



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## State of New Jersey

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



JIM RILEE  
Chairman

MARGARET NORDSTROM  
Executive Director

### MEETING AGENDA Thursday, January 22, 2015 at 4pm

- CALL TO ORDER
- ROLL CALL
- OPEN PUBLIC MEETINGS ACT STATEMENT
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES – December 4, 2014
- CHAIRMAN'S REPORT (and Council Member Reports)
- EXECUTIVE DIRECTOR'S REPORT
- COMMITTEE REPORTS

#### **PLAN CONFORMANCE**

- CONSIDERATION OF RESOLUTION – Minutes of the Plan Conformance Committee (Franklin Township, Warren County) (*voting matter with public comment*)
- CONSIDERATION OF RESOLUTION – Amended Petition for Plan Conformance Mahwah Township, Bergen County (*voting matter with public comment*)

#### **LANDOWNER EQUITY & LAND PRESERVATION COMMITTEE**

- CONSIDERATION OF RESOLUTION – Authorization To Promulgate Rules In Connection With A Landowner Equity & Land Preservation Program (*voting matter with public comment*)

#### **RMP UPDATE COMMITTEE**

- Report
- TAC Membership
- PUBLIC COMMENTS (*to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
- EXECUTIVE SESSION (*if deemed necessary*)
- ADJOURN

**RESOLUTION 2015-1**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF THE MINUTES OF THE PLAN CONFORMANCE COMMITTEE**

**WHEREAS**, at the meeting of May 16, 2013, the Council passed Resolution number 2013-14; and

**WHEREAS**, among other things, the Resolution 2013-14 resolved that: “...*the Highlands Council will not approve other further resolutions for Plan Conformance that include a Checklist Ordinance until Council has reviewed and approved, or decided to take no action on, the applicability of the Cvbggfbecklist Ordinance to future Plan Conformance Petitions.*” and

**WHEREAS**, at the meeting of June 20, 2013, the Council passed Resolution 2013-16; and

**WHEREAS**, among other things, the Resolution 2013-16 resolved that: “...*the Council approves of the continuation of the use of the Checklist Ordinance Approach in connection with the Plan Conformance Petitions, provided that a subcommittee of the Council be created to review and comment upon the use of the Checklist approach*”; and

**WHEREAS**, at the meeting of July 18, 2013, the Chairman announced the composition of the Checklist Ordinance Committee, and directed the Committee to meet; and

**WHEREAS**, at the January 16, 2014 Council meeting, the name of the Checklist Ordinance Committee was changed to the Plan Conformance Committee, and

**WHEREAS**, a Plan Conformance Committee meeting was held on November, 7 2014 at the Highlands Council office; and

**WHEREAS**, in order to allow additional time for consideration by both the Council, and members of the public, of the merits of moving forward with a checklist approach by a petitioning municipality, the Council’s practice has been to call for a presentation at a Council meeting following the Plan Conformance Committee meeting where a checklist approach was considered for a petitioning municipality; and

**WHEREAS**, the Council received a presentation on this matter at its December 4, 2014 meeting; and

**WHEREAS**, since the December 4, 2014 meeting, no public comments have been received by the staff, and no other concerns have been raised by Council Members to the staff; and


**WHEREAS**, in light of the foregoing, and in consideration of the Committee meeting minutes having been presented to the Council for acceptance and approval;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council accepts and approves the minutes of the November 7, 2014 Plan Conformance Committee meeting and the recommendations contained therein.

**RESOLUTION 2015-1**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF THE MINUTES OF THE PLAN CONFORMANCE COMMITTEE**

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 22nd day of January, 2015.


---

 Jim Rilee, Chairman

**Vote on the Approval of  
This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio				✓		
Councilmember Dougherty						✓
Councilmember Dressler			✓			
Councilmember Francis		✓	✓			
Councilmember Holtaway	✓		✓			
Councilmember James			✓			
Councilmember Richko			✓			
Councilmember Sebetich			✓			
Councilmember Tfank			✓			
Councilmember Visioli			✓			
Councilmember Vohden						✓
Councilmember Walton			✓			
Chairman Rilee			✓			



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JIM RILEE  
Chairman

MARGARET NORDSTROM  
Executive Director

### MEMORANDUM

**To:** Plan Conformance Committee  
**From:** Margaret Nordstrom, Executive Director  
**Subject:** Committee Meeting Minutes– November 7, 2014  
**Date:** November 20, 2014

A Plan Conformance Committee meeting was held on Friday, November 7, 2014 at 3:30pm at the Highlands office in Chester. Committee Members present: Member Vohden; Committee Members present via phone: Council Chair Rilee, Members Dressler and Tfank.

Staff Members present: Margaret Nordstrom, Chris Danis, James Humphries, Chris Ross, Keri Bencoter, and Annette Tagliareni.

Also present: Tyler Yingling, Assistant Counsel, Governor's Authorities Unit.

The first item on the agenda for discussion was staff's recommendations for the use of the Checklist Ordinance approach for one municipality. The overall basis for this recommendation is the extremely limited development potential of the town. The proposed municipality is:

- Franklin Township (Warren County) – 3 parcel/448 acres (Preservation Area)

The analysis for the Township was distributed to committee members. Ms. Nordstrom gave an overview on the analysis employed in reaching the recommendation for the use of the Checklist Ordinance approach for Franklin Township. The parcels are all Q-farm parcels based on the MOD IV tax record and are eligible for farmland preservation. Each parcel is currently in agricultural use but also contains significant forestlands.

After discussion, Member Vohden made a motion on staff's recommendation for a Checklist Ordinance approach in the Township of Franklin (Warren County). Member Tfank seconded the motion and all were in favor.

Committee Member Richko will announce at the Council's December 4<sup>th</sup> meeting that the Township of Franklin is recommended by Highlands staff for a Checklist Ordinance approach. Highlands staff

November 20, 2014

Page 2

will provide a presentation to Council and the presentation and supporting materials will be posted on the Council's website after the December 4<sup>th</sup> meeting.

At the January 22, 2015 meeting, Council will consider a resolution to approve these Minutes of the Plan Conformance Committee.

The second item on the agenda for discussion was a proposed Highlands Redevelopment Area Designation in Oakland Borough. Based on a field survey conducted on October 27, 2014 and further analysis by the Highlands Council staff it was determined that an area of "shot rock" shown on the plans as impervious surface was not actually impervious surface and the area proposed for redevelopment was not previously developed or disturbed land. Therefore, the application was determined to have fallen short of the impervious cover and redevelopment area standards required for designation as a Highlands Redevelopment Area. Highlands staff explained the administrative history of the proposed project and noted that it will likely be on Council's December 4<sup>th</sup> agenda.

*The Plan Conformance Committee adjourned at 4:07pm.*

**TOWNSHIP OF FRANKLIN, WARREN COUNTY  
HIGHLANDS CHECKLIST ORDINANCE APPROACH**

The Township of Franklin (Warren County) petitioned the Highlands Council for Plan Conformance with respect to lands within the Preservation Area only. The Township's Petition for Plan Conformance was approved by the Highlands Council on May 19, 2011 and memorialized in Highlands Council Resolution 2011-17.

Development potential within the Township Highlands Preservation Area is extremely limited. No portion of the Preservation Area is served by sewer infrastructure and the entire Preservation Area is subject to the New Jersey Department of Environmental Protection (NJDEP) Preservation Area Rules (N.J.A.C. 7:38). Additionally a significant portion of the Preservation Area is preserved land. Over 670 acres (approximately 18 % of the Township Preservation Area) are preserved lands.

The Highlands Council Municipal Build-Out Report (2009), which provided an analysis of buildable lots in the municipality, incorporating NJDEP Highlands Rules parameters, indicated that in the Preservation Area there were 23 potential residential septic units for development. An updated planning analysis of undeveloped lands within the Township's Preservation Area revealed that additional parcels have come under preservation since the original Build-Out Report, which reduced the yield to a total of 12 units. Based on the applicability of the Highlands Land Use Ordinance (for single-family residential development, to developments of three or more units only), just three (3) parcels in the Township have development potential that would trigger review. The three (3) parcels are currently assessed as Q Farm for all or a portion of the property.

In sum, the Highlands Council anticipates that proposals for development in Franklin Township's Preservation Area that would *not* qualify for Highlands Act exemptions (and would not therefore be subject to the Highlands Regional Master Plan or effectuating ordinances) will affect potentially three parcels.

<b>Factors</b>	<b>Developable Land Potential (# of parcels/acres)</b>
Disturbance of one acre or more of land	0
New Impervious Surface ¼ acre or more	0
New or expanded use not permitted by ordinance	0
3 or more dwelling units if residential	3/448 acres

***Recommendation***

Recognizing the constraints that already exist in the Preservation Area, the recommendation is for Franklin Township (Warren County) to follow the modified approach, known as the Checklist Ordinance Approach. This approach authorizes the Township to adopt a Highlands Preservation Area Checklist Ordinance, which would remain in effect indefinitely, in lieu of adopting the standard Highlands Preservation Area Land Use Ordinance. The use of the Highlands Preservation Area Checklist Ordinance, in conjunction with the NJDEP Highlands Preservation Area Rules, will ensure the protection of Highlands Resources in the Township while efficiently and appropriately implementing the Highlands Regional Master Plan at the local level.

# Highlands Council Meeting

Thursday, January 22, 2015



# Plan Conformance Committee Report

*Originally presented to Council December 4, 2014*

# Review of Franklin Township Build out Report

## Franklin Township, Warren County\*

Non-exempt/vacant/non-preserved parcels greater than 75 acres in size and may result in 3 or more development units

Block	Lot	Total Acres	Notes
9	11	99.1	Q Farm Parcel; partially forested
9	23	166.7	Q Farm Parcel; partially forested
8	10	182.2	Q Farm Parcel; mostly forested

\* Please note all three parcels are listed in the Franklin Township 2008 Comprehensive Farmland Preservation Plan as SADC eligible for preservation.

# Review of Franklin Township Final Draft Consistency Report

## Franklin Township, Warren County Analysis of lands subject to Highlands Ordinance

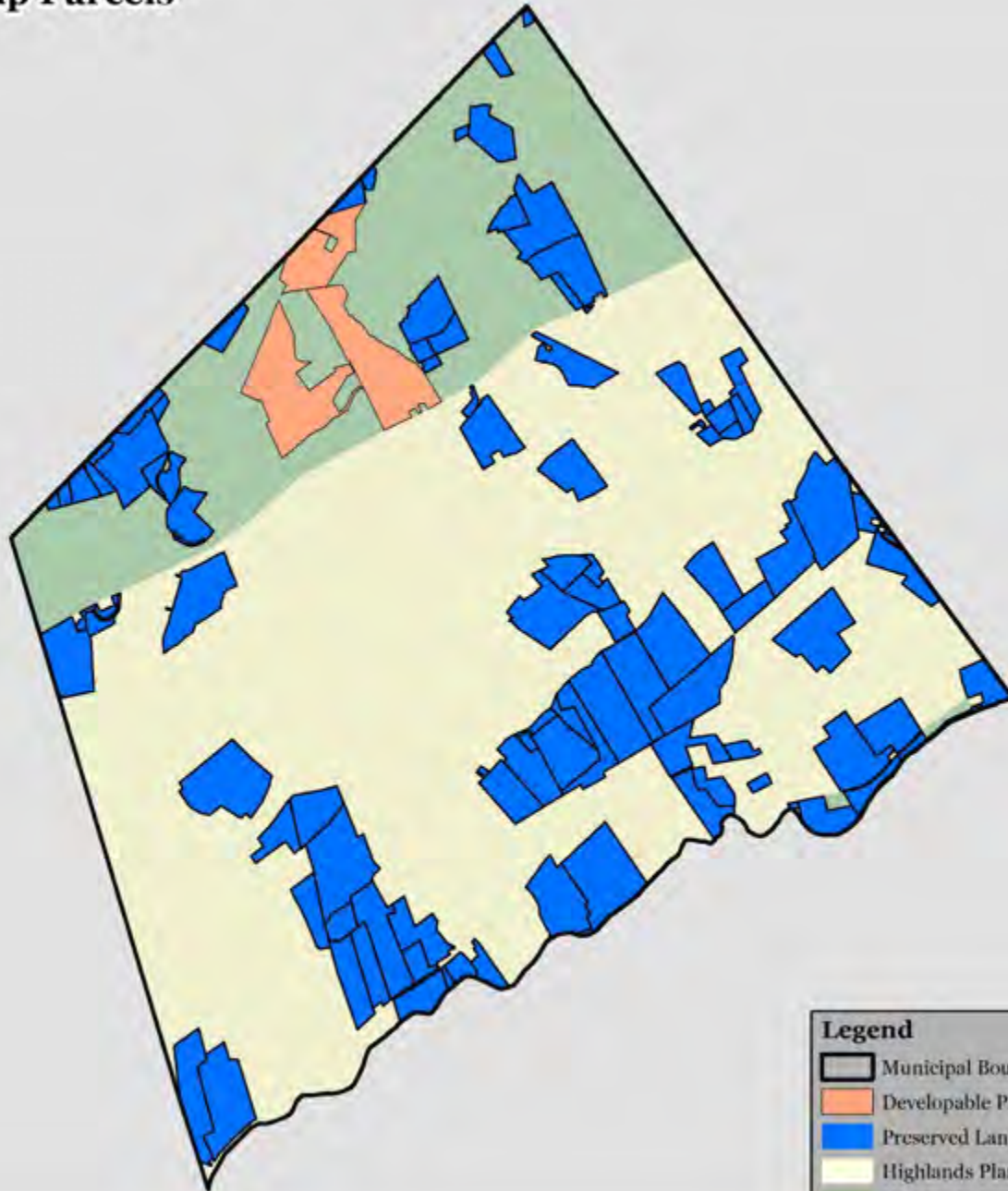
<b>FACTORS</b>	<b>DEVELOPABLE LAND POTENTIAL</b>
Disturbance of one acre or more of land	0
New impervious surface ¼ acre or more	0
New or expanded use not permitted by ord.	0
3 or more dwelling units if residential	3/448 acres






