

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF DECEMBER 16, 2010

PRESENT

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

ABSENT

GLEN VETRANO)
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CALL TO ORDER

The Acting Chairman of the Council, Jack Schrier, called the 100th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:06pm.

ROLL CALL

Roll call was taken. Mr. Vetrano was absent. All other Council Members were present.

OPEN PUBLIC MEETINGS ACT

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

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF MINUTES OF NOVEMBER 19, 2010

Mr. Richko introduced a motion to approve the minutes. Ms. Kovach seconded it. Mr. Vetrano was absent. All other members present voted to approve. The minutes were APPROVED 10-0.

APPROVAL OF HDC MINUTES OF DECEMBER 10, 2010

Ms. Swan stated that the Highlands Development Credit (HDC) Bank minutes are before the Highlands Council today and Council action is subject to a Governor's review period. She further explained that there were regular minutes as well as Executive session minutes. Ms. Swan then used a PowerPoint presentation for the Council to consider the HDC Bank minutes.

Ms. Swan displayed a chart to update the Council on the HDC Bank Purchase Program. Her first slide showed the number of properties, number of HDC's, number of acres and HDC value of the

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HDC Allocations who qualified as hardship under Round 1, the HDC Allocations who qualified for hardship consideration under Round 2, the remaining HDC Allocations to date and totals.

Type	Number of Properties	Number of HDCs	Number of Acres	HDC Value
HDC Allocations (qualified as hardship under Round 1)	5	107.75	220.89	\$1,724,000
HDC Allocations (qualify for hardship consideration under Round 2)	4	53.25	82.37	\$852,000
RemainingHDC Allocations (to date)	9	342	381.37	\$5,472,000
Totals	18	503	684.63	\$8,048,000

Ms. Swan reported that the HDC Bank approved the issuance of offer letter to the four property owners under Round 2. Ms. Swan then reported that the HDC Bank approved two new categories proposed for Round 3 consideration to expand upon the program to include: 1) A parcel that received or should have qualified for Exemption #3, but which exemption expired; and 2) a parcel located within either Special Environmental Zone or High Value Agricultural Priority Area, which owner of the parcel applied for participation in a preservation program administered by the State or a local government unit (together "Public Agency") no earlier than August 10, 2004, and which application was rejected by the appropriate Public Agency or was deemed ineligible for participation based upon the requisite program's eligibility criteria.

- If parcel located in Special Environmental Zone, property owner must forgo any remaining development opportunities with no exemption.
- Where the parcel of land is located within the High Value Agricultural Priority Area, a majority of the parcel's existing agricultural lands must have both high and moderate agricultural value.

Ms. Swan then reported on the timeline the HDC Bank to consider opening of Round 3 for consideration:

- HDC Allocation Applications due to Highlands Council by February 24, 2011;
- HDC Certificate Applications due to HDC Bank by March 24, 2011;
- HDC Bank to consider third round applications at April 7, 2011 meeting.

Acting Chairman Schrier commented that the Bank Board and Highlands Council go out of its way to make things easier and possible for property owners.

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Mr. Cogger introduced a motion to approve the two sets of HDC Bank minutes of December 10, 2010. Ms. Letts seconded it.

Council Discussion

Mr. Alstede asked for clarification on the comment made by Director Craft on page 3 of the HDC Minutes with respect to Property B. Mr. Alstede went on to say that Director Craft was referring to the piece of property prior to participating in the HDC Program so that property as is right now is eligible for exemptions 1 and 2 but if they chose to accept the offer being made by the Bank Board those exemptions would no longer be available. Ms. Swan concurred that the second lot was a vacant lot so they were eligible for exemptions; however, the property owner were not going to exercise the exemptions so they would get a bonus credit. Mr. Alstede further asked how the properties are categorized. Ms. Swan responded that one was a residential property in a commercially zoned area and was eligible to enter into the program. Another property has a driving range on it and if they accept the offer would turn it over to agricultural use. The other three properties were going under a conservation restriction.

Ms. Letts asked how the property owners go about getting their money. Ms. Swan responded to say that the owners work very closely with HDC Bank staff, primarily Jeff LeJava, so they understand the process regarding the approval of the HDC Bank minutes and the Governor's review period before any of those actions are something we can act upon. HDC Bank staff takes them through the process and letters were already sent out to these property owners to explain the next steps in the process.

Mr. Alstede further asked if there will be a time when new applications will be considered and is it an open enrollment. Ms. Swan responded that anyone can seek an allocation but the Bank is only considering purchase credits for those who are eligible for Round 2 and now Round 3. She explained that the HDB Bank is expanding the criteria slowly but that the hardship criteria remain as the top priority.

All members present voted to approve two sets of the HDC Bank Minutes by roll call. The HDC Bank minutes were APPROVED 10-0.

