executive Director may authorize additional amounts under this agreement pursuant to her authority under the Highlands Council Bylaws.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of November, 2008.



John Weingart, Chairman

Vote on the Approval of this Resolution

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Cogger	✓	_____	✓	_____	_____	_____

**Vote on the Approval of
this Resolution**

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

RESOLUTION 2008-69

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF A PLANNING ASSISTANCE GRANT TO CLINTON TOWNSHIP

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

WHEREAS, on August 4, 2005, the Highlands Council by Resolution 2005-27 authorized the initiation of a grant application process for certain grant categories, and included among the categories are Planning Assistance Grants for Municipal Partnership Pilot Projects; and

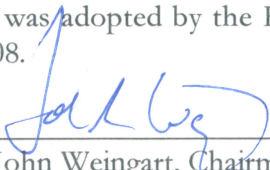
WHEREAS, the Highlands Council's staff has identified a need for a Municipal Partnership Pilot Project Grant to help develop a municipal build-out analysis process for utilization in the Highlands Region; and

WHEREAS, the Highlands Council's staff the recommends the approval of a Municipal Partnership Pilot Project Grant to the Township of Clinton;

NOW THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or his designee, is authorized to enter in a grant agreement with the Township of Clinton for an amount not to exceed \$15,000, provided that the Executive Director may authorize additional amounts under this agreement pursuant to her authority under the Highlands Council Bylaws.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of November, 2008.



John Weingart, Chairman

Vote on the Approval of this Resolution

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Cogger	✓	_____	✓	_____	_____	_____
Councilmember Dillingham	_____	_____	_____	_____	_____	✓

**Vote on the Approval of
this Resolution**

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

RESOLUTION 2008-70
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPOINTMENT OF HIGHLANDS DEVELOPMENT CREDIT BANK
CHAIRPERSON

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 13.i of the Highlands Act authorizes the Highlands Council to establish a development transfer bank for the purpose of facilitating a transfer of development rights (TDR) program for the Highlands Region; and

WHEREAS, consistent with this authority, on June 26, 2008, the Highlands Council established the Highlands Development Credit Bank by Resolution 2008-24; and

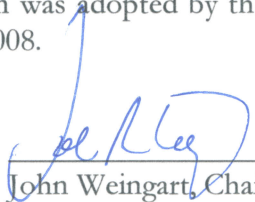
WHEREAS, pursuant to Resolution 2008-24, the Chairman of the Highlands Council was authorized to appoint a nine-member Board of Directors for the Highlands Development Credit Bank and eight of these appointments were announced at the September 30, 2008 meeting of the Highlands Council; and

WHEREAS, pursuant to Resolution 2008-24, the Highlands Council must appoint one member of the Highlands Development Credit Bank Board of Directors to serve as Chairperson.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that it hereby appoints Scott Whitenack to serve as Chairperson of the Highlands Development Credit Bank Board of Directors.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of November, 2008.



John Weingart, Chairman

Vote on the Approval of this Resolution

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	✓		✓			
Councilmember Calabrese						✓
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Dillingham						✓
Councilmember Kovach			✓			

**Vote on the Approval of
this Resolution**

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

RESOLUTION 2008-71
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF CONTRACT FOR AFFORDABLE HOUSING CONSULTATION

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 enter into any and all agreements or contracts to effectuate the purposes of the Highlands Act; and

WHEREAS, on July 17, 2008, the Highlands Council adopted Resolution 2008-27 thereby adopting the Highlands Regional Master Plan (RMP); and

WHEREAS, the RMP includes goals, policies, and objectives relating to the constitutional obligation to provide affordable housing; specifically Policy 6O7 requires that conforming municipalities implement both the resource protection requirements of the RMP along with constitutional obligation to provide a realistic opportunity for affordable housing; and

WHEREAS, the RMP requires that municipalities, consistent with the Fair Housing Act, either petition COAH for a substantive certification or institute an action for declaratory judgment granting it repose in the Superior Court; and

WHEREAS, on July 17, 2008, the Fair Housing Act was amended by P.L. 2008, c. 46, to create a responsibility for the Highlands Council to identify and coordinate opportunities for affordable housing on a regional basis with consideration for infrastructure, employment opportunities, and transportation and to require a 20 percent affordable housing set-aside in residential developments; and

WHEREAS, Section 18 of P.L.2008, c.46 calls on the Highlands Council to coordinate the provision of affordable housing in the Highlands Region; and

WHEREAS, on September 5, 2008, Governor Corzine signed Executive Order 114 to further protect the Highlands Region and to further ensure the coordinated implementation of the Highlands Act and the Fair Housing Act; and

WHEREAS, in order to comply with the new requirements of P.L. 2008, c.46 and the direction set forth in Executive Order 114, the Highlands Council adopted Resolution 2008-41 requiring, after public hearing and public comment, the adoption of affordable housing guidelines for the Highlands Region; and

WHEREAS, to support the Highlands Council in the development of affordable housing guidelines for the Highlands Region, the Highlands Council prepared a Request for Qualifications (RFQ) seeking a firm to advise and assist the Highlands Council; and

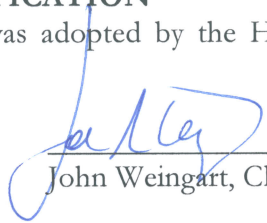
WHEREAS, several firms submitted responses and qualifications submittals prior to the deadline of November 10, 2008; and

WHEREAS, the Highlands Council staff evaluated the proposals and qualifications of the applicants and recommends that Group Melvin Design is best suited to meet the needs articulated by the Highlands Council's RFQ, along with a subcontractor, Paul Chrystie Consulting, and further recommends that the Highlands Council authorize the Executive Director to enter a contract with Group Melvin Design for affordable housing consulting services;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a contract with Group Melvin Design, which shall include a subcontract with Paul Chrystie Consulting, for an amount not to exceed \$125,000.00, provided that the Executive Director may authorize additional amounts under this contract pursuant to her authority under the Highlands Council Bylaws.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of November, 2008.



 John Weingart, Chairman

Vote on the Approval of this Resolution

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

RESOLUTION 2008-72
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
PROPOSED WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR
HAMILTON FARM GOLF CLUB, LLC, BEDMINSTER TOWNSHIP

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

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

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

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

WHEREAS, a proposal has been submitted that consists of a proposed amendment to the Upper Raritan WQMP and Somerset County/ Upper Raritan WMP which allows Hamilton Farm Golf Club (Block 9, Lot 1) to renovate an existing mansion to include four additional suites, a dining area, and a spa/exercise room; to expand the existing clubhouse as a restaurant, an office, a pro shop, and a locker room; to construct a new swimming pool area, pool hut, and tennis courts; to renovate the existing storage/caddy building and golf maintenance building; to connect two residential dwellings to the on-site discharge to ground water sewage treatment plan (STP); and to include beneficial reuse of all treated wastewater from the STP to be used for the purpose of golf course spray irrigation; and

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

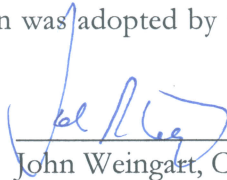
WHEREAS, the Highlands Council duly considered the Proposed Amendment, the Highlands Council staff consistency determination, which was posted on the Highlands Council website, and all public comments;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director is hereby authorized to provide the consistency determination to NJDEP on behalf of the Highlands Council.

RESOLUTION 2008-72
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
PROPOSED WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR
HAMILTON FARM GOLF CLUB, LLC, BEDMINSTER TOWNSHIP

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 20th day of November, 2008.



John Weingart, Chairman

**Vote on the Approval of
this Resolution**

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



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



FINAL DRAFT HIGHLANDS RMP CONSISTENCY DETERMINATION REVIEW

PROJECT INFORMATION			
Project Name: Hamilton Farm Golf Club, LLC 2008		Date: October 20 <u>November 13,</u>	
Name of Applicant: Applied Water Management, Inc			
Areawide WQMP: Upper Raritan		WMP: Somerset County/ Upper Raritan	
Municipality: Bedminster		County: Somerset	
Exempt project? No	Project specific amendment? Yes	WMP review? Yes	
NJDEP Activity #: AMD 070003		HPAA#: N/A	
Lot and Block, if applicable: Block 9 Lot 1			
Sewer Service Area/WWTP Facility: Hamilton Farm WWTP			
Sewer Service Area/WWTP Facility: New <input type="checkbox"/> Existing <input checked="" type="checkbox"/> <i>If existing provide the following:</i>			
Proposed Change in Service Area or Wastewater Flow? Yes			
NJPDES #: NJ0087343		Permit Discharge: 6,696 GPD additional	
Type of Discharge: GW <input checked="" type="checkbox"/> SW <input type="checkbox"/>		Total Proposed Service Area (acres): 28 acres	
Total Existing Service Area (acres): 67 acres (some of which includes golf course areas with no actual service)			
<p>Description of Project: Hamilton Farm Golf Club proposes to renovate the existing mansion to include four additional suites, a dining area with forty seats, and a spa/exercise room. The existing clubhouse is to be expanded to accommodate a new restaurant with seating for 160 diners, a 2,000 square foot office space addition and an extended pro shop and locker room to service members. The construction of a new swimming pool area, pool hut and tennis courts are proposed. The renovation of the existing storage/caddy building and golf maintenance building will accommodate an additional twelve employees. As part of this proposed amendment, the two residential dwellings currently served by individual septic systems would connect to the on-site discharge to ground water sewage treatment plan (STP). The applicant also proposes to include beneficial reuse of all treated wastewater from the STP to be used for the purpose of golf course spray irrigation. The total projected wastewater design flow is 28,146 GPD. Due to the increase in proposed wastewater flows, the applicant has identified the need for an additional 25,600 to 34,060 square feet of disposal bed at full design flow without diverting flow to the irrigation pond for reclaimed water for beneficial reuse. The proposed sewer service area has been reduced from the currently approved sewer service area of approximately 67 acres to a new service area of approximately 28 acres, which represents the Existing Area Served, an area limited to the wastewater generating facilities with an intensification of use, and not including the golf course itself.</p> <p>Hamilton Farm received a Water Allocation Permit effective March 1, 2007 (WAP050001, PID 2566P) to irrigate approximately 170 acres of turf on the 650 acres site, and replaced their purchased water source with on-site ground water pumped from several irrigation water supply wells installed on the property. Their approval application is for 11.5 MGM and 56 MGY. The average daily water requirement during the summer months is estimated at approximately 260,000 gpd. Previously, Hamilton Farm purchased water from NJ American/Elizabethtown Water Company for both irrigation and potable use.</p> <p>Potable water supply for the site will continue to be provided by NJ American/Elizabethtown Water Company. This water is derived from the NJ American facilities that draw water from the Raritan River outside the Highlands Region. The project water demand is estimated at 38,329 gpd, an increase of nearly 6700 gpd. The treated effluent is discharged to a lined irrigation pond for spray irrigation on the existing golf course during the growing season, as a reduction to consumptive water use from the irrigation withdrawal. All improvements related to the proposed golf course expansion will lie within the proposed sewer service area (SSA).</p> <p>It should be noted that the applicant provided GIS shape files with the boundaries of the SSA and the proposed</p>			

Project Name: Hamilton Farm Golf Club
 Name of Applicant: Applied Water Management

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buildings but they noted that per NJDEP instruction, they did not show all wastewater infrastructure (only wastewater generating structures). The applicant subsequently indicated that all site disturbances would be within the proposed SSA. Thus, the Council staff made the broad assumption that all the SSA is or will be disturbed land, with the understanding that NJDEP could clarify locations of actual disturbance when making their final determination. On November 4, 2008, the applicant submitted GIS shape files to the Highlands Council that showed revised boundaries of the limits of disturbance and noted the intention to submit to NJDEP a revised site plan that identifies this limit of disturbance as a modification to the formal proposal for this project (which had already been publicly noticed in the New Jersey Register). The applicant's consultant stated that the revised site plan responds, in part, to municipal approval of an ordinance limiting residential units in a golf course development to 18, whereas the original proposal published by NJDEP was for 40 units. Several units proposed in the original site plan would no longer be developed. This new information was taken into consideration by staff and is noted in the Comments sections of this template as appropriate, but this Consistency Determination is based on the formal proposal that was publicly noticed by the NJDEP.

PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES

Project Area located in which Highlands Act Area? (Check all that apply):

Preservation Area **If yes, percentage?** % **Planning Area** **If yes, percentage?** 100 %

Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):

Protection Zone Conservation Zone Existing Community Zone
 Conservation – Environmentally Constrained Sub-Zone Existing Community – Environmentally Constrained Sub-Zone
 Lake Community Sub-Zone Wildlife Management Sub-Zone

The review below is organized by Regional Master Plan Goals, Policies and Objectives for each resource and smart growth category; C stands for Consistent, I for Inconsistent, and N/A means the goal, policy, or objective is not applicable. Project specific reviews are based on the application of these Policies and Objectives to the project site, and do not require the adoption of municipal ordinances. Documents reviewed for this analysis include all appropriate documents submitted to the NJDEP, Highlands Council GIS data and technical reports, and documents related to the State Planning Commission Plan Endorsement process where applicable.

PART 1 NATURAL RESOURCES

SUBPART A FOREST RESOURCES

Project Area within Forest Resource Area? Yes

If yes to above, is there Encroachment into a Forest within Forest Resource Area? Yes

Forest Integrity Value (check one): High Medium Low

Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 1A2: To limit human development in the Forest Resource Area in the Preservation Area in order to protect and enhance forest resources, forest ecosystem integrity, Critical Habitat, and the quantity and quality of water resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1A2c: To prohibit through local development review and Highlands Project Review the deforestation of lands within the Forest Resource Area of the Preservation Area for human development except where authorized as an exemption by the Highlands Act, or is an agricultural or horticultural development as defined at N.J.S.A. 13:20-31 and meets the requirement of that provision of the Highlands Act, or if qualifying as a major Highlands Development, the project must, at a minimum, be in conformance with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.9.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1A2d: To prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into forested areas of the Forest Resource Area within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 1A2e: To require through local development review and Highlands Project Review that projects qualifying as major Highlands Developments, affecting or potentially affecting forests outside the Forest Resource Area in the Preservation Area, comply with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.9. All projects in the Preservation Area that are not major Highlands Developments shall comply with Policies 1A1 and 1A2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1A5: To prohibit through local development review and Highlands Project Review forest clear-cutting within the Forest Resource Area except in accordance with a Forest Management Plan approved by the State Forester.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Policy 1B2: To limit through local development review and Highlands Project Review human development of forests to low impact residential development in the Protection Zone and the Conservation Zone in the Planning Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Policy 1B3: To limit through local development review and Highlands Project Review deforestation in the Forest Resource Area and forested lands within High Integrity Forest Subwatersheds within the Existing Community Zone to maximum extent practicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1B3a: Implementation through Plan Conformance of regulations, which limit the clearing of trees in conjunction with human development to circumstances where the clearing will not diminish the integrity of forest resources.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Policy 1B5: To ensure that forest resources are protected on a site specific basis during local development review and Highlands Project Review.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 1B5a: Applications for local development review and Highlands Project Review require identification of any forest area on and adjacent to a site in accordance with the Highlands Council's Method for Identifying Upland Forest Areas in the Highlands Region.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Policy 1B7: To prohibit clear-cutting of forest lands except pursuant to an approved Forest Management Plan approved by the State Forester.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1C1: To require that conforming municipalities and counties address the protection of forested portions of Forest Resource Areas and High Integrity Forest Subwatersheds in their master plans and development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1C3: To require that conforming municipalities adopt a tree clearing ordinance consistent with an approved community forestry plan under the New Jersey Forest Service Community Forestry Program as part of the municipal master plan and local development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: Small portions of the eastern and western boundaries of the proposed SSA encroach upon areas of forests within a Forest Resource Area, which is inconsistent with Objective 1A2d. The applicant did not identify forest areas on and adjacent to the site in accordance with the Highlands Council Method for Identifying Upland Forest Areas in the Highlands Region, which is inconsistent with Objective 1B5a. Clearing of trees will diminish the integrity of the integrity of forest resources, which is inconsistent with Policies 1A5 and 1B5 and Objective 1B3a. However, based on the additional information subsequently provided by the applicant, it appears that the revised area of disturbance would not encroach upon areas of forest resources if NJDEP adopts this proposed limit of disturbance. Bedminster Township has a Soil Movement and Tree Removal Ordinance to protect against erosion and clearing of trees.

SUBPART B HIGHLANDS OPEN WATERS AND RIPARIAN AREAS

Project Area includes Highlands Open Waters Buffer? Yes

Highlands Open Waters Affected: Streams Lakes & Ponds Wetlands

Highlands Open Waters in Preservation Area: No

Watershed Value (Check one): High Medium Low

Area includes Riparian Area? Yes *If No, disregard remainder of Riparian Area checklist.*

Specific Riparian Area Features (Check all that apply): Flood Prone Areas Lakes & Ponds
 Riparian Soils Wetlands Wildlife Corridor Streams

Riparian Integrity Value (Check one per HUC14): High Medium Low HUC14: 02030105060080

Regional Master Plan Goals, Policies, and Objectives:

	C	I	N/A
Policy 1D4: Highlands Open Waters shall include a protection buffer of 300 feet from the edge of the discernable bank of the Highlands Open Waters feature, or from the centerline where no discernable bank exists. With respect to wetlands and other Highlands Open Waters features (e.g., seeps, springs, etc.), the feature shall include a protection buffer of 300 feet from the delineated Letter of Interpretation (LOI) line issued by the NJDEP for wetlands, or from a field-delineated boundary for other features. In areas where existing development or land uses within the protection buffers have reduced or impaired the functional values of the buffers, the Council will seek opportunities to restore the buffer and its functions. Any proposed disturbance shall, through local development review and Highlands Project Review, comply with Highlands Open Waters buffer standards. The protection buffer width for Category 2 streams in the Planning Area may be modified through a Stream Corridor Protection/Restoration Plan, as specified in Objective 1D4i. In approved Redevelopment Areas, the Council may, at its discretion, modify the required buffer, upon a showing of no alternatives, no impact to the functional value of the buffer, and provision of alternative approaches to enhancing or protecting Highlands Open Waters and resources of the buffer area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 1D4a: Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Open Waters.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 1D4b: Preservation Area buffers for Highlands Open Waters shall comply with the Highlands Preservation Area rules at N.J.A.C. 7:38, which provide that all major Highlands developments are prohibited within Highlands Open Waters and its adjacent 300 foot buffer in the Preservation Area except for linear development, which may be permitted provided that there is no feasible alternative for the linear development outside Highlands Open Waters or its buffer. Structures or other land improvements existing within Highlands Open Waters buffer in the Preservation Area on August 10, 2004 may remain, provided that the area of disturbance is not increased other than through a HIPAA. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses."	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<p>Objective 1D4c: Require that proposed development within all Highlands Open Waters buffers (Preservation and Planning Areas) conforms through local development review and Highlands Project Review with the buffer requirements of N.J.A.C. 7:8 (Stormwater Management Rules), N.J.A.C. 7:13 (Flood Hazard Area Rules), and N.J.A.C. 7:7 (Freshwater Wetland Rules), and with any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Objective 1D4d: Structures or other land improvements existing within a Highlands Open Waters buffer of the Planning Area on August 10, 2004 may remain, provided that the area of disturbance shall not be increased unless approved through local development review or Highlands Project Review in compliance with RMP policies and objectives. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses."</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Objective 1D4e: In the Protection and Conservation Zones of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the Highlands Council under Policy 7G2. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses." Such proposed disturbances must demonstrate full utilization of the following performance standards in the listed order, to demonstrate the necessity of an encroachment into Highlands Open Waters buffers: 1) avoid the disturbance of Highlands Open Waters buffers; 2) minimize impacts to Highlands Open Waters buffers; and 3) mitigate all adverse impacts to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h. Minimization and mitigation opportunities shall be considered only upon a clear and convincing demonstration by the applicant that the protection buffer cannot be avoided and in no case shall the remaining buffer be reduced to less than 150 feet from the edge of Highlands Open Waters, unless a waiver is granted by the Highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Objective 1D4f: In the Existing Community Zone of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the Highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses." Such disturbances shall employ performance standards such that all proposed disturbances of Highlands Open Waters buffers shall employ Low Impact Development Best Management Practices to mitigate all adverse modification to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 1D4i: Develop through Plan Conformance and implement stream corridor or subwatershed-based Stream Corridor Protection/Restoration Plans which shall include Steps 1, 2, and 3, and may include Steps 4 and 5: 1. Identify areas where existing development, land disturbances, or land uses are within Highlands Open Waters buffers have removed or substantially impaired natural vegetation communities, and have significantly reduced or impaired the functional values of Highlands Open Waters buffers. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses"; 2. Identify and require opportunities for restoration of areas identified in Step 1 as part of mitigation requirements under a Highlands Act waiver or Objectives 1D4e and 1D4f, and public or nongovernmental restoration/stabilization projects; 3. Identify the extent of stream corridor features that are critical to supporting the functions of a healthy Highlands Open Waters buffer and that extend beyond the buffers required by Objectives 1D4b and 1D4c. The 300 foot buffer in these areas may be expanded to be most protective of these features which may include, but are not limited to, Critical Habitat, pollutant source areas identified through scientific techniques, and steep slopes; 4. Where Highlands Open Waters buffers include areas identified in Step 1, regarding Category 2 surface waters in the Planning Area only, the Stream Corridor Protection/Restoration Plan may identify where, based on scientific analysis of site-specific conditions (e.g., topography, vegetation cover type, habitat, soil type, upstream land uses and pollution inputs, width of floodplain, rate and volume of run-off), a buffer of less than the full 300 feet (but including the undisturbed buffer area at a minimum) is sufficient to maintain or improve the protection of Highlands Open Waters and Riparian Areas. The plan must identify alternative buffers that provide functional buffer values at least equivalent to existing conditions and are no less than 150 feet or no less than the extent allowed in State or municipal regulation (including Objectives 1D4b and 1D4c), whichever is greater. Further, the plan shall include a functional value assessment to ensure that there is no net loss in the overall functional value of the subwatershed's stream buffers. Buffers established through this process shall be determined based on site conditions rather than fixed distances, reflecting findings of the scientific analysis, and shall be used in the site design and development review process regarding determinations of restoration, continued use, or increased use of the disturbed buffer area. Buffer averaging for the purpose of accommodating development proposals is deemed not to meet the requirements of this provision; and 5. Where a proposed Highlands Redevelopment Area would not meet, in full, Objectives 1D4b through 1D4h but affects an undisturbed buffer area determined to not be necessary for the protection of the functional values for Highlands Open Waters buffer (as determined through scientific analysis of site-specific conditions), modification of the undisturbed buffer may be allowed to no less than the extent allowed in State or municipal regulation. However the Council shall first determine that there is no alternative to the proposed reduction of the buffer, and require a showing of no impact to the functional values of the buffer and provision of alternative approaches to enhancing or protecting the Highlands Open Waters and resources of the buffer area. Restoration or enhancement of buffer functional values shall be provided on-site or within the same stream reach to achieve a net improvement of existing buffer functional values.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Objective 1D4j: The Highlands Council may require on a case-by-case basis, through Highlands Project Review, an expansion of the 300 foot buffer to protect the habitat of a water or wetlands-dependant rare, threatened or endangered species, to the minimum expansion necessary to achieve protection of that species.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Policy 1D5: Protect the integrity of the Riparian Areas through the application of RMP standards during local development review and Highlands Project Review.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Objective 1D5a: Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Riparian Areas, including those identified by the Highlands Council and by site-specific</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project Name: Hamilton Farm Golf Club
 Name of Applicant: Applied Water Management