# Franklin Township Parcels

[You are viewing an archived document from the New Jersey State Library.](#)



1 inch = 5,346 feet



Legend	
	Municipal Boundary
	Developable Parcels (448 Acres/3% of Municipality)
	Preserved Lands (3,666 Acres)
	Highlands Planning Area (11,288 Acres)
	Highlands Preservation Area (3,763 Acres)

# Franklin Township Parcels

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



1 inch = 1,574 feet

Block 9 Lot 11  
(99 Acres)

Block 9 Lot 23  
(167 Acres)






Block 8 Lot 10  
(182 Acres)

## Inset Map



Developable Parcels

## Legend

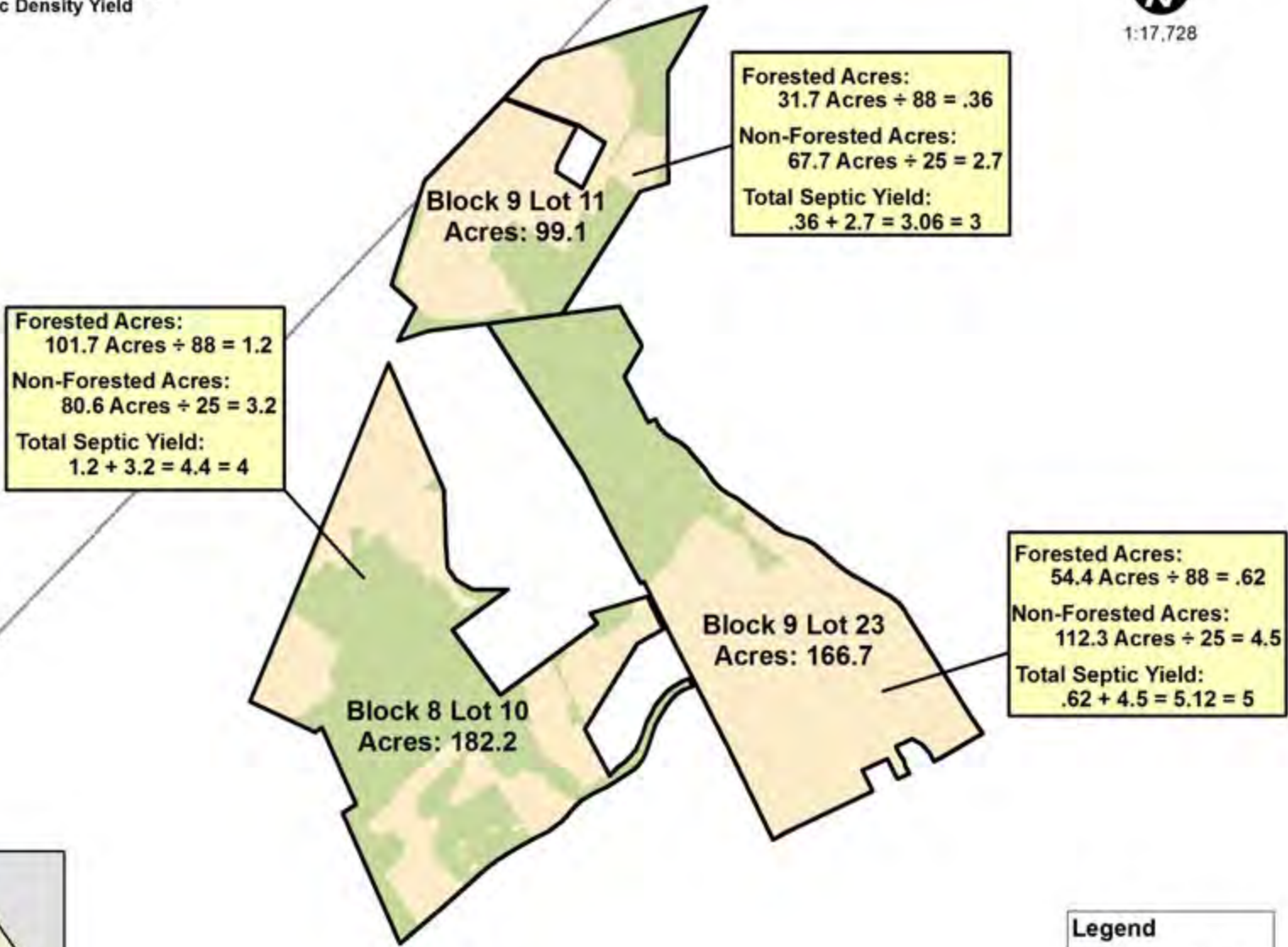
-  Municipal Boundary
-  Developable Parcels (448 Acres/3% of Municipality)
-  Preserved Lands (3,666 Acres)
-  Highlands Planning Area (11,288 Acres)
-  Highlands Preservation Area (3,763 Acres)

# Franklin Township

25/88 Septic Density Yield



1:17,728



Forested Acres:  
 $31.7 \text{ Acres} \div 88 = .36$   
Non-Forested Acres:  
 $67.7 \text{ Acres} \div 25 = 2.7$   
Total Septic Yield:  
 $.36 + 2.7 = 3.06 = 3$

Forested Acres:  
 $101.7 \text{ Acres} \div 88 = 1.2$   
Non-Forested Acres:  
 $80.6 \text{ Acres} \div 25 = 3.2$   
Total Septic Yield:  
 $1.2 + 3.2 = 4.4 = 4$

Forested Acres:  
 $54.4 \text{ Acres} \div 88 = .62$   
Non-Forested Acres:  
 $112.3 \text{ Acres} \div 25 = 4.5$   
Total Septic Yield:  
 $.62 + 4.5 = 5.12 = 5$

Block 9 Lot 11  
Acres: 99.1

Block 8 Lot 10  
Acres: 182.2

Block 9 Lot 23  
Acres: 166.7



**Legend**

- Parcels of Interest
- Forest
- Non-Forest



# Plan Conformance Committee Report

*Originally presented to Council December 4, 2014*

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\* Please note all three parcels are listed in the Franklin Township 2008 Comprehensive Farmland Preservation Plan as SADC eligible for preservation.

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## Franklin Township, Warren County Analysis of lands subject to Highlands Ordinance

<b>FACTORS</b>	<b>DEVELOPABLE LAND POTENTIAL</b>
Disturbance of one acre or more of land	0
New impervious surface $\frac{1}{4}$ acre or more	0
New or expanded use not permitted by ord.	0
3 or more dwelling units if residential	3/448 acres



# Highlands Council Meeting

Thursday, January 22, 2015

**RESOLUTION 2015-2**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**AMENDED PETITION FOR PLAN CONFORMANCE**  
**MAHWAH TOWNSHIP, BERGEN COUNTY**

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

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

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

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

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

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

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

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

**WHEREAS**, in the Township of Mahwah, 9,481 acres are in the Preservation Area and 7,083 acres are in the Planning Area; and

**RESOLUTION 2015-2**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**AMENDED PETITION FOR PLAN CONFORMANCE**  
**MAHWAH TOWNSHIP, BERGEN COUNTY**

**WHEREAS**, on December 8, 2009, Mahwah Township submitted a Petition for Plan Conformance for all lands lying in the Preservation Area and all lands lying in the Planning Area; and

**WHEREAS**, on November 12, 2010, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition package on the Highlands Council website for a public review and comment period, with written comments due on or before December 3, 2010; and

**WHEREAS**, on December 10, 2010, the Executive Director posted the Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule on the Highlands Council website, which addressed issues raised during the public comment period; and

**WHEREAS**, on December 16, 2010, the Highlands Council held a public hearing on Mahwah Township's Petition for Plan Conformance and provided an opportunity for public comment; and

**WHEREAS**, on December 16, 2010, after due consideration the Highlands Council approved Mahwah Township's Petition for Plan Conformance with conditions as set forth in Resolution 2010-14, the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

**WHEREAS**, the Highlands Council approval of Resolution 2010-14 authorized the Executive Director to amend the Mahwah Township's Plan Conformance Grant Agreement consistent with direction from the Highlands Council; and

**WHEREAS**, on January 14, 2013, the Mahwah Township Planning Board passed a motion recommending that the Township formally engage the Highlands Council in an amendment to the Township's Petition for Plan Conformance to include the designation of one or more Highland Centers; and

**WHEREAS**, on May 30, 2013, the Township Council, by motion 5-30-15, indicated that it would like to formally investigate amending Mahwah's Petition for Plan Conformance to include one or more centers; and

**WHEREAS**, on June 3, 2013 and July 30, 2013, in letters from Township Administrator, Brian Campion, to Gene Feyl, Highlands Council Executive Director, Mahwah Township requested funding and submitted a scope of work to conduct a Center Designation Study; and

**WHEREAS**, on August 20, 2013, the Highlands Council, through the Executive Director's authority, approved a scope of work and funding for the Highland Center Planning; and

**RESOLUTION 2015-2**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**AMENDED PETITION FOR PLAN CONFORMANCE**  
**MAHWAH TOWNSHIP, BERGEN COUNTY**

**WHEREAS**, on October 2, 2014, the Mahwah Township Council approved the Highlands Center Designation Study, which establishes the goals and benefits of Highlands Center Designation, along with the relationship to the Highlands Regional Master Plan; and

**WHEREAS**, by Resolution R279-14, dated October 2, 2014, the Township of Mahwah petitioned the Highlands Council for consideration of an amendment to the approved Petition for Plan Conformance, to designate two Highlands Centers within the Township; and

**WHEREAS**, Highlands Council staff have reviewed the Highlands Center Designation Study and found it to be consistent with the Highlands Regional Master Plan; and

**WHEREAS**, in consideration of the proposed Amended Petition, and a revised Final Consistency Review and Recommendations Report and Highlands Implementation Plan & Schedule which addresses funding needs relating to the Amended Petition, a Public Notice was posted, with the revised Petition materials, on the Highlands Council website for public review and comment; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Highlands Council hereby approves the Township of Mahwah's Amended Petition for Plan Conformance, the Revised Final Consistency Review and Recommendations Report and Revised Highlands Implementation Plan and Schedule; and

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

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

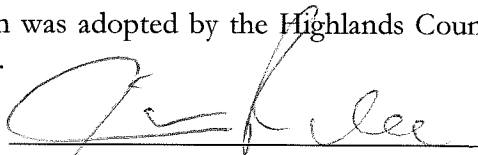
**BE IT FURTHER RESOLVED**, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor the Township of Mahwah's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

## RESOLUTION 2015-2

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AMENDED PETITION FOR PLAN CONFORMANCE MAHWAH TOWNSHIP, BERGEN COUNTY

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 22<sup>nd</sup> day of January, 2015.



Jim Rilee, Chairman

**Vote on the Approval of  
This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio				✓		
Councilmember Dougherty			✓			
Councilmember Dressler			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember James	✓		✓			
Councilmember Richko			✓			
Councilmember Sebetich			✓			
Councilmember Tfank			✓			
Councilmember Visioli		✓	✓			
Councilmember Vohden						✓
Councilmember Walton			✓			
Chairman Rilee			✓			



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**JIM RILEE**  
*Chairman*

**MARGARET NORDSTROM**  
*Executive Director*

# REVISED CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

## PETITION FOR HIGHLANDS CENTER DESIGNATIONS TOWNSHIP OF MAHWAH, BERGEN COUNTY

Prepared by the State of New Jersey Highlands Water Protection and  
Planning Council in Support of the Highlands Regional Master Plan

**JANUARY 15, 2015**

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

**INTRODUCTION**

The New Jersey Highlands Water Protection and Planning Council (“Highlands Council”) approved the Township of Mahwah’s Petition for Plan Conformance on December 16, 2010, by adoption of Resolution #2010-14. The Township conformance area is municipal-wide, including both its Preservation and Planning Areas. Since the time of Highlands Council approval, the Township has made steady progress toward completion of all required Plan Conformance implementation tasks, as set forth in the Highlands Implementation Plan and Schedule.