ACTING CHAIRMAN'S REPORT

Acting Chairman Schrier reported that he had invited John Weingart to this meeting to commemorate Council's six-year anniversary. Mr. Weingart replied in an email that he was unable to attend. Acting Chairman Schrier read an excerpt from John Weingart's email: "...I hadn't realized that this was the 6-year anniversary of that dramatic first meeting with a packed room, lots of reporters and TV cameras, and a very long executive session. In some ways, it's hard to believe so much time has gone by and in others it's hard to remember that there ever was a time when we didn't all know each other. (It adds a little perspective to recall that on that day six years ago Barack Obama was still a State Senator in Illinois) Anyway, it's a fitting anniversary marker today for you to be considering adding four more towns and a county to the list of those in conformance, and it's great news that local governments in the Highlands seem to be concluding that the Regional Master Plan is a pretty good and useful template and that the Council is a much better group to work with than they may have feared. I wish you and all the other members and staff a good holiday and I hope our paths continue to cross in the new year."

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Acting Chairman Schrier continued his report with his words to commemorate Council's six-year anniversary: "Happy Anniversary to us, and congratulations on this, our 100th meeting. It was exactly six years ago on this date that the first meeting of the New Jersey Highlands Water Protection and Planning Council was held. Current Council members Kurt Alstede, Tracy Carluccio, Janice Kovach, Mimi Letts, Eileen Swan, Glen Vetrano – and I – were there. The meeting was conducted by our first Chairman, John Weingart. John had been involved in state government before but I'm quite sure that nothing he had previously experienced prepared him for what was to unfold from the first bang of his antique gavel. At that session he introduced a proposal to establish several sub-committees of the Council, an idea he said had worked well for bodies as large as ours, with so much on the agenda. He recommended that those committees meet privately first and deliver their recommendations in public. The first shot had been fired. Several members, including Kurt Alstede, Glen Vetrano and me strongly urged against it. Not against the idea of committees, but against having their meetings out of public view. At our next meeting we voted on "private v. public" and, as you all know, "public" won. It was an issue that established the model for what this Council has been for all of its time – one of the most transparent, open, publicly visible and interactive agencies in our state. In fact, we are famous (or notorious) for allowing the level of public comment that we do. The devastating negative value-impact of the Highlands Act on landowners has been, and continues to be, our "public enemy number one." And it is here where those landowners come, to let the Council hear in clear and often passionate terms what they think of that impact and what they think should be done about it. To be clear, this Council has always upheld a commitment to fund the preservation of exceptional resource lands in the Highlands. At our March 2005 meeting held in Parsippany-Troy Hills, we approved my *ad hoc* motion to let the users of Highlands water pay a user fee, with at least a portion of it going toward the compensation for affected landowners. Indeed the Highlands Act itself supports such a fee, along with the now-extended dual appraisal methodology for fair and just compensation, and the expansion of TDR beyond Highlands boundaries, and dedication of Garden State Preservation Trust funds for the region. The Council itself has testified on behalf of all of these approaches. We also are sensitive to the interests and benefits of commercial enterprises. Even in the Preservation Area the Council has approved plans for redevelopment — proposals that encourage businesses to stay in New Jersey and to grow in New Jersey. We approved one new Town Center so far and are working with towns to create others. But not willy-nilly: we want development that is capacity-based, in the right locations, to ensure that sprawl is discouraged and vibrant economic centers can flourish, even in a village setting. So here we are, six years later. I believe we have achieved much with a very minimal yet supremely dedicated staff --- and a shrinking budget. But even before he was elected and enunciated it, we did it according to the principles now set forth by Governor Christie – using common sense within the law, careful cost-benefit analyses, and, most important, openness and transparency. We remember and applaud all who worked to get us to this point: the Highlands Task Force, and former members John Weingart, Lois Cuccinello, Mikael Salovaara, Ben Spinelli, Tim Dillingham, Tahesha Way, Liz Calabrese, Erik Peterson, Scott Whitenack and of course Eileen Swan. All share in the credit for the accomplishments we now enjoy. To all of you, please know that the Council is serving our state well. Our actions today are aimed at the future, so that clean water will continue to allow people to live and businesses to grow. And so the New Jersey Highlands will continue to be a precious, valuable and beautiful place. Thank you."

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EXECUTIVE DIRECTOR'S REPORT

Plan Conformance Update

Ms. Swan gave a brief summary update to the Council on Plan Conformance Petition reviews. To date 64 (59 Municipalities and 5 Counties) have been submitted to the Highlands Council (49 have been deemed administratively complete and posted to the Highlands Council website - including 2 Counties). Of these, four Petitions have been approved (Byram and Chester Townships, Lebanon and Hampton Boroughs). On today's meeting agenda four municipalities and one county will be considered for Plan Conformance (Bethlehem & Mahwah Townships, Califon & Glen Gardner Boroughs and Passaic County). Municipalities anticipated for January Meeting are Clinton Town, Mount Olive, High Bridge, Green, and Denville. Rockaway Township is scheduled for February and is already posted for an extended public comment period. The municipal response period is underway for Tewksbury, Franklin, Lopatcong and Washington (Morris) Townships. Twenty-one more Draft Consistency Reports have been prepared and are under internal review and another 9 are in development by Staff.