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analysis.			
Objective 1D5b: Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 1D5c: Prohibit modifications to Riparian Areas in the Protection Zone except where a waiver is approved by the NJDEP or the Highlands Council under Policy 7G1 or 7G2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1D5d: Restrict modifications to Riparian Areas in the Existing Community Zone, other than those addressed by Objective 1D5b, that would alter or be detrimental to the water quality and habitat value of a Riparian Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1D5e: Implement Low Impact Development Best Management Practices for any development activity proposed within a Riparian Area, which minimize both alterations of natural vegetation and increases in impervious area, in compliance with Policies 6N3 and 6N4 and provide for mitigation through restoration of impaired Riparian Areas in the same HUC14 subwatershed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 1D5f: Require that development within Riparian Areas conforms through local development review and Highlands Project Review to any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 1D5g: Require identification and implementation of opportunities where the restoration and enhancement of previously impaired Riparian Areas are feasible and appropriate as mitigation to any allowable modification to Riparian Area requirements.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: A stream traverses the southwest portion of the proposed SSA. The <u>originally</u> proposed SSA encroaches upon the buffers of a stream, a wetland, and a pond (actually, a golf course water hazard, which is legislatively considered to be Highlands Open Waters), <u>and the revised limit of disturbance encroaches upon buffers for streams and wetlands</u>, which is inconsistent with Policy 1D4. While the buffer areas have been previously disturbed, the proposed action is inconsistent with Objective 1D4d because it would increase the area of disturbance. Further, it is inconsistent with Objective 1D4e because proposed disturbances of Highlands Open Waters buffers in the Conservation Zone of the Planning Area shall only occur in previously disturbed areas upon demonstration of the full utilization of the following performance standards in the listed order: 1) avoid the disturbance of Highlands Open Waters buffers; 2) minimize impacts to Highlands Open Waters buffers; and 3) mitigate all adverse impacts to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer. This demonstration has not been provided from the applicant.</p> <p>Riparian soils, including alluvial soil, soils with shallow depth to ground water, and hydric soils, lie in the middle and the western edge of the proposed SSA, which has been previously disturbed. <u>The proposed limit of disturbance encroaches upon soils with a shallow depth to ground water and hydric soils</u>. There is a Riparian Area associated with the stream that traverses the southwest portion of the proposed SSA. The proposed additional disturbance of this Riparian Area is inconsistent with Policy 1D5 and Objectives 1D5a, b and e.</p> <p>The proposed amendment does not indicate existence of a municipal ordinance that would provide for consistency with the Highlands Open Water Buffer and Riparian Area policies and objectives referenced above.</p>			
SUBPART C STEEP SLOPES			
Project Area includes: Steep Slopes >20% in Any Areas (severely constrained)? Yes			
Steep Slopes >15% in Forested Areas (severely constrained)? Yes			
Steep Slopes >10% in Riparian Area in Undeveloped Lands (moderately constrained)? No			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 1E6: To require through local development review and Highlands Project Review that applications for development include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy 1E7: To require through local development review and Highlands Project Review that applications for development involving parcels of land with slopes of 10% or greater include identification of forested lands, areas which are highly susceptible to erosion, depth to bedrock and Soil Capability Classes.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Policy 1E8: To prohibit through local development review and Highlands Project Review land disturbance within areas which are Severely Constrained Slopes and Moderately Constrained Slopes, except for linear development in both the Preservation and Planning Areas that meets the requirements of N.J.A.C. 7:38-3.8(c)1-4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Policy 1E9: To require through local development review and Highlands Project Review the use of Low Impact Best Development Practices for any land disturbance or human development within areas, which are Constrained or Limited Constrained Slopes, or that involves an approved disturbance of a Severely Constrained or Moderately Constrained Slope.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Policy 1E10: To require that conforming municipalities and counties implement the steep slope protection provisions of Policies 1E2 through 1E9 through master plans and development regulations.							<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Comments: Severely Constrained Slopes are located in the southeastern corner and along a small portion of the southwestern boundary of the proposed SSA. Disturbance of these areas as <u>originally</u> proposed would render the proposed project inconsistent with Policies 1E9 and 1E10. <u>However, based on the additional information provided by the applicant it appears that the revised area of disturbance will not encroach upon the Severely Constrained Slopes if NJDEP adopts the revised limits of disturbance.</u> The applicant does provide a topographic map of the site but does not provide the identification of forested lands, areas that are highly susceptible to erosion, depth to bedrock, or Soils Capability Classes, thus there is an inconsistency with Policy 1E7. There is no indication that an ordinance is in place to protect steep slopes.											
SUBPART D CRITICAL HABITAT											
Project Area includes:			Critical Wildlife Habitat? Yes			Significant Natural Area(s)? No			Vernal Pool(s) +1,000 ft? No		
Species of Concern:	Red-headed Woodpecker	Cooper's Hawk	Red Shouldered Hawk	Wood Turtle	Barred Owl						
Landscape Rank:	3	3	4	3	3						
Regional Master Plan Goals, Policies, and Objectives:							C	I	N/A		
Policy 1F2: To prohibit through Plan Conformance, local development review and Highlands Project Review the direct impact of new human development or expansion or increased intensity of existing development within Critical Habitat.							<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Policy 1F5: To establish a Habitat Conservation and Management Program, including minimum performance standards and criteria for the protection, enhancement, and restoration of lands within Critical Habitat.							<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Policy 1F6: To require that applications for any local development review and Highlands Project Review for Critical Habitat be subject to minimum standards and criteria outlined in the Habitat Conservation and Management Plan.							<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Objective 1F6a: Prohibit direct impacts from new development or expansion or increased intensity of existing development that will jeopardize the continued existence of, or result in the likelihood of the destruction or adverse modification of Critical Habitat, except as permitted through the issuance of a waiver under Policy 7G1 or 7G2.							<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Objective 1F6b: Prohibit indirect impacts from activity that is off-site, adjacent to, or within Critical Habitat that will jeopardize the continued existence of, or result in the likelihood of the destruction or adverse modification of Critical Habitat, except as permitted through the issuance of a waiver under Policy 7G1 or 7G2.							<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Objective 1F6c: Waiver applications under Policy 7G2 for local development in a municipality with a Council-approved Critical Habitat Conservation and Management Plan shall be subject to the minimum standards and criteria for waiver provisions as set forth in the plan, to the maximum extent practicable.							<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Objective 1F6d: Waiver applications under Policy 7G2 for development in a municipality without a Council-approved Critical Habitat Conservation and Management Plan shall be subject to the Low Impact Development Best Management Practices required in Objective 1F5b.							<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Objective 1F6e: A vernal pools protection buffer may be reduced only if an applicant can demonstrate, to the satisfaction of the Highlands Council in coordination with the NJDEP's Endangered and Nongame Species Program, that the reduction is the minimum feasible and that: <ul style="list-style-type: none"> In an undisturbed wetland, documented and field-determined vernal pool-breeding wildlife require a smaller protective buffer, as documented in scientific literature; or Existing land uses present a significant, insurmountable and permanent barrier to the migration or viability of vernal pool-breeding wildlife that is infeasible to mitigate. Requirements for demonstrating the above criteria shall be included in the Critical Habitat Conservation and Management Plan.							<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Objective 1F6f: A Critical Wildlife Habitat area or Significant Natural Area delineation may be modified if an applicant can demonstrate, to the satisfaction of the Highlands Council in coordination with the NJDEP's Endangered and Nongame Species Program or Natural Heritage Program, that: <ul style="list-style-type: none"> The nature of the site is such that it does not provide habitat for species of concern; The species of concern are not present on the site during any critical part of their life cycle, do not depend upon the site for food, shelter or breeding, and the habitat; on the site is either unsuitable or not critical to species' recovery in the Region; or Existing land uses present a human, natural or development barrier to the use of the site by species of concern. Requirements for demonstrating the above criteria shall be included in the Critical Habitat Conservation and Management Plan.							<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Policy 1F7: To require through local development review and Highlands Project Review that projects qualifying as major Highlands Developments, affecting or potentially affecting Critical Habitat in the Preservation Area, comply with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.11 and with the minimum standards and criteria outlined in the Critical Habitat Conservation and Management Plan. All projects in the Preservation Area that are not major Highlands Developments shall comply with Policies 1F1 through 1F6.							<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

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Comments: The Highlands Council GIS mapping shows that the majority of the proposed SSA contains Critical Habitat (the exceptions are the northern section where the United States Equestrian Team is located and the detached portion of the proposed SSA). The mapping indicates critical wildlife habitat for the Red-headed Woodpecker, Cooper's Hawk, Red Shouldered Hawk, Wood Turtle, and Barred Owl. However, the Landscape Project Mapping utilized by the applicant prior to March 2007 indicates that the site is Critical Wildlife Habitat for Wood Turtle (rank 3), Barred owl (rank 3), and Black and White Warbler (rank 4). NJDEP released the updated Landscape Project Mapping in 2008, which would explain the difference between the applicants' and the Highlands Council's data on the Critical Wildlife Species and areas of Critical Habitat. The Highlands Council staff examined the Microsoft Lives' 2007 Aerial Photographs, which revealed that much of the area mapped as Critical Habitat is no longer forested (the required habitat for the species indicated) and has already been disturbed for golf course development based on local approvals. However, NJDEP is the source of Landscape Project data used by the Highlands Council and must make the determination that the actual habitat either does not support or is not critical to the species, or that the applicant is properly managing habitat for these species. Absent that determination from NJDEP, and absent a Wildlife Conservation and Mitigation Program, the proposed project is inconsistent with Policy 1F2, 1F5, and 1F6 and with Objectives 1F6a and b.