In the process of completing its Petition for Plan Conformance, the Township determined, and the Highlands Council concurred, that Highlands Center designation should be studied for certain areas of the municipality. Planning efforts revealed the concurrent need for Sustainable Economic Development Planning. Both initiatives were completed with assistance of Highlands Council funding, as eligible components of the Highlands Council Plan Conformance program. The resultant analyses propose designation of two Highlands Centers within the Township, which are intended to advance the goals and intents of both the Township Master Plan and the Highlands RMP. The Township petitioned the Highlands Council for designation of these Highlands Centers on October 31, 2014.

This Revised Consistency Review and Recommendations Report (“Report”) has been prepared by Highlands Council Staff for consideration by the Highlands Council as to the consistency of the two Center Designations proposed by the Township of Mahwah, with the Highlands Regional Master Plan (“RMP”). The Report begins with a brief summary, including a Plan Conformance status update indicating completion of required implementation tasks by date. The Staff recommendation is for approval of the Petition for Highlands Center Designation for both areas as proposed by the Township.

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

**REPORT SUMMARY**

**Municipality:** Township of Mahwah

**Date of Amended Petition Submission:** October 31, 2014

**Date Deemed Complete:** October 31, 2014

**Highlands Center Proposal:** Mahwah Northeast Center (6.74 square miles)  
Mahwah Southeast Center (0.98 square miles)

**Staff Recommendation:** Approve Amended Petition with Conditions

**PLAN CONFORMANCE STATUS UPDATE**

<b>Implementation Task</b>	<b>Completion</b>
1. Petition for Plan Conformance	Approved by Highlands Council 12/16/10
2. Planning Area Petition Ordinance	Adopted 1/12/12
3. Master Plan Reexamination Report	Adopted 3/6/12
4. Highlands Checklist Ordinance	Adopted 4/26/12
5. Highlands Environmental Resource Inventory	Adopted 5/14/12
6. Highlands Exemption Ordinance	Adopted 8/15/13
7. Sustainable Economic Development Plan	Adopted 9/8/14
8. Highlands Center Designation Study	Completed 10/2/14
9. Wastewater Management Plan (WMP)	In Progress

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

**A. REVIEW OF ADMINISTRATIVE SUBMITTALS**

1. **Resolution or Ordinance.** Consistent. Mahwah Township Resolution # 279-14 was adopted on October 2, 2014, requesting that the Highlands Council amend the Township’s Petition for Plan Conformance to include two (2) designated Highlands Centers.
2. **Current Planning Documents.** Consistent. Updated to include Comprehensive Master Plan of the Township of Mahwah, 2012.

**B. SUBSTANTIVE REVIEW**

The Township of Mahwah established a sub-committee comprised of Planning Board and governing body members to work with its consultant to investigate the potential for designation of Highlands Centers within their boundaries. As a result of these efforts, the Township prepared and submitted the “Highlands Center Designation Study,” dated October 2, 2014. The Township submitted the study to the Highlands Council on October 31, 2014 with a request that the Highlands Council amend the previously approved Petition for Plan Conformance to include two Highlands Centers. The “Highlands Center Designation Study” is reproduced in its entirety in Appendix A of this Report.



1. **Proposed Boundaries.** Consistent. The Township seeks to enhance and focus economic development within appropriate areas of the municipality, each containing the highest concentrations of development and supporting infrastructure.
2. **RMP Goals, Purposes, Intents.** Consistent. The proposal would advance the goals, policies and objectives of the RMP. The Highlands Centers would enhance areas of the Township that are appropriate for development, redevelopment and infill development with needed supporting infrastructure and services. The proposal would enhance economic development within the Township and the surrounding areas of the Highlands Region. The Township has and continues to protect important Highlands Resources and Resource Areas in the municipality and will adopt all required regulatory protections and other items as required under the previously approved Petition for Plan Conformance.

**C. STAFF RECOMMENDATIONS**

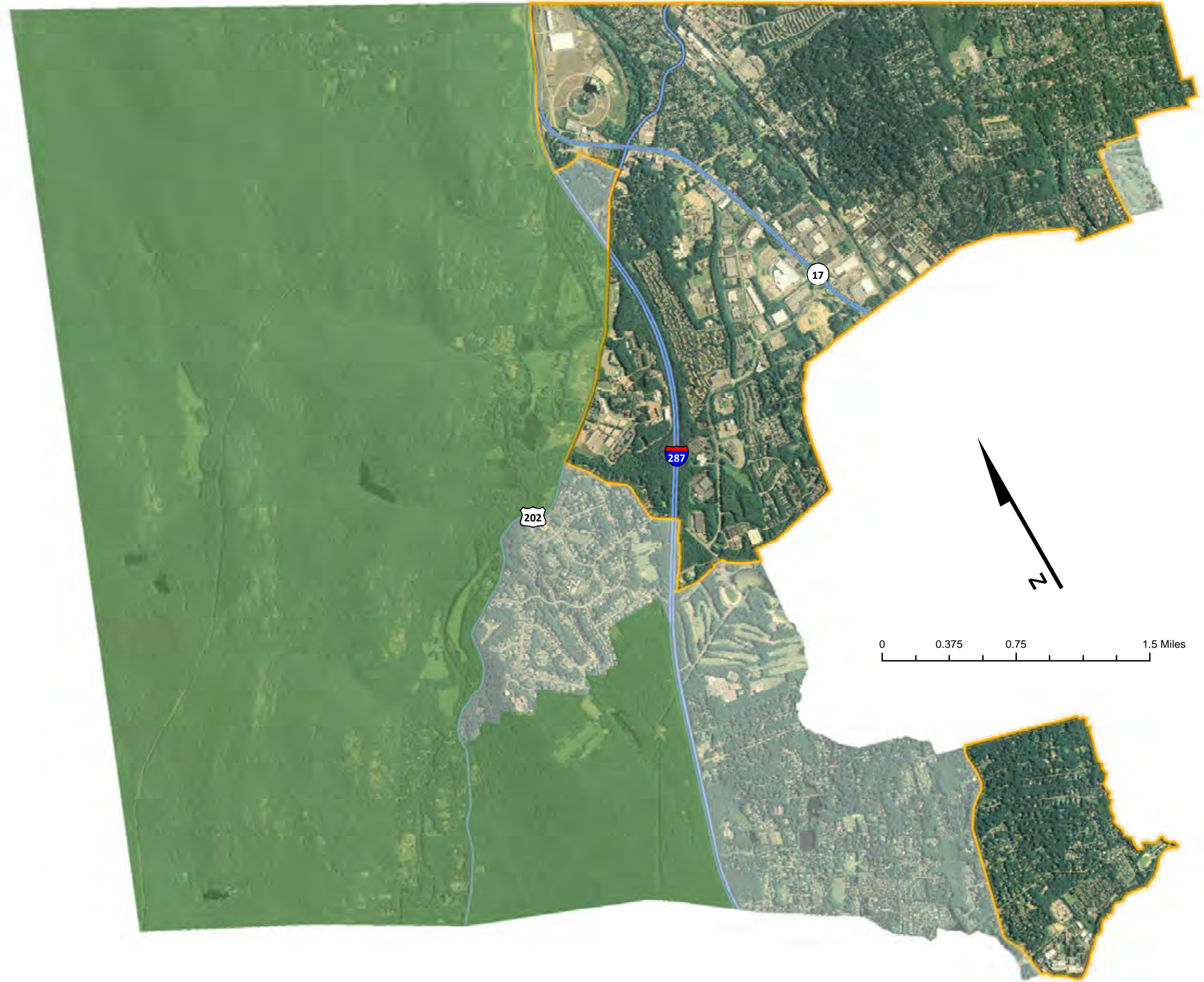
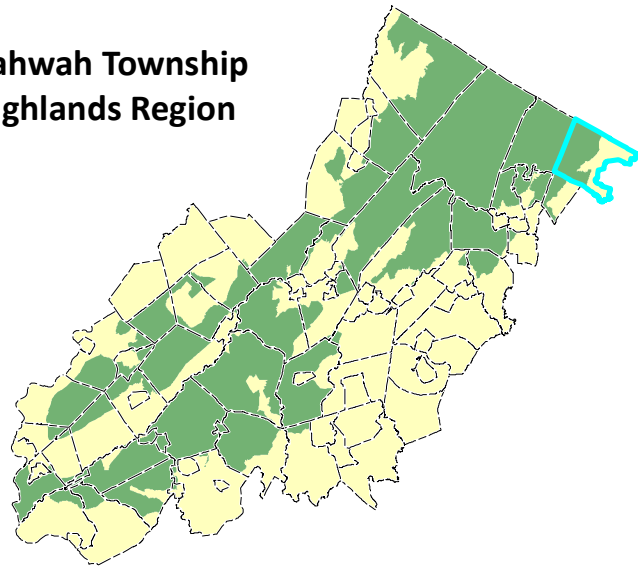
The Highlands Council Staff recommends that the Township of Mahwah request for Designation of two Highlands Centers, as discussed and illustrated in detail in Appendix A of this Report (Mahwah Township “Highlands Center Designation Study”) be approved. The approval must be conditioned on continued progress toward completion of all remaining Plan Conformance Implementation Tasks as previously set forth by the Highlands Council in its approval of Mahwah’s Petition for Plan Conformance, via Resolution #2010-14.

# Mahwah Township Proposed Highlands Centers

## Legend

-  Highlands Preservation Area
-  Proposed Highlands Center Boundary

### Mahwah Township Highlands Region



**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

**APPENDIX A**

**HIGHLANDS CENTER DESIGNATION STUDY**

**Township of Mahwah, Bergen County**

*The Township of Mahwah established a sub-committee comprised of Planning Board and governing body members to work with its consultant to investigate the potential for designation of Highlands Centers within their boundaries. As a result of these efforts, the Township prepared and submitted the “Highlands Center Designation Study,” dated October 2, 2014. The Township submitted the study to the Highlands Council on October 31, 2014 with a request that the Highlands Council amend the previously approved Petition for Plan Conformance to include two Highlands Centers. The “Highlands Center Designation Study” is reproduced here in its entirety.*

# HIGHLANDS CENTER DESIGNATION STUDY

TOWNSHIP OF MAHWAH  
BERGEN COUNTY, NEW JERSEY

OCTOBER 2, 2014



**Prepared By:**  
**Joseph J. Layton, P.P., AICP**  
**MC Project No. MWT-003**

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

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**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

## **I INTRODUCTION**

The Township of Mahwah is located in the northwest corner of Bergen County, New Jersey bordering the New York State line. It is within the area of New Jersey under jurisdiction of the NJ Highlands Council. The Township contains 26.7 square miles of which approximately 15 square miles are in the NJ Highlands Preservation Area and approximately 11 square miles are within the NJ Highlands Planning Area. The Highlands Water Protection and Planning Act of 2004 established the boundaries of the Preservation Area and Planning Area. The Highlands Region includes 88 municipalities in portions of seven counties in northwest New Jersey. Within Bergen County only Mahwah and Oakland are in the Highlands Region.

Mahwah is known as Bergen County's Parkland due to the large State and County parks and reservations which contain approximately 5,000 acres within Mahwah. Parkland includes, Campgaw Mountain Reservation, Darlington County Park, Ramapo Valley County Reservation, Ringwood Manor State Park and Ramapo Mountain State Forest. At the eastern base of the Ramapo Mountains within Mahwah flows the Ramapo River which is partially contained within the Ramapo Valley County Reservation.

Historic Route U.S. 202 follows the Ramapo River Valley north to south through Mahwah. Route 17 and I-287 also pass through the Township providing for excellent regional access. Rail access to New York City is provided along the Bergen Main Line operated by N.J. Transit and bus service to New York City is provided by NJ Transit and private bus operators.

Mahwah is bordered by the towns of Upper Saddle River, Ramsey, Allendale, Wyckoff, Franklin Lakes, Oakland and Ringwood, New Jersey, and Suffern in New York. It is home to Ramapo College and large corporations including Jaguar, Stryker, Seiko and UPS. As of the 2010 Census, Mahwah had a population of 25,890 people. Mahwah has enjoyed a rich and varied history and has a number of historic sites.

The Highlands Council has established a procedure to designate Highlands Centers within the Highlands Area. The purpose of center designation is to further the intents and purposes of the Highlands Act and the Highlands Regional Master Plan. The Township of Mahwah has

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

determined it is in its best interest to seek Highlands Center Designation. This document has been prepared in support of such designation.

## **II PROPOSED CENTER BOUNDARIES**

Two Highlands Centers are proposed in Mahwah. They are located in the northeast quadrant and southeast quadrant of the Township. These two areas have the most intense development pattern in the Township including both residential and non-residential development and are physically separated by the Borough of Ramsey. Virtually all of the Township's commercial and industrial development is included within these two areas. The proposed center in the northeast quadrant includes 6.74 square miles and the southeast center contains 0.98 square miles. Together the centers constitute 29% of the entire Township. Please see the maps in the Appendix for proposed center boundaries.

The northeast center contains those lands in the Township which lie generally east of Route U.S. 202 and Route I-287 (north of Route U.S. 202) and north of Ramsey Borough and Darlington Avenue but excluding Apple Ridge Golf Course. The southeast center includes those lands in the Township east of Wyckoff Avenue (Bergen County Route 87) and south of Ramsey Borough. Key attributes of the centers are as follows:

- **Land Use**

The northeast center includes the residential areas known as Masonicus and East Mahwah east of Franklin Turnpike, and commercial and industrial areas in the Franklin Turnpike and N.J. Route 17 corridors, and the residential areas in the Ramapo Ridge area west of Route 17 as well as Ramapo College to the west of I-287. The southeast center includes the eastern portion of the Fardale section of the Township incorporating residential areas and the industrial area surrounding Edison Road.

- **Zoning**

Residential zoning in the northeast center includes zoning for detached single-family residential uses as well as planned residential multi-family garden apartment and townhouse uses. Minimum single-family residential lot zoning includes zones for minimum lot sizes ranging from 5,000 square feet up to 40,000 square feet. Non-residential zoning in the northeast center includes highway commercial along NJ Route

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

17, neighborhood commercial along Franklin Turnpike, general industrial (manufacturing, warehousing), industrial park (research, light manufacturing) and office park (offices, hotels) uses. Zoning in the southeast center permits single family residential uses on lots from 10,000 square feet up to 40,000 square feet as well as multi-family planned residential developments and a small general industrial area just to the east of Wyckoff Avenue. A map in the Appendix shows the proposed center boundaries superimposed on the Zoning Map.

- **Assets**

The major assets of Mahwah Township are located within the proposed centers. These assets include transportation (commuter rail station, bus service, NJ Route 17) education (Ramapo College), retail services, employment centers and historic sites (see Historic and Transportation Assets Map in the Appendix).

- **Water and Wastewater Service Areas**

Both the northeast center and southeast center are within areas currently sewered by public community water systems and existing or future sewer service areas. Designation of these areas as centers will not cause secondary growth by introducing water and sewer service to unserved areas (see the Utility Service Areas Map in the Appendix).

- **Relationship to Highlands Regional Master Plan**

Both the northeast center and southeast center are completely within the Existing Community Zone of the Highlands Planning Area.

### **III GOALS AND BENEFITS OF HIGHLANDS CENTER DESIGNATION**

Through Center Designation the Township intends to further the intents and purposes of the Highlands Act and the Highlands Regional Master Plan and through this process encourage development/redevelopment in areas of the Township appropriate for growth and economic development while maintaining community character. Center Designation will be used as a vehicle to invigorate commercial nodes in the Township, develop a sense of place, promote smart growth and advance the five main goals of the Township's Sustainable Economic Development Plan which are as follows:

1. Build upon the Township's success in attracting large corporations to support existing businesses and attract new, complementary businesses.

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

2. Diversify Mahwah’s economy by utilizing its existing parks and historic features to transform the Township into a destination for culture/heritage tourism and outdoor recreation.
3. Encourage public and private actions and expenditures to consider sustainable strategies that will enhance residents’ quality of life and advance “Sustainable Mahwah”.
4. Transform the Franklin Turnpike into a walkable, cohesive and attractive place that residents can be proud of.
5. Improve the aesthetics and safety of the Route 17 corridor.

The benefits of Center Designation in addition to achievement of the above goals include enhancement of commercial and employment areas, creation of compact design nodes that are walkable and pedestrian friendly, historic preservation, an improved quality of life for Mahwah residents, being designated as a “Priority Investment Area” in accordance with the State Plan and achieving priority status for State infrastructure funding.

Implementation of the Highlands Center will help ensure protection of the surrounding environs by supporting infill and redevelopment in appropriate locations where there is available infrastructure and discouraging growth and development outside of centers. The unique natural resources and recreation areas in Mahwah just outside of the proposed centers will be preserved. This contributes to the well-being of the centers themselves as services for visitors such as lodging and restaurants will be available within the centers. Preservation of these natural assets is therefore imperative to the economic well-being of the centers.

The designation of Highlands Centers in Mahwah would address Highlands Resource requirements as follows:

*Highlands Center Designation:*

1. Would have a de minimus negative or net positive impact on water resources and would not cause or contribute to degradation of surface or ground waters;
2. Would enhance or cause minimal feasible interference with the natural functioning of animal, plant and other natural resources;
3. Would enhance or result in minimum feasible alteration or impairment of the aquatic ecosystem;
4. Would enhance or not jeopardize the continued existence of endangered animal or plant species;
5. Would enhance or result in minimal practicable degradation of unique or irreplaceable land types, historical or archaeological areas, or existing public scenic attributes; and
6. Would meet applicable NJDEP standards, rules and regulations and other applicable State laws.

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

The designation of Highlands Centers in Mahwah would address Smart Growth and Sustainable Economic Development as follows:

Highlands Center Designation:

1. Would meet or exceed the water resource protections of the RMP.
2. Would not result in the allocation of water availability in excess of that available in any HUC 14 subwatershed, nor in allocation of water supply or wastewater capacity in excess of that available through any affected utility.
3. Would incorporate green building design and technology to the maximum practicable extent.
4. Would comply with the intent and purposes of the Highlands Act and the RMP.
5. Would incorporate cluster and conservation design as applicable, as a means to protect Highlands resources and promote smart growth principles.
6. Would incorporate low impact development best management practices to the maximum practicable extent, as a means to minimize disturbance and maximize water resource protection measures.
7. Would ensure compatibility with land use and development patterns of adjacent areas.
8. Would promote the use of alternative modes of transportation to the extent practicable, and support pedestrian and bike use and safety.
9. Where applicable, would create a meaningful opportunity to provide affordable housing.
10. Would avoid or minimize impacts on areas with environmental constraints.
11. Would improve the balance of housing and employment or otherwise contribute to local and regional economic sustainability; including but not limited to support or promotion of Highlands tourism.
12. Would promote the creation of a positive market for Transfer of Development Right credits where feasible.
13. Would promote historic and cultural heritage tourism and protect scenic resource features, where applicable.
14. Would provide community facilities that incorporate shared service opportunities where applicable.

**IV RELATIONSHIP TO HIGHLANDS REGIONAL MASTER PLAN**

The proposed Highlands Centers for the Township of Mahwah would be consistent with and advance a number of goals, policies and objectives of the Highlands Regional Master Plan. The following goals, policies and objectives in particular will be advanced:

**GOAL 2G: PROTECTION, RESTORATION AND ENHANCEMENT OF THE WATER QUALITY OF THE HIGHLANDS REGION.**

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

Policy 2G1: To evaluate locations and densities of development which are sustainable in conjunction with the use of best management practices applicable to these various water resource needs and support the protection and management of critical lands for water quality purposes.

GOAL 2H: LIMITATION OF THE TYPE AND AMOUNT OF HUMAN DEVELOPMENT IN THE WELL-HEAD PROTECTION AREAS OF PUBLIC WATER SUPPLY WELLS.

*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.

GOAL 2K: ALL EXISTING AND FUTURE DEVELOPMENT IN THE HIGHLANDS REGION THAT USE PUBLIC WASTEWATER TREATMENT SYSTEMS ARE SERVED BY ADEQUATE AND APPROPRIATE INFRASTRUCTURE.

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.

GOAL 4A: PROTECTION AND PRESERVATION OF THE HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES OF THE HIGHLANDS REGION.

Policy 4A7: To promote historic and cultural heritage tourism in the Highlands Region.

GOAL 4B: PROTECTION AND ENHANCEMENT OF THE SCENIC RESOURCES WITHIN THE HIGHLANDS REGION.

Policy 4B3: To ensure that human development does not adversely affect the character or value of resources which are listed on the Highlands Scenic Resources Inventory.

GOAL 5A: PROVISION OF SAFE AND EFFICIENT MOBILITY WITHIN THE HIGHLANDS, AND BETWEEN THE HIGHLANDS AND DESTINATIONS OUTSIDE OF THE REGION.

Policy 5A4: To provide safe and efficient pedestrian connections including features such as sidewalks, proper lighting, signage, shelters, and green street initiatives consistent with the NJDOT's Pedestrian Safety Initiative.

GOAL 5C: TRANSPORTATION IMPROVEMENTS WITHIN THE HIGHLANDS REGION THAT ARE CONSISTENT WITH THE HIGHLANDS REGIONAL MASTER PLAN.

Policy 5c4: To support economic development by ensuring that transportation planning and improvements support regional development, redevelopment and tourism opportunities.

GOAL 5E: MINIMIZATION OF TRAVEL DEMAND AND VEHICLE MILES OF TRAVEL.

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
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Policy 5E1: To promote land use patterns that support a balance of jobs to housing as a means of reducing average trip lengths.

*Objective 5E1a:* Development and redevelopment which provides housing and jobs in close proximity.

*Objective 5E1b:* Development and redevelopment in close proximity to rail stations and along bus routes.

Policy 5E2: To promote municipal and county master plans and development regulations which facilitate the development of mixed land uses in locations that result in reduced average trip lengths, increase community and regional connectivity and support existing development patterns.

Policy 5E3: To promote land use patterns that support a balance of jobs to housing as a means of reducing average trip lengths.

**GOAL 6F: SUPPORT OF COMPACT DEVELOPMENT, MIXED USE DEVELOPMENT AND REDEVELOPMENT AND MAXIMIZATION OF WATER, WASTEWATER AND TRANSIT INFRASTRUCTURE INVESTMENTS FOR FUTURE USE OF LAND AND DEVELOPMENT WITHIN THE EXISTING COMMUNITY ZONE.**

Policy 6F1: To promote compatible development and redevelopment within the ECZ.

Policy 6F2: To promote the restoration and redevelopment of brownfields, particularly those located in or adjacent to transportation corridors and or transit stations. In cases where redevelopment is not appropriate, encourage “brownfield to greenfield” approaches.

Policy 6F3: To ensure that development activities within the ECZ are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principals and do not adversely affect natural resources.

Policy 6F4: To ensure that development and redevelopment within the ECZ are served by adequate public facilities including water supply, wastewater treatment, transportation, educational and community facilities.

Policy 6F5: To ensure that development and redevelopment in the ECZ are compatible with existing community character.

Policy 6F7: To encourage redevelopment in the Existing Community Zone as a means to relieve development pressure from more environmentally sensitive areas.

**GOAL 6H: GUIDE DEVELOPMENT AWAY FROM ENVIRONMENTALLY SENSITIVE AND AGRICULTURAL LANDS AND PROMOTE DEVELOPMENT AND REDEVELOPMENT IN OR ADJACENT TO EXISTING DEVELOPED LANDS.**

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,

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

Prime Ground Water Recharge Areas, Wellhead Protection Areas, and ARAs.

Policy 6H4: To promote compatible growth opportunities that include in-fill development, adaptive re-use, redevelopment, and brownfields redevelopment in existing developed areas.

Policy 6H5: To promote land uses which create a sense of place with attractive, walkable neighborhoods that support community connectivity of developed lands and community facilities.

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.

Policy 6H9: To incorporate smart growth principals and green building design and technology in development and redevelopment initiatives.

**GOAL 6O: MARKET-RATE AND AFFORDABLE HOUSING SUFFICIENT TO MEET THE NEEDS OF THE HIGHLANDS REGION WITHIN THE CONTEXT OF ECONOMIC, SOCIAL AND ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS.**

Policy 6O2: To promote, where appropriate and permitted by the Land Use Capability Zone, center-based development approaches that address a mix of housing types, support mixed uses, and implement compact development approaches.

Policy 6O3: To promote, where appropriate and permitted by the Land Use Capability Zone, affordable housing within new residential and mixed use development, redevelopment, or adaptive reuse projects.

Policy 6O4: To encourage the targeting of new housing to areas with compatible existing densities and within walking distance of schools, employment, transit, and community facilities and services.

**GOAL 8A: SUSTAINABLE ECONOMIC DEVELOPMENT IN THE HIGHLANDS REGION.**

Policy 8A1: To maintain and expand the existing job and economic base by promoting appropriate, sustainable, and environmentally compatible economic development throughout the Highlands Region.

Policy 8A2: To preserve the high quality of life in the Highlands Region through economic planning and implementation of the RMP.

Policy 8A6: To require that conforming municipalities develop an economic plan element that provides strategies for achieving sustainable and appropriate economic development consistent with local desire and identifies any development, redevelopment, and brownfield opportunities.

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

**GOAL 8C: EXPANSION OF COMPATIBLE AND SUSTAINABLE TOURISM AND RECREATION WITHIN THE HIGHLANDS REGION.**

Policy 8C1: To promote recreation and tourism based economic initiatives, which derive economic benefit from sustainable use of the natural resources of the Highlands Region.