SUBPART E LAND PRESERVATION AND STEWARDSHIP

Project Area within Conservation Priority Area? Yes **If yes, percentage?** 0.1 %

Project Area within Special Environmental Zone? No **If yes, identify properties (B/L):**

Project Area includes preserved land? No **If yes, identify properties (B/L):**

Regional Master Plan Goals, Policies, and Objectives:

	<u>C</u>	<u>I</u>	<u>N/A</u>
Policy 1H7: To identify and designate a Special Environmental Zone in the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools including, but not limited to, fee simple acquisition, easement acquisition, transfer of development rights programs, and development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1H7b: Adopt and enforce development regulations which prohibit the development of those portions of a parcel of land which are located within a Special Environmental Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1H7c: Require through Plan Conformance, local development review, Highlands Project Review, and NJDEP review under N.J.A.C. 7:38 that development shall not occur within a Special Environmental Zone. In any Special Environmental Zone, any exemption identified through Policy 7F1 or waiver issued under the Highlands Act under Policy 7G1 or 7G2 shall be conditioned upon a determination that the State or local government unit has exhausted all means for the permanent preservation of these lands through use of preservation tools including, but not limited to, fee simple acquisition, easement acquisition, and transfer of development rights.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1I3: To require conforming municipalities and counties to require conservation or land stewardship easements, enforceable by the Highlands Council and at least one of the following: the appropriate municipality, the County Agriculture Development Board, the SADC, Green Acres, or a non-profit land trust organized pursuant to § 501 (c)(3) of the federal tax code and engaged in the protection of land for the purpose of providing long-term stewardship of important resources as a condition of development approval for lands within parcels proposed for development that are identified for preservation on a proposed site plan or subdivision plat.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: Only a very small corner of the proposed SSA is within moderate conservation priority area, (which lies in the forested area between the large primary SSA and the detached portion of the proposed SSA to the extreme southwest). There are no identified inconsistencies with respect to land preservation and stewardship.

SUBPART F CARBONATE ROCK (KARST) TOPOGRAPHY

Project Area within or contributing to Carbonate Rock Area? No

Regional Master Plan Goals, Policies, and Objectives:

	<u>C</u>	<u>I</u>	<u>N/A</u>
Policy 1K2: To identify and delineate through local development review and Highlands Project Review land areas that drain surface water into the Carbonate Rock Area, as changes in the quantity, quality and rate of discharge of surface water runoff from upslope lands can impair ground water resources in the Carbonate Rock Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1K4: To ensure through Plan Conformance that municipalities in, or within subwatersheds draining directly to, the Carbonate Rock Area protect public health and safety and the quality of ground waters from inappropriate land uses and pollutant discharges.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1K4b: Applications for site plan or subdivision approval will include a multi-phased geotechnical site investigation (e.g., test borings, test pits) to locate any potential karst features and potential hazards to public health and safety, structures and ground water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Objective 1K4c: Local development reviews and Highlands Project Reviews and requirements shall ensure that all potential hazards to public health and safety, structures and ground water quality, including but not limited to concentrated surface water flows that dissolve carbonate rock, are fully addressed and mitigated in the construction plans and subsequent approval process, with the maximum emphasis on nonstructural measures, including, but not limited to, avoidance of modifications to the karst features.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1K4d: Public works projects, including but not limited to water supply, sewerage, stormwater and transportation facilities, shall be constructed and maintained such that the potential for damage from karst features and the contamination of ground water are avoided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1K4e: Highlands Project Reviews and requirements and local development reviews (where applicable) shall prohibit new land uses and facilities that constitute unacceptable risks of discharge due to karst topography where karst features have been identified, including but not limited to: Underground storage tanks; Solid waste landfills; Hazardous waste storage and disposal; and Hazardous materials storage and handling.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: N/A. The proposed SSA is not located within the Carbonate Rock Area nor does it drain to a Carbonate Rock Area.			
SUBPART G LAKE MANAGEMENT			
Project Area within Lake Management Area? No <i>If No, disregard remainder of Lake Management checklist.</i>			
If yes, which Tier: Shoreland Protection Tier No Water Quality Management Tier No Scenic Resources Tier No Lake Watershed Tier No			
Project Area within Lake Community Sub-Zone? No			
If yes, which Tier: Shoreland Protection Tier No Water Quality Management Tier No Scenic Resources Tier No Lake Watershed Tier No			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 1L2: To establish tiers of lake management appropriate to management strategies that help protect lake water quality and community value from the impacts of present and future development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1L2a: Lake management programs shall use the following management tiers around all Highlands Region lakes of greater than ten acres in size: <ul style="list-style-type: none"> • A Shoreland Protection Tier consisting of an area measured 300 foot or the first property line perpendicular from the shoreline of the lake; • A Water Quality Management Tier consisting of an area measured 1,000 foot perpendicular from the shoreline of the lake, including the shoreland protection tier; • A Scenic Resources Tier consisting of an area measured 300 to 1,000 foot perpendicular from the shoreline of the lake, scaled based upon the view distance from the opposite shoreline, and determined through the size and layout of the lake, with wider portions of lakes having longer view distances; and • A Lake Watershed Tier consisting of the entire land area draining to the lake, through the evaluation of drainage areas using LiDAR topographic analyses or other topographic data where LiDAR data are not available. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1L3: To establish unique standards (as compared to lakes within the Protection and Conservation Zones) for the Lake Community Sub-Zone within the Existing Community Zone within 1,000 feet of lakes, particularly with respect to the Shoreline Protection Tier, to prevent degradation of water quality, harm to lake ecosystems, and promote aesthetic values within the Existing Community Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1L4: To establish and implement management strategies to help protect lake water quality and ecosystem values from the impacts of present and future development for all lakes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1L4a: Implementation of standards through Plan Conformance regarding lake ecosystem and water quality in the Shoreland Protection Tier to address direct and proximate impacts upon the lake, including but not limited to shoreline modification and development (including limits to the hardscaping of shorelines using bulkheads, rip-rap and walls), docks, piers, boathouses, dredging, vegetation removal, and increased impervious cover. Pollutant discharges shall also be addressed, including the potential for contamination from septic systems, cesspools and other wastewater management systems within the tier that are failing or are inadequately designed and constructed. As such systems fail, landowners should be required to provide upgraded treatment (whether on-site or through public or community systems) to minimize pollutant movement to the lake. Standards for the Lake Community Sub-Zone and for the Protection and Conservation Zones may be distinct to the extent necessary to recognize the existence of significant development within the Lake Community Sub-Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1L4b: Implementation of standards through Plan Conformance regarding land use compatibility and water quality in the Water Quality Management Tier, to prevent or minimize continuous pollutant sources that can contribute pollutants overland or through ground water to the lake from greater distances than the Shoreland Protection Tier.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1L4c: Implementation of standards through Plan Conformance regarding the protection of visual and scenic resources in the Scenic Resources Tier, including but not limited to requirements for vegetative screening of buildings, building height limitations, and limits on tree and understory removal for reasons other than public health and safety or as the minimum necessary to make reasonable use of the designated building envelope for the parcel proposed for development. Standards for the Lake Community Sub-Zone and for the Protection and Conservation Zones may be distinct to the extent necessary to recognize the existence of significant development within the Lake Community Sub-Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1L5: To require that conforming municipalities adopt and implement for all lakes the standards applicable to the Shoreland Protection and Water Quality Management Tiers; the standards applicable to the scenic resources tier shall be adopted and implemented for all public lakes (i.e., with shorelines that are not entirely privately-held and managed through a lake association), and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Comments: N/A

PART 2 WATER RESOURCES AND WATER UTILITIES

SUBPART A WATER RESOURCES AVAILABILITY

Source HUC14(s):	Net Availability (MGD):	HUC14 Constraint - Current Deficit Area (Y/N):	HUC14 Constraint - Existing Constrained Area (Y/N):	Conditional Availability (MGD):
1. 02030105060080	0.054931	No	Yes	N/A
2. 02030105050050	0.028124	No	Yes	N/A

Regional Master Plan Goals, Policies, and Objectives:

	C	I	N/A
Policy 2B4: To strictly limit consumptive and depletive water uses to the water availability in each HUC14 subwatershed and to establish priorities for water uses that implement the policies and objectives of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B4a: Give highest priority for the use of non-agricultural Net Water Availability or Conditional Water Availability within Protection Zone and Conservation Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review, and Highlands Project review: 1. To address a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for Net Water Availability; 2. To serve a designated Highlands Redevelopment Area; 3. To serve a cluster development that complies with Objective 2J4b; and 4. To serve affordable housing projects where at least 10% of the units are affordable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B4b: The highest priority for use of Net Water Availability or Conditional Water Availability within Existing Community Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review and Highlands Project review to serve documented threats to public health and safety from contaminated water supplies, designated TDR Receiving Zones, infill development, designated Highlands Redevelopment Area, affordable housing projects where at least 10% of the units are affordable, or new areas for development that meet all other requirements of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B4c: Establish and implement mandatory stormwater reuse for recreational and other non-agricultural irrigation, as well as other non-potable water purposes to minimize both the volume of stormwater discharges and water withdrawals for these purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B4d: The highest priority for agricultural water uses in the Conservation Zone shall be those Preservation Area uses that promote agricultural and horticultural uses and opportunities that are compatible with protection of the Highlands environment, and those Planning Area uses that promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities. Compatible agricultural and horticultural uses shall minimize consumptive water uses through efficiency measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2B5: To require, through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review, the use of water conservation, recycling and reuse methods (where appropriate) and devices for any redevelopment or development activity, including renovations to existing residential, institutional, commercial or industrial buildings, to minimize consumptive water use tailored to meet the resource protection and other goals for each Zone and considering subwatershed-specific conditions and Net Water Availability status.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2B6: To require through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, Highlands Project Review, and interagency coordination that proposed public water supply and wastewater service areas, new or increased water allocations and bulk water purchases will not directly or indirectly cause or contribute to a Net Water Availability deficit, and where feasible will help mitigate any existing deficit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B6a: Areawide Water Quality Management Plans, Wastewater Management Plans or their amendments shall ensure that the proposed service area will not directly or indirectly cause or contribute to a Net Water Availability deficit, and shall be in conformance with any Water Use and Conservation Plan developed under Objective 2B8c.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B6b: NJDEP Water Allocation decisions and Highlands Project Reviews shall ensure that any new or increased water allocation permits within the Highlands Region are in conformance with the policies and objectives of the RMP policies and objectives and do not result in significant reductions in safe yields for any water supply facility with an existing water allocation permit and the NJDEP-approved safe yield.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<p>Policy 2B7: To ensure through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review that the use of Net Water Availability and Conditional Water Availability within each subwatershed supports development patterns that are in conformance with RMP policies and objectives.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Policy 2B8: To require through Plan Conformance, local development review, and Highlands Project Review the efficient and effective use of water availability, the planning for future water needs, the reduction and elimination of water deficits, and the mitigation of new consumptive or depletive use in any Current Deficit Areas or subwatersheds that could become deficit areas based on projected development and water uses, to ensure sustainable water supply, water resource and ecological values in conformance with RMP policies and objectives.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2B8a: Prevent net increases in consumptive or depletive water uses in Current Water Deficit Areas to prevent exacerbation of and help reduce or eliminate the deficit to ensure sustainable water supply, water resource and ecological values, emphasizing techniques including, but not limited to water reuse, recycling and conservation.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2B8b: Proposed new consumptive or depletive water uses within a Current Deficit Area shall only occur under the auspices of a Water Use and Conservation Management Plan approved under Objective 2B8c or through mitigation of the proposed consumptive or depletive use within the same HUC14 subwatershed through: a permanent reduction of existing consumptive and depletive water uses; ground water recharge in excess of the requirements of N.J.A.C. 7:8 (Stormwater Management Rules); or other permanent means. Where a Water Use and Conservation Management Plan has not been approved:</p> <ol style="list-style-type: none"> 1. Each project shall achieve mitigation ranging from 125% to 200%, based on the severity of the Current Deficit and the amount of consumptive or depletive water use proposed; 2. Total consumptive and depletive water uses from any single project and all projects combined are not to exceed the Conditional Water Availability of Objectives 2B3a or 2B3b for any HUC14 subwatershed; 3. Mitigation shall be successfully completed prior to initiation of the water use, except as required by #4, below. Mitigation may be phased in keeping with project development; 4. For water uses where the combination of proposed consumptive and depletive water uses and current subwatershed deficit is high, according to a schedule established by the Highlands Council, off-site mitigation shall be successfully completed prior to any on-site construction. On-site mitigation shall be successfully completed prior to initiation of the water use but may be implemented concurrent with on-site construction. Mitigation may be phased in keeping with the level of consumptive or depletive water uses; and Mitigation plans for a project shall include: specific objectives for each mitigation component; monitoring and reporting requirements; methods by which shortfalls in meeting the mitigation objectives shall be addressed through additional action; and be guaranteed through performance bonds. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2B8c: Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2B8d: All water users within a Current Deficit Area shall seek funding and opportunities to meet the intent of Objective 2B4b.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2B8e: Allow water resource transfers between or from Highlands subwatersheds only when there is no other viable alternative and where such transfers would demonstrably not result in impairment of resources in any subwatershed. Potential effects on upstream and downstream subwatersheds should be included in any such evaluation.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Through this WQMP amendment, Hamilton Farms will increase the capacity of its reclaimed water for beneficial reuse system, and intends to direct treated wastewater to a lined pond that has a storage volume of the irrigation pond is approximately 4.7 million gallons (1.6 acres with an average depth of 9 ft), which is approximately 18 days of supply at 260,000 gpd. The proposed increase in interbasin transfer from outside the Highlands Region will reduce the amount of ground water diverted for irrigation purposes. The beneficial reuse relies upon water imported for potable supplies, and therefore will increase the consumptive use of that water. Based upon the revised site plan, the increase in potable water use will be less than originally proposed; the beneficial reuse would also be less.</p> <p>Water for irrigating the golf course is supplied by onsite ground water pumped from several irrigation water supply wells installed on the property, which will supply the average daily water requirements during the summer months estimated at 260,000 gpd. They have an approved allocation (No. WAP 050001, PID No. 2566P) for 11.5 MGM and 56 MGY; this WQMP amendment does not affect the existing water allocation permit. The amount of water Hamilton Farm obtains from wells located on the property will drive the HUC(s) into deficit and will exceed the Net Water Availability even if wells in both HUC 14s are utilized. Neither HUC14 is in deficit, but they both are constrained. This WQMP will not be increasing that deficit because all of the new water uses are supplied by interbasin transfer. A Water Use and Conservation Management Plan addressing water conservation, mitigation of deficits, and avoiding new deficits has not been developed. However, this issue is not an aspect of the WQMP amendment and therefore is not applicable to the review at hand. Stormwater reuse is mandatory for non-agriculture irrigation.</p>			

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SUBPART B PROTECTION OF WATER RESOURCES QUANTITY			
Project Area includes Prime Ground Water Recharge Area? Yes			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 2D3: To protect, enhance, and restore the quantity and quality of Prime Ground Water Recharge Areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2D3c: Implement master plans and development review ordinances through Plan Conformance that protect Prime Ground Water Recharge Areas and minimize the potential for disruption of recharge in such areas by development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2D3g: Require through Plan Conformance and local health ordinances, that existing land uses that have a significant potential to result in major discharges of pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a Prime Ground Water Recharge Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2D4: To apply standards through Plan Conformance, local development review and Highlands Project Review to protect, restore and enhance the functionality and the water resource value of Prime Ground Water Recharge Areas by restricting development and uses of land within a Prime Ground Water Recharge Area that reduce natural ground water recharge volumes or may directly or indirectly contribute to or result in water quality degradation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2D4a: Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2D4b: Any development activity approved to occur in a Prime Ground Water Recharge Area shall provide an equivalent of 125% of pre-construction recharge volumes for the affected Prime Ground Water Recharge Area of the site within the following areas, in order of priority: (1) the same development site where feasible; (2) the same HUC14 subwatershed, or (3) an interrelated HUC14 subwatershed as approved by the Highlands Council where no feasible option exists in the same HUC14 subwatershed. This requirement shall apply to all portions of the Prime Ground Water Recharge Area where the recharge is disrupted through impervious surfaces, routing of stormwater runoff and recharge from natural flow paths, and other similar changes.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2D4c: Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area shall be minimized through the implementation of Low Impact Development Best Management Practices meeting the requirements of Objective 2D3a.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2D4d: Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area, after conformance with Objectives 2D4a, 2D4b and 2D4c is achieved, shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall be preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest ground water recharge rates and the lowest potential for aquifer recharge.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2D4e: Prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into a Prime Ground Water Recharge Area within the Protection or Conservation Zone within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 2D4f: Prohibit through Plan Conformance, local development review and Highlands Project Review new land uses, including those identified through Objective 2D3d, that have a significant potential to result in the discharge of persistent organic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a Prime Ground Water Recharge Area, such that they may degrade or contribute to the degradation of ground water quality.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2D4g: Require conformance with applicable components of regional stormwater management plans, where applicable, as a mandatory requirement for any site plan application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 2D4h: Achieve a net improvement in ground water recharge volume and maintenance of water quality as required through compliance with and implementation of any related provisions of an adopted regional stormwater plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2D4i: Achieve a net improvement in ground water volume and maintenance of water quality through redevelopment, enhanced infiltration, pretreatment or other means where feasible.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: The majority of the site is within a Prime Ground Water Recharge Area, and the proposed development limits of disturbance would affect such areas. The development cannot be accommodated on site without conflicting with Critical Habitat, Highlands Open Water Buffers, and steep slopes. The Highlands Council cannot determine based on available information if encroachment is less than 15% of total prime recharge area located on the site. Based on the revised limits of disturbance provided by the applicant, the applicant has determined that the project disturbs approximately 1.25 acres or (0.3%) of the total 360 acres of Prime Ground Water Recharge located onsite if this revised limit of disturbance is approved by NJDEP.</p> <p>The proposed project does not protect, enhance, or restore the quality or quantity of Prime Ground Water Recharge Areas, and the applicant does not state that they will provide an equivalent of 125% of pre-construction recharge volumes. The applicant states that Hamilton Farm recharges 0.47 acre-feet of stormwater through Bio- Retention Basins and during the winter months will infiltrate the wastewater after storage, but these recharge amounts do not fulfill the requirements for Prime Ground Water Recharge Areas. The applicant also proposes, as part of the revised</p>			