*Objective 8C1a:* Identification of specific economic development initiatives which would encourage and promote eco-, agri-, and heritage tourism in the Highlands Region.

**GOAL 9A: REDUCTION OF AIR POLLUTION THROUGH USE OF ALTERNATIVE AND EFFICIENT MODES OF TRANSPORTATION AND THE USE OF RENEWABLE ENERGY SOURCES.**

Policy 9A3: To encourage land use development and redevelopment practices that promote center-based growth and mixed-use development and offer alternative modes of transportation as a means to reduce automobile dependency, vehicle miles traveled, vehicle trip length, and duration, for reduction of local and regional air pollutants and of carbon dioxide emissions linked to global warming.

Policy 9A5: To encourage energy efficient design and green building practices in support of regional resource protection and smart growth planning policies.

Highlands Center Designation would focus future development in the Township of Mahwah into the centers, which would allow for appropriate, sustainable growth and development. The proposed centers have ready access to infrastructure and multi-modal transportation opportunities. Center Designation will allow for commercial corridor enhancement projects that will incorporate a pedestrian component.

The proposed Mahwah Centers have the potential for sustainable economic development and the support of eco-tourism. Additionally, the centers will continue to provide needed retail goods and services to both Mahwah and surrounding municipalities. Highlands Center Designation will allow the Township to continue to grow at an appropriate scale, strengthen and enhance its commercial areas and residential neighborhoods and act as a regional employment center, while advancing the Highlands Regional Master Plan as well as Mahwah's goals and objectives.

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Highlands Center Designations – Consistency Review and Recommendations Report**

Centers designation in Mahwah will help ensure protection of the surrounding environs; support infill and redevelopment in appropriate locations; optimize the use of existing infrastructure; provide for streetscape enhancements and pedestrian-friendly development initiatives; and protect and enhance Highlands environmental, agricultural and historic, cultural and scenic features.

**V APPENDIX**

Proposed Highlands Center Aerial Map

Proposed Highlands Center and Zoning Map

Historic and Transportation Assets Map

Utility Service Areas Map

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New York State

# PROPOSED HIGHLANDS CENTER

## TOWNSHIP OF MAHWAH

BERGEN COUNTY  
NEW JERSEY

Ringwood  
Borough

Highlands  
Preservation  
Area

Ramsey  
Borough




Allendale  
Borough

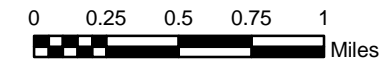
Oakland  
Borough

Franklin  
Lakes  
Borough

Wyckoff  
Township

Wanaque  
Borough

- LEGEND**
-  Proposed Highlands Center
  -  Highlands Preservation Area Boundary
  -  Municipal Boundaries



1 inch = 0.66 miles

This map was developed using NJDEP and County GIS digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.



OCTOBER 2, 2014

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






















New York State

# PROPOSED HIGHLANDS CENTER WITH ZONING

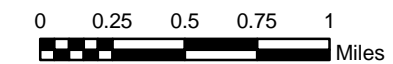
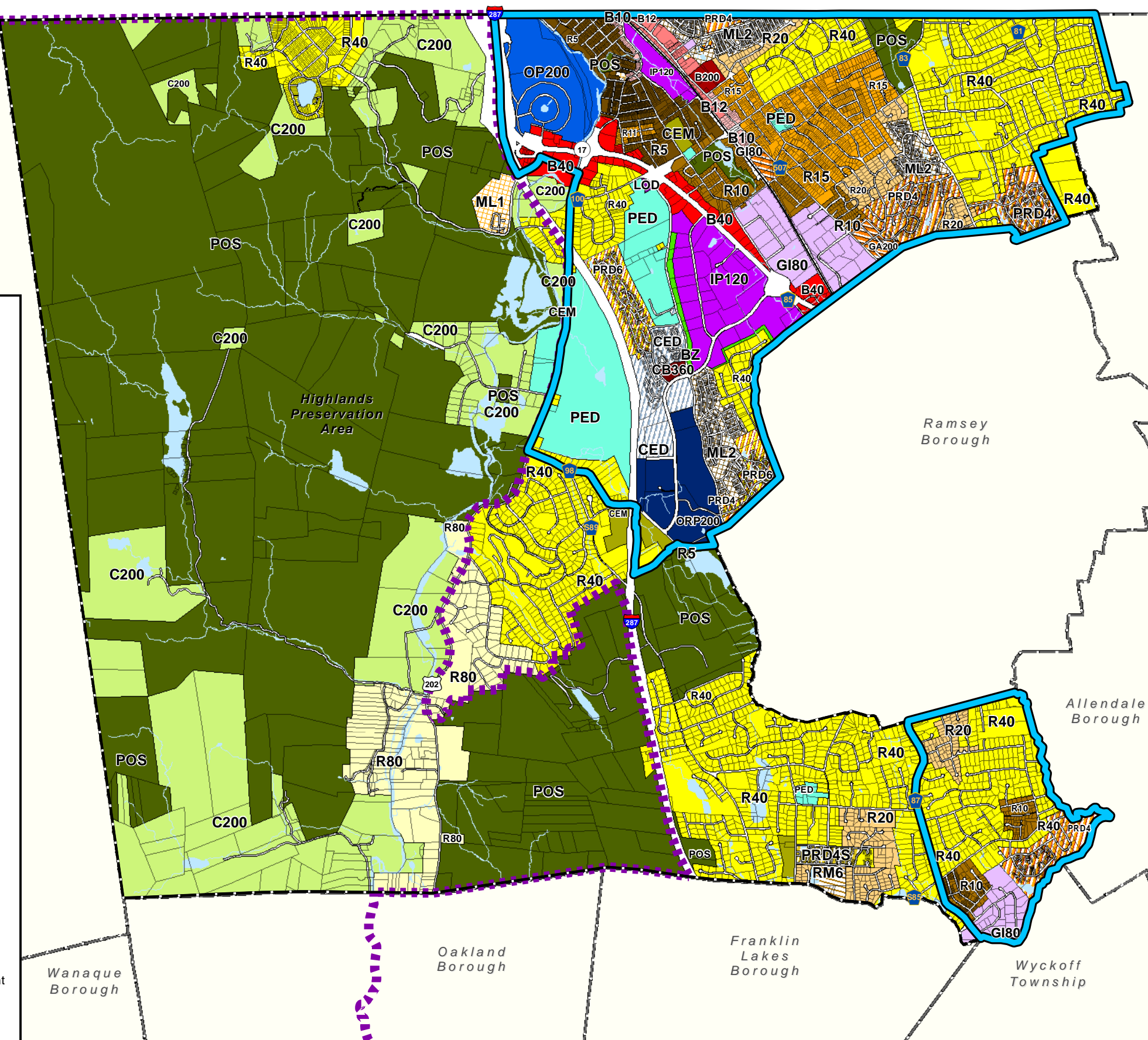
## TOWNSHIP OF MAHWAH

BERGEN COUNTY  
NEW JERSEY

### LEGEND

-  Proposed Highlands Center
-  Highlands Preservation Area Boundary
-  Municipal Boundaries
-  Water Bodies
- Zoning Districts**
-  R5 - One Family Residential
-  R10 - One Family Residential
-  R11 - Two Family Residential
-  R15 - One Family Residential
-  R20 - One Family Residential
-  R40 - One Family Residential
-  R80 - One Family Residential
-  ML1 - Mount Laurel Housing District
-  ML2 - Mount Laurel Housing District
-  RM6 - Mobile Home
-  GA200 - Garden Apartment
-  B10 - Neighborhood Business
-  B12 - General Business
-  B40 - Highway Business
-  B200 - Shopping Center
-  CB360 - Community Business
-  BZ - Buffer Zone
-  C200 - Conservation
-  POS - Public Open Space
-  CEM - Cemetery
-  GI80 - General Industry
-  IP120 - Industrial Park
-  LOD - Limited Office District
-  OP200 - Office Park
-  ORP200 - Office Research Park
-  PED - Public Education
-  PRD4 - Planned Residential Development
-  PRD4S - Planned Residential Development
-  PRD6 - Planned Residential Development
-  CED - Controlled Economic Development

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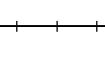
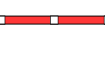



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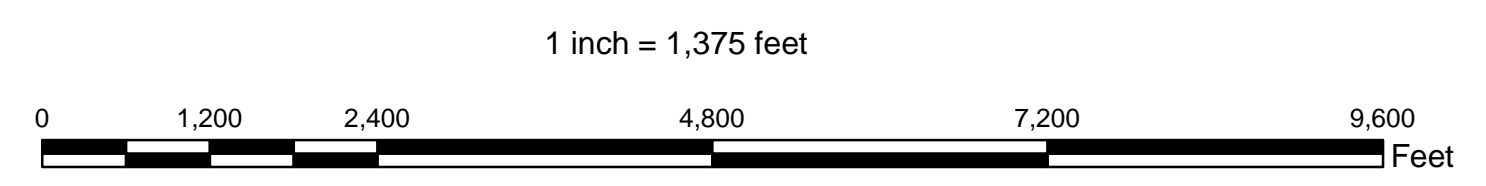


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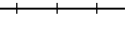





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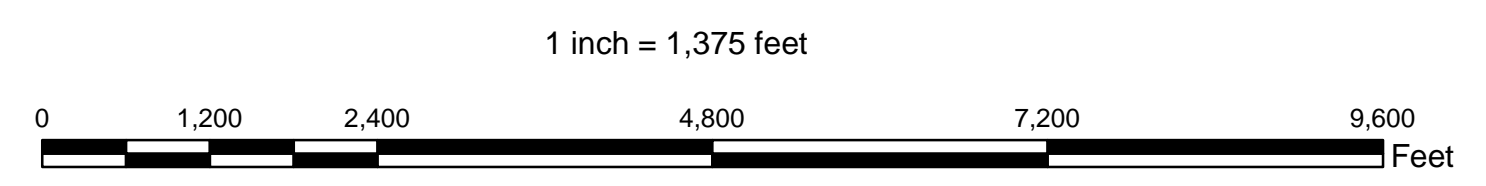
-  Train Station
-  Coach USA Bus Stop
-  Highlands Historic Properties
-  Railroads
-  Preservation Area Line
-  Highlands Historic Districts
-  Parcels
-  Municipal





**Legend**

-  Railroads
-  Preservation Area Line
-  Parcels
-  Municipal
-  Existing Areas Served Potable Water
-  Existing Areas Served Sanitary Sewer



Parcel Map  
**Utility Service Areas**

**REVISED TOWNSHIP OF MAHWAH, BERGEN COUNTY, NEW JERSEY**  
**HIGHLANDS IMPLEMENTATION PLAN AND SCHEDULE Updated January 2015**

MUNICIPAL IMPLEMENTATION PLAN AND SCHEDULE FOR PLAN CONFORMANCE BY TASK		FY 2012+ Priority (√) or N/A	Approximate Budget	Completion Date	Responsible Entity	Status and Comments
1.	Housing Element & Fair Share Plan (Module 3)		\$2,000			
2.	Highlands Environmental Resource Inventory (Module 4) – Adopted	√		5/14/2012	Environmental Commission	APPROVED by Env Comm 6/27/12 (Reimbursed - \$2,000)
3.	Highlands Element of Municipal Master Plan (Module 5) – Adopted	√			Planning Board	Amended Plan Conformance Grant
	a. Master Plan Reexamination Report - Prepared and Adopted	√		3/26/2012	Planning Board	ADOPTED (Reimbursed for Reexam Report - \$4,073)
4.	Municipal Master Plan Elements (as applicable)				Planning Board	Planning activities selected based upon priorities relevant to specific municipality.
	a. Land Use Plan Element					
	b. Conservation Plan Element					
	c. Circulation Plan Element					
	d. Land Preservation and Land Stewardship Plan Element					
	e. Community Facilities Plan Element					
	f. Sustainable Economic Development Plan Element	√		10/6/2014	Planning Board	ADOPTED (Reimbursed - \$28,500 ) Preparation of this element done in conjunction with conceptual planning for potential redevelopment nodes along the Rte 17 and Franklin Tpk corridors.
	g. Historic Preservation Plan Element					
	h. Septic System Yield Allocation					
5.	Highlands Land Use Ordinances (Module 6) – Adopted	√	\$9,500		Planning Board, Governing Body	Amended Plan Conformance Grant
	a. Adopt Planning Area Petition Ordinance	√		1/12/2012	Governing Body	ADOPTED Ord #1701 (Reimbursed - \$500)
	b. Adopt Checklist Ordinance	√		4/26/2012	Planning Board, Governing Body	ADOPTED Ord #1706 (Reimbursed - \$1,000)
	c. Adopt Delegated Exemption Ordinance			Adopted 8/5/13 Effective 9/4/13		ADOPTED Ord #1725
6.	Zoning Map Update – Adopted (Update to reflect Highlands Overlay Zones, Districts)	√	\$5,000		Planning Board, Governing Body	Amended Plan Conformance Grant
7.	Resource Management Plans and Programs					
	a. Water Use and Conservation Management Plan		TBD			
	b. Habitat Conservation and Management Plan	√	\$30,000			Guidance to be provided by the Highlands Council
	c. Stream Corridor Protection/Restoration Plan (optional)	√	\$46,600			Preparation of a stream corridor strategy for the Ramapo River and the Ramsey Brook and their tributaries. Guidance to be provided by the Highlands Council.
	d. Wastewater Management Plan	√	\$5,000			NJDEP Administrative Order 2010-03 (NW Bergen WMP) - Submittal to NJDEP in cooperation w/Highlands Council
	e. Septic System Management/Maintenance Plan				Health Board	
	f. Lake Restoration Management Plan (if applicable)					
	g. Scenic Resource Management Plan (optional)					
	h. Municipal Stormwater Management Plan					
	i. Regional Stormwater Management Plan (if applicable)					
	j. Land Preservation and Land Stewardship Program					
	k. Forest Stewardship Plan (optional)					

**REVISED TOWNSHIP OF MAHWAH, BERGEN COUNTY, NEW JERSEY**  
**HIGHLANDS IMPLEMENTATION PLAN AND SCHEDULE Updated January 2015**

MUNICIPAL IMPLEMENTATION PLAN AND SCHEDULE FOR PLAN CONFORMANCE BY TASK	FY 2012+ Priority (√) or N/A	Approximate Budget	Completion Date	Responsible Entity	Status and Comments
<b>8. Board of Health Ordinances</b>					
a. Septic System Maintenance					Subsequent to release of final model ordinance and completion of 7c
b. Potential Contaminant Source Management					Subsequent to release of final model ordinance
<b>9. Implementing Ordinances for Management Plans and Programs</b>					
a. Water Use and Conservation Management Plan Ordinance			*		*Following completion of 7.a
b. Habitat Conservation and Management Plan Ordinance			*		*Following completion of 7.b
c. Stream Corridor Ordinance			*		*Following completion of 7.c
d. Lake Restoration Management Plan Ordinance			*		*Following completion of 7.f
e. Tree Clearing Ordinance					
f. Right to Farm Ordinance (if applicable)	√			Governing Body	Adoption of State model ordinance
g. Scenic Resource Mgmt Ordinance (if applicable)			*		*Following completion of 7.g, if selected
h. Stormwater Management Ordinance			*		*Updates only, as needed to incorporate RMP provisions; following 7h, 7i
i. Other Ordinance Provisions (specify)					
<b>10. Redevelopment and Brownfields Opportunities (optional)</b>					
a. Highlands Redevelopment Area Petition					
<b>11. RMP Updates (optional)</b>					
<b>12. Map Adjustment Petition(s) (optional)</b>					
<b>13. Highlands Center Petition (optional)</b>					
a. Highlands Center Planning Study					<b>Highlands Center Designation Study, dated October 2, 2014 Township adopted Res. #279-14 to amend Petition to include 2 centers</b>
b. Highlands Center Plans/Redevelopment Plans		\$75,000			<b>Planning associated with the two Highlands Designated Centers, funding available upon approval of scope of work</b>
<b>14. Submission of Municipal Planning and Regulatory Documents and Supporting Materials</b>	√				See Consistency Review and Recommendations Report. Amended Plan Conformance Grant
<b>15. Discretionary Documents or Requests</b> (financial and technical assistance requests from the municipality)					
<b>16. Attendance at Highlands Council Training Sessions</b>					
a. Municipal Exemption Determinations	√	\$1,000		Highlands Council	Exemption Designees (e.g., Zoning Officer)
b. Ordinance Administration: Application Procedures, Implementation, Enforcement	√	\$1,500		Highlands Council	Land Use Administrator/Board Secretary, Zoning Officer, Enforcement Officer, Property Inspector, Professionals
<b>Total Approximate Budget</b>		<b>\$175,600</b>			

This Plan will be altered over time, to reflect the municipality's progress toward achieving Full Plan Conformance and to address funding and implementation tasks that carry forward into future years. All such changes will involve a collaborative effort and agreement between the municipality and the Highlands Council. Important in such considerations is the on-going recognition of the voluntary nature of Plan Conformance with respect to the municipality's Planning Area. It is anticipated that any Highlands Council Resolution of Approval will delegate to the Executive Director authority to modify deadlines for completion, which would occur in consultation with the municipality. No timeframe will be considered to have begun, however, until the municipality has been provided the tools (including grant funding) with which to accomplish each component of the Plan Conformance program.



**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

## 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](http://www.highlands.state.nj.us)



**JIM RILEE**  
*Chairman*

**MARGARET NORDSTROM**  
*Executive Director*

### MEMORANDUM

**To:** Plan Conformance Committee  
**From:** Margaret Nordstrom, Executive Director  
**Subject:** Committee Meeting Minutes— January 16, 2015  
**Date:** January 20, 2015

A Plan Conformance Committee meeting was held on Friday, January 16, 2015 at the Highlands office in Chester. Committee Members present via phone: Committee Chair Rilee, Members Vohden, Dressler, Tfank, and Richko.

Staff Members present: Margaret Nordstrom, Andy Davis, Chris Danis, Maryjude Haddock-Weiler, Annette Tagliareni.

Also present via phone: Tyler Yingling, Assistant Counsel, Governor's Authorities Unit.

Ms. Nordstrom reminded the Committee that Council will vote on a checklist approach for Franklin Township (Warren) as noted in the Plan Conformance minutes of November 7, 2014.

Secondly, Ms. Nordstrom announced that Mahwah Township has requested an amendment to their Petition for Plan Conformance. The amendment would designate two Highlands Centers.

Staff Member Maryjude Haddock-Weiler then gave a background of Mahwah Township's Plan Conformance activities leading up to the request to designate two Highlands Centers. Ms. Haddock-Weiler noted that the Highlands Centers encompass 29% of the Township. The two centers are physically separated by the Borough of Ramsey (non-Highlands municipality), and the focus of those centers is for redevelopment and revitalization.

Member Vohden asked why Mahwah Township would designate centers in their Township versus opting out of the planning area. He asked what benefits are available to the township by designating to Highlands Centers. Highlands staff responded that the benefits to the township would be:

January 20, 2015

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- Access to planning \$ and expertise to further municipal goals;
- Customized approach to Highlands Region planning; and
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Chief Counsel Davis asked for a motion to approve staff's recommendation to approve the Township of Mahwah's Amended Petition for Plan Conformance. Member Dressler made a motion, and Committee Chair and Chairman Rilee seconded the motion. All were in agreement.

*The Plan Conformance Committee meeting adjourned at 3:26pm.*



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*Governor*

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# Highlands Council Meeting

Thursday, January 22, 2015



# Mahwah Township Bergen County



Amended Plan Conformance Petition  
Highlands Center Designation



# Mahwah Township's Highlands Accomplishments

Highlands Council approves Plan Conformance Petition 12/16/10

- Planning Area Petition Ordinance adopted 1/12/12
- Master Plan Reexamination Report adopted 3/6/12
- Highlands Checklist Ordinance adopted 4/26/12
- Environmental Resource Inventory adopted 5/14/12
- Highlands Exemption Ordinance adopted 8/15/13
- Sustainable Economic Development Plan adopted 9/8/14
- Highlands Center Designation Study completed 10/2/14
- Wastewater Management Plan (WMP) in progress



# What is a Highlands Center?

**A place where future planning is centralized.**

- Community-driven process
- Area of existing development
- Appropriate for development/redevelopment
- Available infrastructure

**A Highlands Center Designation** triggers a planning process designed to identify the **goals, best uses** and **densities** for a specific area, while remaining consistent with the Highlands Regional Master Plan.



# Benefits of Highlands Center Designation

- Access to planning grants and technical expertise to further municipal goals
- Customized approach to Highlands Region planning
- Land Use Capability Map Zones do not apply; resources continue to be protected



# Mahwah Township Highlands Center

- Municipal Goals
  - Invigorate commercial nodes
  - Develop a sense of place
  - Promote smart growth
  - Advance goals of Township Sustainable Economic Development Plan
- Two areas proposed for Highlands Center Designation

# Mahwah Township Proposed Highlands Centers

**Legend**

- Highlands Preservation Area
- Proposed Highlands Center Boundary

**Mahwah Township  
Highlands Region**





# Amended Petition Consistency Determination

- Consistent:
  - Advances the goals, policies and objectives of the RMP.
  - Enhances areas of the Township that are appropriate for development, redevelopment and infill development.
  - Enhances economic development within the Township and the surrounding areas of the Highlands Region.
  - Continues to protect important Highlands Resources and Resource Areas.
- Condition:
  - Mahwah will continue progress toward completion of all remaining Plan Conformance Implementation Tasks per previously approved Petition.

# Highlands Center Process

## Designation

### Amend Mahwah Township Plan Conformance Petition

- Identify goals for Highlands Centers
- Identify proposed Highlands Center locations

### Highlands Council Consideration & Vote

## Planning

### Municipal Implementation

- Refine the Community Vision for the Highlands Centers
- Respect existing community character
- Invigorate commercial nodes

# Highlands Council Meeting

Thursday, January 22, 2015

## **RESOLUTION 2015-3**

### **NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION TO PROMULGATE RULES IN CONNECTION WITH THE LANDOWNER EQUITY & LAND PRESERVATION PROGRAM**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council or Council); and

**WHEREAS**, the Highlands Act, at N.J.S.A. 13:20-2 includes, among its findings, that “the new regional planning approach and the more stringent environmental regulatory standards should be accompanied, as a matter of wise public policy and fairness to property owners, by a strong and significant commitment by the State to fund the acquisition of exceptional natural resource value lands . . .”; and

**WHEREAS**, the Highlands Council has established a Land Owner Equity and Land Preservation Committee whose mission, among other things, is to consider, evaluate and recommend to the full Council, programs and policies to advance and enhance, where possible, the statutory commitment to compensate Highlands property owners where appropriate; and

**WHEREAS**, the Council has received, reviewed, and considered a final draft Landowner Equity and Land Preservation Program (the Program) that has been vetted through the Land Owner Equity and Land Preservation Committee; and

**WHEREAS**, the Program provides for an open space matching grant program that would incentivize property owners to seek out contributions from entities interested in land conservation by having the Council match such contributions and also provide that the Highlands Development Credit Bank, would purchase HDCs on a priority basis identified in the Program, from certain landowners; and

**WHEREAS**, the Highlands Act, at N.J.S.A. 13:20-6(y), authorizes the Council to prepare, adopt, amend, or repeal, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (N.J.S.A. 52:14B-1 et seq. (the APA) such rules and regulations as may be necessary in order to exercise its powers and perform its duties and responsibilities under the provisions of this act; and

**WHEREAS**, the Council is of the view that it would be appropriate to promulgate the Program as an administrative rule, pursuant to the APA; and

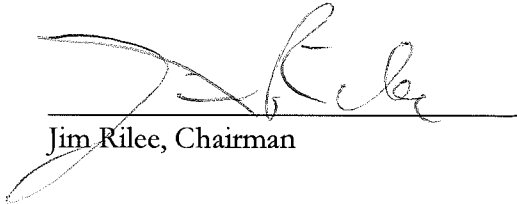
**WHEREAS**, the Council understands that prior to the Program being finally adopted under the APA, the Executive Director will provide a summary of the responses received in connection with the promulgation of the proposed APA rules, and that the full Council will be called upon to vote to authorize the adoption of the Program as an administrative rule.

**NOW, THEREFORE, BE IT RESOLVED**, that the Highlands Council hereby authorizes and directs the Executive Director to initiate the rulemaking process in connection with Program, and to keep the Council advised and informed as to the status and progress of the promulgation of the Program.

**RESOLUTION 2015-3**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**AUTHORIZATION TO PROMULGATE RULES IN CONNECTION WITH THE**  
**LANDOWNER EQUITY & LAND PRESERVATION PROGRAM**

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 22nd<sup>h</sup> day of January, 2015.