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<p><u>site plan, to install dry wells that will collect runoff from the roof of the clubhouse and the pool house. The total proposed roof area is 17,630 ft², which will yield approximately 0.4 MGY of recharge.</u> There are no ordinances or standards in place to protect Prime Ground Water Recharge Areas.</p>			
SUBPART C WATER QUALITY			
<p>Project Area within Wellhead Protection Area? No</p>			
<p>If yes to above, check all that apply: Tier 1 <input type="checkbox"/> Tier 2 <input type="checkbox"/> Tier 3 <input type="checkbox"/></p>			
<p>Name of Nearest Waterway(s) (1000 feet of Project Area): Middle Brook (NB Raritan River)</p>			
<p>SWQS Classification: C2 FW2 NT</p>			
<p>Description of Impairments, or TMDL: N/A</p>			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
<p>Policy 2G2: To reduce or avoid water quality impacts using requirements for water quality protection measures for new land uses through local development review and Highlands Project Review.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Policy 2G3: To adopt and implement water quality protections through Plan Conformance, local development review and Highlands Project Review.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Objective 2G3a: Prohibit land uses that would increase pollutant loadings to waters for which TMDLs have been adopted by the NJDEP unless in compliance with the relevant TMDL.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2G3b: Ensure that new land uses draining to a stream designated as impaired but lacking a TMDL (i.e., Sublist 5) avoid increased pollutant loadings for the parameter or parameters for which a TMDL is required.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2G3c: Water Quality Management Plans, Wastewater Management Plans or amendments shall demonstrate that the proposed service area will not directly or indirectly support development that would be in violation of an adopted TMDL.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Policy 2G5: To adopt and implement stormwater management controls through Plan Conformance, local development review and Highlands Project Review.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Objective 2G5a: Require recharge of clean stormwater rather than contaminated stormwater wherever feasible to meet stormwater management requirements, and to pretreat contaminated stormwater wherever its recharge is required.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Objective 2G5b: Require Low Impact Development and other Best Management Practices standards for stormwater management to minimize the discharge of stormwater-entrained pollutants to ground and surface waters.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Objective 2G5c: Implement agricultural best management practices for water conservation, water reuse, nutrient and pesticide application, animal waste management, environmental restoration, pollution assessment and prevention, and irrigation efficiency in farm operations for the protection of ground and surface water quality.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2G6c: Require conforming municipal and county master plans and development regulations to incorporate relevant TMDLs, additional water quality protection measures and wellhead protection for public water supply wells and nitrate standards as development standards.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Policy 2H2: To develop and implement, through Plan Conformance, local development review and Highlands Project Review, resource protection measures to protect and enhance ground water and water supply resources within Wellhead Protection Areas consistent with the source water assessments for each water supply source.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2H2a: Prohibit land uses that have a significant potential to result in the discharge of pathogens (including, but not limited to, septic systems and engineered stormwater infiltration from surfaces with significant potential for contact with pathogenic contaminants) to ground water or to the land surface within a designated Tier 1 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality. Require that the construction of sewer lines within Tier 1 of a Well Head Protection Area prevent seepage of untreated sewage into ground water.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2H2b: Prohibit land uses that have a significant potential to result in the discharge of persistent organic or toxic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a designated Tier 2 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2H2c: Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2H4a: Require site specific and municipal stormwater management plans to address wellhead protection requirements.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Policy 2H5: To require that conforming municipalities revise master plans and development regulations to address wellhead protection requirements.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2H5b: Restrict development activities that pose threats to the water quality of public water supply wells.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2H5c: Ensure that development activities and existing land use activities implement best management practices to protect the quality of ground water within Wellhead Protection Areas.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2H5d: Amend Areawide Water Quality Management Plans or Wastewater Management Plans for conforming municipalities and counties to ensure that any activity associated with the proposed service area will not adversely affect a Wellhead Protection Area.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<p>Comments: The site is not within a wellhead protection area and does not have a TMDL or listed on the 2006 Integrated List.</p> <p>The proposed development does not describe specific water quality protection measures in place or proposed. The applicant does not mention in the revised site plan the recharge of clean stormwater or pre-treating stormwater before recharge in the application, which is consistent with 2G5a.</p>					
SUBPART D SUSTAINABLE DEVELOPMENT AND WATER RESOURCES					
WATER UTILITY					
Potable Water Supply? Yes		Domestic? No			
Source Water HUC(s): Raritan River					
Public Community Water System? Yes		If PCWS, Name of Facility: NJ American/Elizabethtown Water Co.			
PCWS ID No: 2004002		Total Projected Water Demand of Project (MGD): 0.038329			
Regional Master Plan Goals, Policies, and Objectives:			C	I	N/A
<p>Policy 2I1: To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.</p>			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2I1b: The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.</p>			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Policy 2J2: To ensure, through Plan Conformance and Highlands Project Review, that Highlands Public Community Water Systems conform with Policy 2B6.</p>			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Objective 2J2a: Limit future water system demand and reduce existing demand where feasible by water systems that are dependent on Current Deficit Areas or Existing Constrained Areas as a source of water.</p>			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2J2b: Limit future water system demands to levels that will not create a Current Deficit Area where one does not currently exist.</p>			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Policy 2J3: To identify, through Plan Conformance, the RMP Water Resources Science Agenda and other means, areas of the Highlands Region with existing or imminent threats to public health and safety from contaminated domestic and other on-site water supplies that are of sufficient scale to potentially justify the extension or creation of a public water supply.</p>			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Policy 2J4: To minimize, through Plan Conformance, local development review and Highlands Project Review, the creation or extension of public water supply systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area, and to allow for the creation or extension of public water supply systems where appropriate within the Existing Community Zone.</p>			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Objective 2J4a: Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.</p>			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Objective 2J4b: Clustered development served by public water supply within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity; 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. To the maximum extent feasible the developed portion (i.e., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the</p>			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).			
Objective 2J4c: Allow the expansion or creation of public water systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to Objective 2J4a within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. TDR Receiving Zones, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than expansion of public water service areas within this Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2J4d: All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area will be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2J5: To prohibit, through local development review and Highlands Project Review, new or increased water resource transfers between subwatersheds unless it is demonstrated that no other option exists to meet public health, safety and welfare objectives and where such transfers do not result in impairment of resources in the subwatershed from which water is proposed to be transferred.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2J7: To require water resource management for all development in the Highlands Region, through local development review and Highlands Project Review.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2J7a: Require the maximum feasible water conservation and recycling for any redevelopment or development activity, including renovations to existing single family residences and commercial/industrial buildings.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2J7b: Require consideration of and the cost-effective use of recycled or re-used water rather than potable public water for non-potable purposes such as fountains, and nonessential uses such as golf courses, certain recreational, commercial, or agricultural uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 2J7c: Require that new residential development served by public community water systems, be except where also served by septic systems, at a minimum density of 1/2 acre per dwelling unit for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, recreational space), to ensure cost-effective utility service.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2J7d: Require that new non-residential development served by public water systems, except where also served by septic systems, be designed to target a floor area ratio (FAR) of 0.84 for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, recreational lands) to the maximum extent feasible, as a means to maximize parking and employment efficiency and compact development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Hamilton Farm Golf Club is and will continue to be provided with potable water supplies by New Jersey American Water/Elizabethtown Water Company. New Jersey American Water obtains its water from the Raritan System, outside the Highlands Region, and has enough capacity to supply the site.</p> <p>The maximum feasible water conservation and recycling including renovations to existing family residents and commercial/industrial buildings is not proposed, which is inconsistent with Objective 2J7a. The use of water resource management to maximize water conservation is required by Objective 2J7a.</p> <p><u>The applicant provided additional information on November 8, which states that the project would include expansion of the reclaimed water for beneficial reuse system, which would utilize the maximum amount of treated effluent for golf course irrigation. It is noted that this system would help reduce the on-site ground water diversion to meet irrigation needs. The applicant also notes that Hamilton Farms has installed and currently operates a water recycling system to service the golf equipment wash down facility, and that Hamilton Farms proposes to install low flow plumbing fixtures where feasible. Implementation of these measures would, if incorporated into the WQMP amendment, render the proposed project consistent with Objective 2J7a.</u></p>			

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WASTEWATER UTILITY				
NJPDES Permit Number: NJ#0087343		Projected Flow of Project (GPD): 28,146 total		
HDSF Facility? No		HDSF Available Capacity (MGD):		
Subject to Allocation Agreement? No		Capacity Allocated from HDSF (MGD):		
Extent of HDSF Service Area Included in WMP: Full <input type="checkbox"/> Partial <input type="checkbox"/>				
Wastewater Treatment Facility: Hamilton Farm Golf Club STP				
Service Area:		Wastewater Discharge Flow (MGD):		
NJPDES-DGW:	Existing <input checked="" type="checkbox"/> Proposed <input type="checkbox"/>	Existing: 0.006696	Increase: 0.021450	
NJPDES-DSW:	Existing <input type="checkbox"/> Proposed <input type="checkbox"/>	Existing:	Increase:	
Regional Master Plan Goals, Policies, and Objectives:		C	I	N/A
Policy 2I1: To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2I1a: Designated sewer service areas in the Preservation Area shall be restricted to the Existing Area Served as of August 10, 2004, except to serve development that is approved through a HAD or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2I1b: The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2K2: To base projected demand for current needs, appropriate economic revitalization and opportunities for designated TDR Receiving Zones within Existing Areas Served on existing maximum three month demands plus an estimate of redevelopment needs based on either Highlands Council regional analyses or more detailed local analyses, to assess whether there is adequate treatment capacity to encourage redevelopment.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2K3: To provide adequate, appropriate, efficient and cost-effective wastewater management to all development in the Highlands Region, through Plan Conformance, local development review and Highlands Project Review.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 2K3b: Existing wastewater collection and treatments systems which are non-compliant with state water quality standards for wastewater treatment and effluent discharge shall be prohibited from collecting and treating additional wastewater until the treatment systems are fully compliant with State permit requirements.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 2K3c: Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 2K3d: Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas; 2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served; 4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).			
Objective 2K3e: Allow the expansion or creation of wastewater collection systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to those provided at Objective 2K3c within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. The highest priority for allocation of excess or additional wastewater treatment capacity is to areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served. TDR Receiving Areas, where designated, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than other developments requiring expansion of sewer service areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2K3f: All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2K4: To ensure the efficiency and cost-effectiveness of public wastewater collection and treatment systems, through Plan Conformance, local development review and Highlands Project Review.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 2K4a: Require that new residential development served by public wastewater collection and treatment systems be at a minimum density of 1/2 acre per dwelling unit for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, and recreational space) to ensure cost-effective utility service.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2K4b: Require that new non-residential development served by public wastewater collection and treatment systems be designed to target a floor area ratio (FAR) of 0.84 for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, recreational space) to the maximum extent feasible, as a means to maximize parking and employment efficiency and compact development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2K4c: Require the use of recycled or re-used water wherever possible including aesthetic purposes and non-potable purposes such as fountains, golf courses, and other recreational, commercial or agricultural uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The proposed development will be served by the existing onsite Hamilton Farm Golf Club Waste Water Treatment Facility. During the winter months when lower flows are observed, the existing disposal beds would be used in combination with the available storage volume in the irrigation pond. The existing Hamilton Farm treatment system currently meets Category 1 reclaimed water for beneficial reuse standards (sufficient treatment for spray irrigation use in public areas), and the expansion feasibility analysis was conducted based on meeting the same effluent criteria.			
SEPTIC SYSTEM YIELD			
Proposed Nitrate Target(s) (mg/l):		Annual Recharge Rate Used: Drought <input type="checkbox"/> Average <input type="checkbox"/>	
	Protection Zone	Conservation Zone	Existing Community Zone
Municipal Septic System Density (acre/unit)			
HC Septic System Density (acre/unit)			
Municipal Septic System Yield (units)			
HC Septic System Yield (units)		207	
Regional Master Plan Goals, Policies, and Objectives:			C I N/A
Policy 2L2: To use the median background nitrate concentrations in ground water in the Highlands Region as a basis for establishing on-site wastewater treatment densities through Plan Conformance, local development review, and Highlands Project Review.			<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
Objective 2L2a: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Protection Zone is predominant as the nitrate target for new development reliant on septic systems within the Protection Zone. The median is 0.72 mg/L.			<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
Objective 2L2b: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Conservation Zone is predominant as the nitrate target for new development reliant on septic systems within the Conservation Zone. The median is 1.87 mg/L.			<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
Objective 2L2c: Use the NJDEP Highlands Preservation Area rules and nitrate thresholds for the Preservation Area.			<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
Objective 2L2d: Use a nitrate target of 2 mg/L for the Existing Community Zone within Planning Area, on a project-by-project basis, where new development will rely on septic systems.			<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
Objective 2L2e: New residential development using septic systems where clustering or conservation design techniques are employed			<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>