  
\_\_\_\_\_  
Jim Rilee, Chairman

**Vote on the Approval of  
This Resolution**

	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	✓	✓	_____	_____	_____
Councilmember James	✓	_____	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfanck	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	_____	_____	_____	✓
Councilmember Walton	_____	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____



# DRAFT

## **Land Owner Equity and Land Preservation Program**

---

January 16,  
2015

## **DRAFT Land Owner Equity and Land Preservation Program**

### **Introduction**

The Highlands Act acknowledges that implementation of the Regional Master Plan (RMP) and the Preservation Area Rules, which direct and guide future development, have an impact on landowner expectations regarding future land use potential. The Act requires the Highlands Council to establish a regional Highlands transfer of development rights (TDR) Program. The TDR Program is designed to be an equitable means of guiding development away from sensitive lands in the Highlands Region and redirecting development to alternate locations, both within the Region as well as other areas of the State. The Highlands RMP recognizes the need to set priorities for acquisition or purchase of conservation easements in those lands within the Region that have the most significant resource values. To this end, the RMP includes numerous policies to address open space acquisition and farmland preservation. The Highlands Council has devised a Land Owner Equity and Land Preservation Program to implement these preservation goals. This program includes the purchase of Highlands Development Credits (HDCs) by the Highlands Development Credit Bank (HDC Bank) and the creation of an open space matching grant program. Both programs will provide for protection of Highlands resources, compensation for land owners, as well as management of contributions for future mitigation projects. The mitigation component of the program will provide a framework for directing mitigation and other preservation funding to be utilized by the Highlands Council. Should the Highlands Council approve a future mitigation program that is intended to make funds available under this program, it is recommended that the Council's resolution of approval specifically outline the mitigation funding criteria to be utilized under this program be approved by a resolution of the Council and be included as an Appendix hereto

### **I. Land Owner Equity and Land Preservation Program**

#### **A. Open Space Matching Grant Program**

The Highlands Act and the RMP recognize the need to provide for the protection of environmentally sensitive lands through the creation of innovative methods for preservation. To address property preservation and land owner equity that has not otherwise been addressed through the HDC program, the Highlands Council herein creates an Open Space Matching Grant program. The program is designed to provide a source of open space funding for acquisition of property in fee simple and conservation easements. In the instance where mitigation funding is contributed as part of an approval of a project within the Highlands Region, the program allows for incorporation of the specific mitigation requirements for the use of such funds within the overall Open Space Matching Grant Program. The Open Space Matching Grant Program has been devised to provide for the protection of Highlands resources, mitigation of project impacts, and equity for land owners. Priority review of projects will be conducted by the Committee created herein which will make recommendations to the Highlands Council. The Highlands Council will review and may take action on the acquisition of properties presented to it.

#### **B. Highlands Development Credit (HDC) Purchase Program**

Utilizing the existing HDC program, the HDC Bank will purchase HDC Certificates on a priority basis. The priority basis is established herein and will reflect any mitigation requirements the funding may be required to meet. The previous initial purchase program of the HDC Bank has been closed, and the new HDC Purchase Program will take its place. The Purchase Program will provide a mechanism for the HDC Bank's purchase of HDCs until such time that a functioning private market exists for HDC certificates. Priority review of

## **DRAFT Land Owner Equity and Land Preservation Program**

projects will be conducted by the Committee created herein which will make recommendations to the HDC Bank Board. The HDC Bank Board will review and may take action on the acquisitions presented to it. All closing and other requirements shall follow those established by the HDC Bank.

### **II. Open Space Matching Grant Program**

#### **A. Eligible Applicants**

The following entities are eligible to apply for funds:

1. The State of New Jersey, including any State department, agency, board, commission, or other entity, district water supply commission, independent State authority or commission, or bi-state entity;
2. Any of the 7 Counties located in the Highlands Region;
3. Any of the 88 Municipalities located in the Highlands Region;
4. Charitable conservancies. (A corporation or trust exempt from federal income taxation under paragraph (3) of the subsection (c) of section 501 of the federal Internal Revenue Code of 1986 (26 U.S.C. §501 (c)(3)), whose purpose includes the acquisition and preservation of lands in a natural, scenic, or other open condition.)

#### **B. Eligible Projects**

Projects eligible for consideration for funding from the Highlands Council Open Space Matching Grant Program include:

1. The fee simple acquisition of land within the Highlands Region for conservation and passive recreation purposes, including but not limited to:
  - a. Parkland, natural areas and greenways;
  - b. The protection of ecologically sensitive areas as identified in the Highlands Regional Master Plan.
2. The acquisition of development easements within the Highlands Region for conservation purposes, including but not limited to:
  - a. Parkland, natural areas and greenways;
  - b. Farmland preservation;
  - c. The protection of ecologically sensitive areas and Agricultural Priority Areas as identified in the Regional Master Plan.

#### **C. Ineligible Projects**

The following projects or activities are ineligible for funding under the Open Space Matching Grant program.

1. Sites containing significant environmental contamination, including but not limited to former landfill sites, sites having a history of operating as a facility with substantial likelihood for on-site contamination, and sites listed on the NJDEP Known Contaminated Sites List (remediated sites may be eligible);
2. Sites already preserved (or acquired during the application process) by municipalities, counties, the State, or a qualified charitable conservancy;
3. Administrative or operational costs of the applicant or current or former owners;

## **DRAFT Land Owner Equity and Land Preservation Program**

4. Construction or development projects, including capital improvements, recreation improvements, infrastructure projects and the restoration, rehabilitation or reconstruction of any structure (*however this shall not preclude the purchase of the underlying lands*);
5. Maintenance, care, custodial or policing expenditures, including grounds maintenance, restoration or reconstruction;
6. Ceremonial or publicity expenses;
7. Interest or bonding expenses (or other financing costs);
8. Fundraising or lobbying expenses;
9. Interpretive activities, such as displays, signs, etc.

### D. Process

1. Outreach
  - a. The Highlands Council Executive Director shall prepare an outreach program.
  - b. The outreach program shall, at a minimum, provide information and training on the availability of the Open Space Matching Grant program to all municipalities and counties within the Highlands Region and to all state agencies and charitable conservancies that are known to operate or have funding assigned to be expended within, or immediately adjacent to, the Highlands Region.
  - c. Notice of each application round shall also be published in the Highlands Council's newspapers of record and on the Council's website.
2. Acceptance of Applications
  - a. The Executive Director shall prepare a checklist and application form for the Open Space Matching Grant Program (example attached as Appendix A).
  - b. The Highlands Council's Executive Director shall approve deadlines for the submission of applications for the Open Space Matching Grant Program.
3. Completeness Review
  - a. The Executive Director shall conduct a completeness review for each application based on the information required by the Open Space Matching Grant program application (example attached as Appendix A).
  - b. Applicants shall have 60 days after notification of an incomplete application to provide any missing information to complete the application.
  - c. The Executive Director may provide an additional 60 day extension to provide the necessary information where deemed appropriate by the specific conditions of the application.
  - d. Should an application remain incomplete, the applicant will be notified that the application is incomplete and may re-submit the application for a future application round.
4. Land Owner Equity and Land Preservation Committee Review
  - a. Committee Review
    - i. Executive Director Review and Report on Eligibility:
      1. The Executive Director shall complete a report summarizing the conditions of the property, any due diligence review, the relationship to the established priority, and any mitigation criteria's noted below.
      2. Additional or supplemental information may be provided where necessary.

## **DRAFT Land Owner Equity and Land Preservation Program**

- ii. Due diligence review
    1. Confirmation of Title;
    2. Review of environmental records;
    3. Staff site inspections and photographic record;
    4. Any other documents or information deemed relevant for consideration of the project.
  - iii. Confirmation of funding commitments and ability to complete the project;
  - iv. Report on Eligibility:
    1. The Committee shall review the information provided and make a decision on the eligibility of the project based on the standards herein;
    2. A summary of the report and the findings shall be provided to the Highlands Council;
  - v. Final Recommendation:
    1. Upon receipt of final appraisal and funding commitment information, the Committee shall prepare a summary report on each property to be provided to the Highlands Council.
5. Approval to Fund
- a. Highlands Council Public Meeting: For projects under the Open Space Matching Grant Program, the Highlands Council shall review the findings of final recommendation of the Committee at a public meeting. The Highlands Council may issue an Approval for Funding and authorization to proceed at that meeting.
6. Deadlines to Complete Acquisition
- a. Applicants shall have 12 months to complete the closing on the property from the effective date of the Highlands Council's issuance of an Approval for Funding;
  - b. All approved applicants can obtain up to two 6 month grant extensions if it is shown that there are circumstances which inhibit the project's acquisition within the initial 12 month deadline so long as there is a reasonable expectation of closing within the extended deadline.
    - i. Applicants shall have a fully executed contract by the end of the first grant extension to be eligible for a second grant extension;
    - ii. The Executive Director shall have the ability to grant the extensions upon showing of good cause;
  - c. Should the applicant fail to complete the project within these time frames, the applicant shall forfeit the grant and may reapply in any subsequent rounds.
7. Notice to Proceed with Closing/Acquisition, Issuance of Payment
- a. The applicant shall provide notice to the Highlands Council that the closing or final acquisition is ready to proceed;
  - b. After review of the above notice and all materials required under sections E.1.d&e have been submitted to confirm that the release of funding is consistent with the Approval of Eligibility, the Executive Director shall authorize payment to the applicant at the closing
  - c. The applicant shall provide copies of all filed deeds, easements or other documents to the Executive Director;
  - d. The Executive Director shall provide a report to the Highlands Council upon the final completion of all acquisitions.

### E. Application Review

## **DRAFT Land Owner Equity and Land Preservation Program**

### 1. Project Priority

Priority for property acquisitions shall be based on the following criteria:

- a. RMP
  - i. Identified Special Environmental Zone Property: As designated in the RMP, updated to reflect any new development that has taken place.
  - ii. High Conservation and Agricultural Priority: As designated in the RMP, updated to reflect any new development that has taken place.
  - iii. Moderate Conservation and Agricultural Priority: As designated in the RMP, updated to reflect any new development that has taken place.
  - iv. Adjacent to Existing Open Space. Additional priority will be given to properties that, when purchased together, may provide or improve connectivity to existing open space or otherwise improve access to existing open space and/or recreational facilities.
- b. Mitigation Funding Requirements
  - i. Funding received as part of a mitigation program shall use the above outlined project priority in addition to any specific mitigation criteria identified by the Highlands Council in its development review decision, which shall be attached as an appendix hereto. The initial program shall utilize the mitigation funding criteria identified in Appendix B attached hereto.
  - ii. Should the Highlands Council approve a future mitigation program that is intended to make funding available under this program, it is recommended that the mitigation funding criteria to be utilized under this program be approved by a resolution of the Council and be included as an Appendix hereto.
- c. Funding, Timing and Stewardship
  - i. Timeline for Completion: A project must be able to be completed within 12 months of the approval for funding eligibility by the Highlands Council or any extension period(s) thereof.
  - ii. Dual Appraisal Method: The property owner shall be presented with appraisals detailing the pre- and post-Highlands Act values and shall have the opportunity to negotiate the sale price of the property based on these appraisals. The Highlands Council will provide for reasonable costs related to these additional appraisals, provided the appraiser has been approved by Green Acres or the SADC.
  - iii. Commitment and Matching of funds:
    - a) The Highlands Council shall provide a maximum grant award of 50% of the total purchase price of the property.
    - b) Applicants that provide for a higher outside matching fund percentage will be provided with a higher priority.
    - c) Applicants with a higher security of funding will receive higher priority;
    - d) All applicants shall supply written commitment letters from any other agencies providing funding.
  - iv. Stewardship: The applicant must provide a summary of the long term stewardship of the property, including enforcement, monitoring, ownership, access, and any maintenance or restoration proposed.
- d. Deed Restriction, Conservation, and/or Mitigation Easement Requirements
  - i. The applicant may propose either a fee simple acquisition or the acquisition of the development rights through a conservation/mitigation easement;

## **DRAFT Land Owner Equity and Land Preservation Program**

- ii. Under the matching grant program the Highlands Council will not hold title to a property;
  - iii. The property must be restricted in perpetuity from future development and protect any existing resources located on the property in accordance with requirements of the Highlands Council and shall incorporate the requirements of the proposed Stewardship Plan noted above;
  - iv. The State of New Jersey will be included as Grantee in any deed restriction or easement;
  - v. Draft deed restriction and/or easement language shall be submitted for approval prior to the final release of funds.
- e. Closing Requirements
- i. Closing Costs: The Executive Director may approve the reimbursement of closing costs directly associated with the property acquisition in an amount not to exceed \$2500;
  - ii. Title Search Required: A title search shall be required prior to the filing of any deed or easement on a property indicating that the property owner has the authority to deed restrict the land in accordance with the program requirements;
  - iii. Final review of easement/deeds: The final form of any deed or easement shall be submitted for approval to the Highlands Council prior to the final release of funds.