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shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L or any more stringent requirement as required by N.J.A.C. 7:15.			
Objective 2L3f: Carrying capacity shall be documented through the Land Use Capability Septic System Yield Map as the number of allowable septic systems per Conservation and Protection Zone for each HUC14 subwatershed, taking into account the nitrate target, the HUC14 subwatershed drought ground water recharge, and the acreage that is privately owned, undeveloped or underdeveloped, and not preserved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2L2g: New residential development utilizing septic systems shall be designed in a manner that ensures that the untreated well water meets the State drinking water quality standards and that minimizes the risk of well contamination due to the flow of septic system plumes within or between developed lots, addressing general ground water flow patterns, major fracture systems and other appropriate geological, geophysical and hydrogeological issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: All proposed development and two existing apartments will be connected to the onsite waste water treatment plant with a NJPDES-DGW permit. No septic system will exist on the site.			
PART 3 AGRICULTURAL RESOURCES			
Area within Agricultural Resource Area? Yes If yes, percentage? 100%	Area within Agricultural Priority Area? Yes If yes, percentage? 97 %		
Project Area includes preserved farmland? No If yes, identify properties (B/L):			
Affects Farm Unit >250 acres? No	Includes Important Farmland Soils? Yes		
Agricultural Uses? Yes			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 3A5: Where it is not feasible to preserve agricultural lands within the ARA by such methods as fee simple acquisition, easement acquisition, or a TDR Program, require mandatory clustering through Municipal Plan Conformance, local development review and Highlands Project Review for residential development in an ARA. Cluster development within the Planning Area that incorporates public or community on-site wastewater utilities shall meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area shall meet the requirements of Policy 2I1 and Objectives 2I1a and 2I1b, and where reliant on septic systems shall meet the requirements of Objective 6I1a.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 3A5a: Implement regulations requiring that cluster or conservation design development proposed within an Agricultural Resource Area support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect Important Farmland Soils, and meet resource management and protection requirements of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 3A5b: Implement regulations requiring that all cluster or conservation design development proposed in an Agricultural Resource Area be buffered appropriately with existing natural resources, such as hedgerows or trees, or with new buffers to avoid conflicts between non-agricultural development and agricultural activities, and to protect existing agricultural uses and sensitive environmental resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 3A5c: Implement regulations requiring that all land preserved in perpetuity for environmental protection or agricultural purposes as a result of clustering be subject to a conservation easement enforceable by the Highlands Council and at least one of the following: the appropriate municipality, for agricultural purposes the County Agriculture Development Board or the SADC and for environmental purposes Green Acres or a qualified land trust non-profit organization.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 3A5d: Where the preserved land in the cluster project area is dedicated to agricultural purposes support continued agricultural viability of the agricultural land, encourage that the original or new farmstead remain attached to the preserved land wherever feasible, and require the implementation of best management practices through the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA NRCS, Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 3A6: To permit through local development review and Highlands Project Review limited development, including family and farm labor housing in Agricultural Resource Areas which are necessary to support the viability of the agricultural operation, in coordination with the NJDA and the SADC, and subject to compliance with the resource management and protection requirements of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 3A6a: Implement regulations allowing for construction of ancillary structures and family and farm labor housing that is necessary to support the viability of the agricultural operation, upon a demonstration that the proposed development is consistent with the resource management and protection requirements of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 3C1: To prohibit through Plan Conformance, local development review and Highlands Project Review the development of additional water and wastewater infrastructure in a Agricultural Resource Area (ARA) within the Conservation and Protection Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the preservation of agricultural lands within the ARA.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy 3D2: To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of greater than 3% but less than 9%, to develop and implement a Farm Conservation Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Policy 3D3: To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of 9% or greater to develop and implement a Resource Management System Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 3D6: To identify subwatersheds with elevated nitrate levels and develop and implement management plans to enhance water quality in these subwatersheds while maintaining and enhancing agricultural viability.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 3E3: To require conforming municipalities and counties, with farmland preservation programs or a significant agricultural land base, to incorporate Right to Farm provisions, in accordance with N.J.S.A. 4:1C-1 et seq. and N.J.A.C. 2:76-2, in their master plans and development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 3E4: To address agricultural or horticultural development and agricultural or horticultural use through Plan Conformance in accordance with the Right to Farm Act, N.J.S.A. 4:1C-1, and in coordination with the NJDA, the SADC, and the County Agriculture Development Boards (CADB).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: While the entire proposed SSA is in an Agricultural Resource Area, features important farmland soils, and agricultural uses, the vast majority of the area has been previously disturbed based on valid local approvals and is no longer in agricultural use.

PART 4 HISTORIC, CULTURAL, ARCHAEOLOGICAL, AND SCENIC RESOURCES

Presence of Resources: Yes	Highlands Historic District Polygons Absence
Highlands Historic Properties Polygons Presence	Highlands Historic Property Points Presence
Archaeological Grids Absence	Highlands Scenic Resource Inventory Absence

Description of Resources: The Hamilton Farm Stable (United States Equestrian Team) is a historic property located onsite.

Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 4A3: To ensure through local development review, where a municipality has adopted an historic preservation ordinance under Policy 4C2, that human development does not adversely affect the character or value of resources which are listed on the Highlands Historic and Cultural Resource Inventory to the maximum extent practicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 4A3a: All development and redevelopment applications shall include submission of a report identifying potential historic, cultural and/or archaeological resources on the subject property or immediately adjacent properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 4A4: To require that the impact of proposed human development on the historic and cultural resources of the Highlands Region be addressed during local development review and Highlands Project Review and approval.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 4A4a: All applications for site plan or subdivision approval shall include identification of any cultural, historic or archaeological resources in the Highlands Region, which are listed on the Highlands Historic and Cultural Resource Inventory and may be affected by the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 4A4b: Where a municipality has adopted an historic preservation ordinance under Policy 4C2, all development which affects identified cultural, historic sites/districts, or archaeological resources shall comply with minimum standards for the preservation of the affected resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 4B5: To require that the impact of proposed human development on the scenic resources of the Highlands Region be addressed during local development review and Highlands Project Review and approval.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 4B5a: All development applications shall include identification of any scenic resources in the Highlands Region that are listed on the Highlands Scenic Resources Inventory and may be affected by the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 4B5b: All development which affects identified scenic resources shall comply with minimum standards for the preservation of the affected resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 4B5c: Any proposed action that requires federal permits, involves federal grants, or involves other federal actions that may impact the resource values of the Musconetcong National Scenic and Recreational River and the Lower Delaware National Scenic and Recreational River, pursuant to section 10(a) of the National Wild and Scenic Rivers Act, shall require review by the National Park Service, National Wild and Scenic Rivers Program.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: Hamilton Farm Golf Club is on the SHPO's list for preliminary nomination as a Historic Property. This list is not a formal registration and therefore does not affect application of the RMP policies and objectives.

PART 5 TRANSPORTATION

Project supports local transportation/transit infrastructure? Yes			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 5B2: To require through Plan Conformance and Highlands Project Review an evaluation of potential growth inducing effects such as substantial new land use, new residents, or new employment that could occur as a result of road improvements for increased motorized vehicle traffic capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 5B3: To prohibit through Plan Conformance and Highlands Project Review road improvements in the Highlands Region in areas for which a Growth Inducing Study demonstrates that proposed improvements do not support the RMP resource protection and smart growth policies and are likely to be growth-inducing for lands with limited or no capacity to support human development without an adverse impact on the Highlands ecosystem.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Policy 5C3: To limit road improvements through local development review and Highlands Project Review where roads are constrained by topography, forested lands or the community character of land uses fronting on the road.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: N/A. No road improvements are proposed as part of this project.

PART 6 FUTURE LAND USE

SUBPART A LAND USE CAPABILITY ZONES

Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):

Protection Zone Conservation Zone Existing Community Zone
 Conservation – Environmentally Constrained Sub-Zone Existing Community – Environmentally Constrained Sub-Zone
 Lake Community Sub-Zone Wildlife Management Sub-Zone

Regional Master Plan Goals, Policies, and Objectives:

	C	I	N/A
Policy 6C1: To limit new human development in the Protection Zone to redevelopment, exempt activities, and environmentally-compatible low density new land uses, in accordance with RMP resource protection needs and water quality and quantity capacity constraints and to ensure that the impacts of development using exemptions under the Highlands Act (see Policy 7F1) are considered in regional protection measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6C1a: Centers in the Protection Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6C2: To ensure through Plan Conformance, local development review and Highlands Project Review that any future development or redevelopment which does occur in a Protection Zone is subject to standards and criteria which protect the land and water resources of the Protection Zone from any potential adverse impact to the maximum extent possible.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6D3: To limit through Plan Conformance, local development review and Highlands Project Review the use and development of lands within the Conservation Zone to agriculture use and development, including ancillary and support uses, redevelopment of existing developed areas, and environmentally-compatible low density land uses that are to the maximum extent possible achieved in compact development patterns, to be designed and developed in a manner which is compatible with the long term use of adjacent land for agricultural purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 6D3b: Centers in the Conservation Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6F3: To ensure that development activities within the Existing Community Zone are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principles and do not adversely affect natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6F4: To ensure that development and redevelopment within the Existing Community Zone are served by adequate public facilities including water supply, wastewater treatment, transportation, educational and community facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6F5: To ensure that development and redevelopment in the Existing Community Zone are compatible with existing community character.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6F6a: Center based development initiatives shall be planned within the Existing Community Zone at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan. Densities of five dwelling units and above are encouraged, and are required in areas designated as voluntary TDR Receiving Zones where TDR benefits are sought under the Highlands Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: The vast majority of the proposed SSA is located in the Conservation Zone. A small portion of the proposed SSA to the north lies within the Conservation- Environmentally Constrained Sub-Zone. Hamilton Farms supports the continued use of the agricultural part of the land utilized by the United States Equestrian Team. The golf course currently exists, and modification of the site is consistent with Policy 6D3.

SUBPART C REGIONAL GUIDANCE FOR DEVELOPMENT AND REDEVELOPMENT

Regional Master Plan Goals, Policies, and Objectives:

	C	I	N/A
Policy 6H1: To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 6H1b: Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone and Environmentally Constrained Sub-Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the protection of agricultural and environmentally sensitive resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 6H1d: Cluster and conservation design development plans and regulations shall consider existing community character, incorporate smart growth design principles, and require Low Impact Development including but not limited to: locating development adjacent to existing infrastructure such as water, wastewater, transportation, and public facilities to limit the degree of new impervious surface, and permitting smaller residential lots in order to incorporate community open space and existing natural resources into the design.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6H3: To require conforming municipalities to include site development programs, such as clustering and lot averaging, to protect natural and agriculture resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Policy 6H6: To integrate public parks and green spaces into development and redevelopment projects and ensure restoration of impaired natural resources to the extent required by law, at a minimum, and where feasible to a greater extent to maximize long term value of the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6H7: Provisions and standards relating to regional growth activities which increase the intensity of development shall be discretionary for conforming municipalities and counties.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6H8: Regional growth, where accepted through local planning and regulations, should identify opportunities to maximize land use intensity while protecting natural features and community character.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6H8a: Development and redevelopment initiatives shall encourage the use of Highlands Development Credit as a means to enhance the existing or adjacent community while protecting local and regional natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6H8b: Preparation and implementation of standards ensuring that development protects environmentally sensitive resources in all Land Use Capability Zones and Sub-Zones.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6H9: To incorporate smart growth principles and green building design and technology in development and redevelopment initiatives.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: Development within the proposed SSA will encroach on several sensitive environmental features and is therefore inconsistent with Policy 6H1 and Objective 6H1b. ~~The exact location of all proposed disturbances provided by the applicant, is not known at this time, but likely~~ Based upon the revised site plan the area of disturbances cannot be located in an area that avoids all constraints, as Prime Ground Water Recharge Areas and Critical Wildlife Habitat as mapped cover over 95% of the site.