### **III. Highlands Development Credit Purchase Program**

- A. Program standards: The program shall follow the HDC Bank Operating Procedures except as outlined specifically below.
- B. HDC Certificate Purchase Cap:
1. The HDC Bank may consider a maximum purchase cap per funding round, per property in order to most equitably distribute available funds.
  2. Partial HDC Certificate purchases:
    - a. A property owner that has deed restricted his/her entire property in accordance with the HDC program requirements will be issued HDC certificates in accordance with the HDC program;
    - b. The HDC Bank may purchase all or part of the total HDC certificates allocated to an individual property;
    - c. The purchase of those HDC certificates shall be based upon the priority review of the entire property;
    - d. The property owner may hold the remaining certificates for sale on the private market, for use in a TDR Receiving Area, for distribution to an estate, for use as collateral, for donation, for purchase by the HDC Bank under a future funding round or for any other use permitted under the HDC program.
    - e. The partial purchase of credits by the HDC Bank only applies to the HDC Priority Purchase Program created herein.
- C. Credit Issuance and Closing Requirements:
1. Closing Costs: The Executive Director may approve the reimbursement of closing costs directly associated with the credit acquisition in an amount not to exceed \$2500;

## **DRAFT Land Owner Equity and Land Preservation Program**

2. Title Search Required: A title search shall be required prior to the issuance of any credit certificates.
- D. Land Owner Equity and Land Preservation Committee Review
1. Executive Director Review and Report on Eligibility:
    - a. The Executive Director shall complete a report summarizing the conditions of the property (including the required due diligence review), the relationship to the established priority and any mitigation criteria as noted below.
    - b. Additional or supplemental information may be provided where necessary
  2. Due diligence review
    - a. Confirmation of Title;
    - b. Review of environmental records;
    - c. Staff site inspections and photographic record;
    - d. Any other document or information deemed relevant for consideration of the application.
  3. Report on Eligibility: A summary report on the eligibility of each property and the action recommended by the Committee will be prepared by the Executive Director and provided to the HDC Bank.
- E. Approval of Eligibility: For projects under the HDC Purchase Program, the HDC Bank shall review the findings of the Committee at a public meeting. The HDC Bank may issue an Approval for Funding and authorization to proceed at that meeting.
- F. Project Priority
1. RMP: Priority for property acquisitions shall be based on the following categories:
    - a. Identified Special Environmental Zone Property: As designated in the RMP, updated to reflect any new development that has taken place.
    - b. High Conservation and Agricultural Priority: As designated in the RMP, updated to reflect any new development that has taken place.
    - c. Moderate Conservation and Agricultural Priority: As designated in the RMP, updated to reflect any new development that has taken place.
    - d. Adjacent to Existing Open Space. Additional priority will be given to properties that, when purchased together, may provide or improve connectivity to existing open space or otherwise improve access to existing open space and/or recreational facilities.
  2. Mitigation Funding Requirements:
    - a. Funding received as part of a mitigation program shall use the above outlined project priority in addition to any specific mitigation criteria identified by the Highlands Council in its development review decision, which shall be attached as an appendix hereto. The initial program shall utilize the mitigation funding criteria identified in Appendix B attached hereto.
    - b. Should the Highlands Council approve a future mitigation program that is intended to make funding available under this program, it is recommended that the mitigation funding criteria to be utilized under this program be approved by a resolution of the Council and be included as an Appendix hereto.

## **DRAFT Land Owner Equity and Land Preservation Program**

### **Appendix A– Sample Application Materials:**

#### **Checklist**

1. Completed and signed Application Form.
2. Description of property including:
  - a. any significant environmental, recreational, structures, access issues or other resources (maps, surveys, deeds, etc.)
  - b. Any documented development pressure;
  - c. Any adjacent properties proposed for preservation;
3. List of all proposed funding sources.
  - a. Please include any commitment letters or other available proof of these sources.
  - b. Include any time limits or other restrictions related to the specific funding sources.
4. Where available a copy of the proposed deed restriction or easement language. Where not available, a written description of the proposed property restrictions should be provided.
5. Valuation:
  - a. Where appraisals have already been prepared copies of such must be submitted;
  - b. Where no appraisals have been prepared an estimated total cost must be submitted;
  - c. Where a specific valuation has already been negotiated, that valuation must be submitted;
  - d. Where a contract of sale has been agreed upon, copies of the contract must be submitted.

## **DRAFT** Land Owner Equity and Land Preservation Program

### **Appendix B- Susquehanna Roseland Transmission Line Project Mitigation Criteria**

In the case of the mitigation funding received as part of the Susquehanna Roseland Transmission Line project, the mitigation criteria that is to be utilized is as follows (in addition to the RMP Project Priority Criteria noted herein):

1. Those properties that are in proximity to and have a view of the power lines;
2. Those properties that are within proximity to the power lines; or
3. Those properties that are adjacent to or provide protection to scenic resources.

DRAFT



# Highlands Council Meeting

Thursday, January 22, 2015



# Land Owner Equity & Land Preservation Program

- Addresses preservation and land owner equity goals of Highlands Act and RMP
- Two primary components:
  - Open Space Matching Grant Program
  - Highlands Development Credit (HDC) Purchase Program
- Highlands Council will review Open Space Grants, HDC Bank will review HDC purchases
- Initial funding provided from Susquehanna Roseland Project mitigation fund

# Highlands Council Meeting

Thursday, January 22, 2015



CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

## 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



JIM RILEE  
*Chairman*

MARGARET NORDSTROM  
*Executive Director*

### MEMORANDUM

**To:** RMP Update Committee  
**From:** Margaret Nordstrom, Executive Director  
**Subject:** Record of RMP Update Committee Meeting of January 7, 2015  
**Date:** January 14, 2015

The RMP Update Committee met on Wednesday, January 7, 2015 at the Highlands Council office in Chester. Committee Members present: Council Chairman Rilee (on phone), Committee Chair Alstede, Member Vohden, and Member Sebetich.

Highlands Council Staff Members present: Margaret Nordstrom, Andy Davis, Chris Danis, Judy Thornton, Corey Piasecki, Jim Hutzemann, Carole Ann Dicton, and Annette Tagliareni.

Also present via phone: Tyler Yingling, Assistant Counsel, Governor's Authorities Unit.

Committee Chair Alstede called the meeting to order at 1:15pm.

The following topics were discussed:

#### Progress Report:

Corey Piasecki reported that the Central (Morris & Somerset Counties) Municipal Stakeholder and Public Outreach meetings were held on December 15<sup>th</sup> at County College of Morris. The northern (Passaic, Bergen, and Sussex counties) and southern (Hunterdon & Warren counties) meetings are scheduled for January 12<sup>th</sup> (Sussex County Technical School) and January 14<sup>th</sup> (Oldwick Fire Co. Social Hall), respectively. Public Outreach Workshops are scheduled at the same locations on those dates, at 7:00pm.

Draft Outline for Technical Advisory Committee (TAC) Meetings – Corey Piasecki noted that this document is an excerpt from the Public Participation and Outreach document that was previously distributed to the committee and Council.

Tentative Technical Advisory Committee (TAC) Member List – The committee received a draft list of TAC members. Nominations have been submitted by various entities and a request was sent to Council and NJDEP for their nominations. Highlands Council staff recommended that:

- TAC group size be limited to 15-20 individuals;
- All interested candidates be required to provide a resume;
- Individuals be designated to participate in not more than two TACs; and
- Each TAC include two Council members, with the exception of the Implementation TAC, which should include the full RMP update committee.

The committee agreed with this approach. Member Vohden asked who will finalize the TAC Member List. Ms. Nordstrom responded that the list will be finalized by the committee and provided to the Council for approval. Corey Piasecki noted that this list remains confidential until it is finalized.

There was discussion by the committee and staff regarding the different TAC's and how best to define each one. It was decided that Highlands Council staff will provide a description for each TAC to indicate its purview and illustrate the type and extent of technical expertise needed to support it. As suggested by Judy Thornton, it was also decided that specific criteria be developed by which to evaluate resumes submitted by prospective TAC members. Member Vohden asked who will facilitate the TAC meetings, once the TAC's are formed. Corey Piasecki responded that our consultant team from RPA will do so.

Stakeholder Meeting Summaries – The committee has received eight stakeholder meeting summaries for the meetings held thus far. Prepared by the RPA team, the summaries provide a record of each of the stakeholder meetings, including attendee lists, topics of discussion, and input provided. The summaries do not attribute comments to specific individuals, which is an intentional protocol announced at the outset of each meeting to ensure that commentary remains free-flowing. All Council members will receive the summaries as a part of their January Council meeting packets. After distribution, the summaries will be posted to Council's website.

Fiscal Impact Assessment (PlaceWorks) – Corey Piasecki reported that Council staff continues to work with PlaceWorks on the first component of the Fiscal Impact Assessment. The RMP Update Committee's support staff teleconferenced with Steven Gunnells, the lead consultant, and Courtenay Mercer of RPA, this past week to discuss some preliminary analyses. Staff members anticipate that Mr. Gunnells will present his first set of findings at the March Highlands Council meeting with a pre-presentation to the RMP Update Committee on Feb. 11<sup>th</sup>. Member Vohden suggested that the recently completed Sussex County Economic and Demographic Profile draft report, prepared by Rutgers Edward J. Bloustein School of Planning and Public Policy, would be of significant value to PlaceWorks in conducting the fiscal assessment. All agreed; Member Vohden will forward a copy to Ms. Nordstrom who will forward it on to Mr. Gunnells.

Public Comment Web Portal – Corey Piasecki reported that we have collected approximately 50 comments so far, and that the portal is scheduled to close on February 27<sup>th</sup>, however the committee may choose to keep the portal open until the Public Outreach Workshops are completed.

January 14, 2015

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Land Use Land Cover (LULC) Data Timing – Corey Piasecki reported that the current LULC data is seven years old. The new LULC data is expected soon and Highlands staff recommends that the committee not proceed with any analysis until this data is received. The committee was in agreement with this approach.

Committee Chair Alstede will present a report to the full Council at its January 22 meeting. The next RMP Update Committee meetings have been scheduled for February 11<sup>th</sup> and March 11<sup>th</sup>.

The meeting was adjourned at 2:24pm.



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## Public Participation and Outreach

The Public Participation and Outreach approach outlined below is intended to provide multiple opportunities for key stakeholders, technical experts and members of the public to provide input and comment throughout the RMP Monitoring Program process.

Information regarding meeting dates, times, and locations, along with briefing documents, meeting summaries, and other related material will be posted as it becomes available.

1. [Web Comment Portal/Open Public Comment](#)
2. [Targeted Stakeholder Meetings](#)
3. [Stakeholder Outreach Workshops](#)
4. [Technical Advisory Committee \(TAC\) Meetings](#)
5. [Public Outreach Sessions](#)
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### 1. [Web Comment Portal/Open Public Comment](#)

Comments are currently being accepted online via a web-based tool (See "[Submit Comments](#)" to the right), and hard-copy via mail, fax or hand delivery. Comments will be accepted through February 27, 2015.

New Jersey Highlands Council  
Attn: 2014 RMP Monitoring Program  
100 North Road (Route 513)  
Chester, NJ 07930-2322  
Fax: (908) 879-4205

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### 2. [Targeted Stakeholder Meetings](#)

Facilitated, small-group meetings. Technical in nature. Designed to garner input on potential indicators and data availability. Meetings were held in Fall 2014 with representatives from state agencies, county and local government, non-governmental organizations. Meeting summaries below include attendee lists and

#### Meeting Summaries (pdfs)

- [Agriculture and Forestry](#)
- [New Jersey Department of Agriculture](#)
- [Interagency](#)
- [Land Use](#)
- [New Jersey Department of Environmental Protection](#)
- [Real Estate and Housing](#)
- [Water Resources](#)
- [Water and Wastewater Utilities](#)

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### 3. [Stakeholder Outreach Workshops](#)

Workshop-style sessions. Topic-driven. Designed to provide a stakeholder forum for groups that are too large or diverse to accommodate in smaller sessions. These meetings were open to the public and announced via [public notice](#).

December 15, 2014	January 12, 2015	January 14, 2015
County College of Morris	Sussex County Technical School	Oldwick Fire Company Social Hall
Randolph, NJ	Sparta, NJ	Oldwick, NJ

- [Stakeholder Meeting Briefing Book](#) (pdf)

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### 4. [Technical Advisory Committee \(TAC\) Meetings](#)

Facilitated work sessions designed to review indicator and milestone findings, and provide input toward monitoring activities for the 2015-2025 period. Meetings are anticipated to commence

in 2015 with identified technical experts spanning content areas of the RMP.

**TAC Topic Areas**

Natural Resources  
Water Resource Protection  
Water and Wastewater Utilities  
Agricultural Resources  
Historic, Cultural, Archeological, and Scenic Resources  
Transportation and Air Quality  
Future Land Use  
Land Owner Equity  
Economic Development  
Implementation

**Currently Seeking TAC Nominations**

The TACs will include technical experts in each of the topic areas representing academic institutions, business and industry, regulatory agencies, individuals, and non-government organizations. The initial screening for individuals/participants will include those previously engaged in the TACs during the drafting of the RMP. Participant lists will then be refined and supplemented based on feedback from the Highlands Council and its staff, as well as the project team consultants.

Names and resumes of potential TAC members should be submitted to [highlands@rpa.org](mailto:highlands@rpa.org). Please indicate the suggested topic area with submissions.

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5. **Public Outreach Sessions**

Facilitated large-format sessions. Will be open to the public.

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6. **Public Hearings on Draft Reports**

Facilitated large-format hearing following release of the draft Monitoring Program Recommendation Report. Will be open to the public.

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