SUBPART D REDEVELOPMENT

Locally Designated Redevelopment Area? No **If yes, name of site(s):**

Highlands Designated Redevelopment Area? No **If yes, name of site(s):**

Highlands Contaminated Site Inventory Tier 1 or Tier 2 Site(s)? No **If yes, name of site(s):**

Regional Master Plan Goals, Policies, and Objectives:

	C	I	N/A
Policy 6J1: To encourage Preservation Area redevelopment of sites with 70% or greater impervious surfaces or a brownfield in areas designated by the Highlands Council as Highlands Redevelopment Areas in accordance with N.J.A.C 7:38-6.6 and 6.7.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6J2: To encourage redevelopment in the Existing Community Zone in the Planning Area of brownfields, grayfields, and other previously developed areas that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6J3: To encourage redevelopment in the Conservation and Protection Zones in the Planning Area of brownfields and grayfields that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6L1: To require that conforming municipalities identify any development, redevelopment, and brownfield opportunities in the local land use plan element of their master plans, as appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6L2: To require that conforming municipalities amend development regulations and zoning to enable project implementation of local redevelopment initiatives that are identified under Policy 6L1 and locally endorsed through Plan Conformance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6L2a: Municipal review of local redevelopment projects consistent with RMP smart growth and Low Impact Development policies and objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: N/A Hamilton Farm Golf Club is not a redevelopment site, but this project does entail some renovations.

SUBPART E SMART GROWTH

Is the municipality involved in the State Planning Commission Plan Endorsement (PE) process? No

If yes, status of PE process:

Does the project area include a State Planning Commission designated or expired center? No

If yes, center expiration date: 00/00/0000

Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 6N2: To require municipalities and counties to adopt stormwater management Low Impact Development standards to preserve or mimic the natural hydrologic features and characteristics of the land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6N2a: Implementation of on-site stormwater management features that maintain, restore and enhance the pre-existing natural drainage patterns of the site.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 6N2b: Limitations on the amount of impervious cover allowed on a site as a means to protect and increase stormwater infiltration and reduce stormwater runoff.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 6N2c: Minimum requirements for site-specific hydrologic studies during local development review and Highlands Project Review which identify the velocity, volume and pattern of water flow into, through, and off of the parcel proposed for development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Objective 6N2d: Minimum requirements that stormwater management systems employ a “design with nature” approach.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 6N2e: Minimum requirements for use of grass channels, dry swales, wet swales, infiltration basins, bio-swales and water gardens, green roofs, and other low impact approaches to attenuate and control stormwater and provide multiple environmental benefits.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy 6N3: To require through Plan Conformance that municipalities and counties adopt Low Impact Development practices to minimize land disturbance during construction activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6N4: To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6N5: To require through Plan Conformance that municipalities and counties incorporate programs for community and neighborhood design that support a variety of housing options, mixed uses, redevelopment, adaptive re-use of historic sites and structures, and infill development in their master plans and development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The applicant provided a “Stormwater Management Report” prepared by Gladstone Design, <u>but the applicant original proposed amendment</u> does not state that Low Impact Development practices will be utilized to minimize land disturbance during construction activities. <u>However, the applicant provided additional information to the Highlands Council on November 5, 2008 that indicates that the proposed construction activities (construction of a clubhouse expansion, a new pool house and tennis courts) are designed to minimize the site impacts of development by minimizing the proposed grading, reducing the changes to the existing soil profile, and preserving the existing landscape. These measures would render the project consistent with the Smart Growth policies and objectives if included within the WQMP amendment.</u>			

SUBPART F HOUSING AND COMMUNITY FACILITIES

Does the project area include an affordable housing site? No **3rd Round Status:** Petition

Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 6O7: To require that conforming municipalities implement both the resource protection requirements of the RMP along with the New Jersey Supreme Court’s doctrine, in its Mount Laurel decisions, that every municipality in a “growth area” has a constitutional obligation to provide through its land use regulations, sound land use, and long range planning, a realistic opportunity for a fair share of its region’s present and prospective needs for housing for low and moderate income families.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6O8: To require that conforming municipalities update and adopt a housing element, fair share plan, and implementing ordinance(s) to reflect current conditions and resource protection requirements of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6O8a: Conforming municipalities, through housing plans, will evaluate and provide for alternate mechanisms to address affordable housing obligations where RMP resource protection standards restrict the ability of planned but not built sites to be developed for affordable housing.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: N/A

PART 7 LANDOWNER EQUITY

Is the project exempt from the Highlands Act? No

Does the project support the use of Highlands Development Credits? No

Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Objective 7F1c: Preservation Area exemptions issued by the NJDEP in accordance with N.J.A.C. 7:38, shall be required, where appropriate, prior to consideration of a local development review or a Highlands Project Review. Guidance shall specify the exceptions where a review may proceed absent an exemption determination from the NJDEP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 7F1d: Planning Area exemptions, issued by the Highlands Council, shall be required, where appropriate, prior to consideration of a local development review or a Highlands Project Review. Guidance shall specify the exceptions where a review may proceed absent such an exemption determination. Applications for exemptions submitted to the Highlands Council shall be based upon the application requirements exemptions codified in N.J.A.C. 7:38.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 7F1f: Activities authorized under exemptions #9 and #11, which require a finding that the activity is consistent with the goals and purposes of the Highlands Act, shall be based upon a finding that the proposed activities are consistent with Highlands Act, the RMP, any rules or regulations adopted by the NJDEP pursuant to the Highlands Act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 7G1: For the Preservation Area, coordinate with NJDEP during Highlands permit review for any major Highlands development including the review of waivers on a case-by-case basis: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 7G2: For both the Preservation Area and the Planning Area, a waiver may be issued by the Highlands Council on a case-by-case basis from the requirements of the RMP or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation. Any waiver issued shall be conditioned upon a determination that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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maximum extent possible.			
Policy 7G3: For both the Preservation Area and the Planning Area during local development review, any variance or exception issued shall be conditioned upon a written determination, specifically included in an approving resolution, that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: N/A			
CONCLUSION			
<p>The Highlands Council Consistency Review Determination of the Hamilton Farm Golf Club amendment to the Upper Raritan WQMP and Somerset County/ Upper Raritan WMP is inconsistent with the Regional Master Plan. Primary issues are:</p> <ol style="list-style-type: none"> 1. The <u>originally</u> proposed sewer service area encroaches upon forests within the Forest Resource Area; Severely Constrained Slopes; Highlands Open Water Buffers for streams, wetlands and ponds/lakes; Critical Wildlife Habitat; and Prime Ground Water Recharge Areas. <u>If NJDEP adopts the revised limits of disturbance as provided by the applicant, Forest Resources and Steep Slopes will be avoided. Although development will occur in the existing area served, the Highlands Council cannot determine that development will avoid these areas.</u> 2. <u>The applicant proposed WQMP amendment</u> does not recharge 125% of the of pre-construction recharge volumes for the affected Prime Ground Water Recharge Area. <u>However, the applicant has indicated through a revised site plan to reduce the extent of incursion into the Prime Ground Water Recharge Area to 0.3% and to provide recharge mitigation.</u> <p><u>The findings of inconsistency with the RMP are based on the New Jersey Register notice and supporting materials regarding this project. Commentary is provided to NJDEP for informational purposes regarding reductions in the inconsistencies based upon the revised site plan, but these comments are valid only if the revised site plan and commitments of Hamilton Farms Golf Club are incorporated into the WQMP amendment.</u></p>			

**Hamilton Farm Golf Club WQMP Amendment
RMP Consistency Determination
Public Comments and Responses**

Public Comments Received

Public comments regarding the Highland Council staff Regional Master Plan Consistency Determination review of the proposed Hamilton Farm Golf Club amendment to the Upper Raritan WQMP were received from David Smith, PE, from Applied Water Management and Cindy Ehrenclou, Executive Director, from the Upper Raritan Watershed Association.

1. **COMMENT:** The Upper Raritan Watershed Association agrees with the Highlands Council's determination of inconsistency but states that the already approved water allocation permit should be an aspect of the WQMP amendment and is applicable to the review at hand. They ask that the Highlands Council apply the RMP's Policy 2B4, to strictly limit consumptive and depletive water uses and find this use inconsistent. URWA finds that Hamilton Farm Golf Club is using excessive amounts of clean water to irrigate a golf course.

RESPONSE: The Highlands Council is not in a position to conduct a consistency determination about the water allocation permit because NJDEP has already approved the permit. Therefore, this WQMP amendment does not address the previously approved water allocation permit, but focuses on the proposed wastewater reuse, disturbance of the additional development, and the increase in the amount of wastewater generated.

2. **COMMENT:** David Smith from Applied Water Management submitted a comment and GIS shape files delineating the limits of disturbances. Mr. Smith states that a vast majority of the proposed SSA was developed following original golf course construction. Only a small portion of the SSA (~2.5%) will be disturbed as a result of the golf course expansion. Since the proposed disturbance is significantly less than what was assumed in the staff report, some of the impacts to Natural Resources may no longer exist. Mr. Smith emphasizes that the project disturbs 1.25 acres or 0.3% of the total onsite prime ground water recharge area. In an effort to mitigate the disturbance of ground water recharge areas, Hamilton Farm proposes to install dry wells that will collect runoff from the roof of the clubhouse and the pool house. The total proposed roof area is 17,630 ft², which will yield approximately 0.4 MGY of recharge. Mr. Smith further states that Hamilton Farms Golf Club is committed to conserving onsite water use and implementing recycling systems. Hamilton Farm proposes to construct a reclaimed water for beneficial reuse for irrigating the golf course; installed and currently operates a water recycling system to service golf equipment wash down facility; and proposes to install low flow plumbing fixtures where feasible. Finally, Mr. Smith comments on the Smart Growth aspect of the Consistency Determination declaring that the improvement onsite are designed to minimize the site impacts of development. This is achieved by minimizing proposed grading, reducing the changes to existing soils profile, and preserving the existing landscape.

RESPONSE: Based on the additional information provided from the applicant, the Highlands Council staff amended its consistency determination for the Hamilton Farm WQMP. The WQMP amendment to which the consistency determination applies reflects what is stated in the New Jersey Register. Therefore, the submitted revision is addressed in the comments sections for general information but does not change the inconsistencies until incorporated by NJDEP into the WQMP amendment. The revised limits of disturbance will not encroach upon forest resources and steep slopes and would be considered consistent with the RMP if NJDEP adopts this proposed limit of disturbance. Commentary regarding the Prime Ground Water Recharge, Water Conservation, and Smart Growth aspects of the WQMP were updated with the information provided by the applicant.