Ms. Swan thanked the Highlands staff because they were challenged for this meeting to end the year strong and get ready for the January meeting as well. Ms. Swan showed maps and noted that Council staff waits for the Governor's review period before the Plan Conformance map is updated on the website.

Plan Conformance Grant Program

Ms. Swan then provided an update on the Highlands grants programs as requested by the Council. The average amounts requested for reimbursement by municipalities that are participating in Plan Conformance grant activities. On average, reimbursement requests to date are within the base amounts established by the Highlands Council. Ms. Swan noted that the Council should anticipate that some towns will need additional grants for these seven Modules due to unique circumstances.

<u>Towns</u>	<u>Base Amount</u>	<u>Average</u>	<u>Number</u>
Module 1	\$15,000	\$13,256	68
Module 2	\$10,000	\$ 6,326	64
Module 3	\$ 7,500	\$12,737	50
Module 4	\$ 2,000	\$ 3,200	55
Module 5	\$ 2,500	\$ 5,831	46
Module 6	\$ 5,000	\$ 4,157	44
Module 7	<u>\$ 8,000</u>	<u>\$ 6,466</u>	40
Total	\$50,000	\$51,973	

Public Hearing and Consideration of Resolution – Petition for Plan Conformance by Bethlehem Township, Hunterdon County

Acting Chairman Schrier acknowledged the Bethlehem Township representatives attending the meeting today, Deputy Mayor John Graefe; and planning consultants Carl Hintz and Lisa Specca.

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Ms. Carluccio made a motion to approve the Resolution for Bethlehem Township. Mr. Holtaway seconded it.

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

- Established: 1798
- Population (2010): 3,993
- Land Area: 13,287 acres Agricultural Lands: 3,132 acres
- Preserved Lands: 4,371 acres
- Wetlands: 695 acres
- Total Forest: 7,452 acres

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

- Preservation Area Lands: 12,147 acres – 91%
- Planning Area Lands: 1,141 Acres – 9%
 - Existing Community Zone: - 100.3 Acres – 0.8%
 - Protection Zone: 8,696 Acres – 65%
 - Conservation Zone: 4,005 Acres – 30% (Roads 3.7%)
 - Highlands Open Water Protection: 3,926 Acres – 29%
 - Forest Resource Area: 10,691 Acres – 80%
 - Agricultural Priority Areas: 2,440 Acres – 18%
 - Conservation Priority Areas: 2,614 Acres – 20%

Bethlehem Township Background Statistics – Land Use			
NJDEP Land Use/Land Cover (2005/2007)	Planning Area	Pres Area	Percent
Residential (Single & Multi Family)	59.2	2,033.0	15.7%
Commercial (Retail)	5.3	37.4	0.3%
Industrial & Transportation & Utilities	16.6	321.4	2.5%
Agriculture (Crops & Plantations)	916.9	2,078.2	22.5%
Recreational Lands (Public & Private)	2.4	49.3	0.4%
Other Urban or Built-Up Land	1.4	129.2	1.0%
Subtotal Developed Lands	1,001.8	4,648.6	42.5%
Mixed Forest	73.8	6,354.6	48.4%
Shrub & Scrub	17.9	480.6	3.8%
Mixed Wetlands	31.2	619.3	4.9%
Barren Lands	0.0	1.9	0.0%
Surface Waters (Lakes, Ponds & Tributaries)	16.0	41.6	0.4%
Subtotal Natural Lands	138.9	7,498.0	57.5%
Total	1,140.7	12,146.6	100.0%

Ms. Swan then showed a movie representing a ‘fly over’ of Bethlehem Township. The movie offered an opportunity to focus on the landscape of the Township. Ms. Swan showed ordinance maps for Bethlehem Township and continued to provide an overview of the Petition of Plan Conformance and the administrative record for the Township as follows:

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12/7/09	Petition for Plan Conformance Submitted
3/16/10	Petition Deemed Administratively Complete
3/24/10	Petition Posted to Highlands Council Website
7/12/10	Draft Consistency Report Sent to Municipality
11/17/10	Final Draft Report Posted to Highlands Council Website
12/3/10	End of Public Comment Period (Start 11/17/10)
12/10/10	Final Report Posted to Highlands Council Website
12/16/10	Highlands Council Public Hearing

Ms. Swan acknowledged Council staff member Jim Hutzelmann, Water Resource Engineer, who is the Highlands staff liaison for Bethlehem Township.

Ms. Swan then noted that Bethlehem Township had completed the required Module submittals. With respect to Module 1 and 2, the Highlands Municipal Build-Out Report for Bethlehem Township was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The Report is dated July 2009 and was posted to the Highlands Council website on July 24, 2009. Staff RMP Consistency Finding is that Bethlehem Township Highlands Municipal Build-Out Report is consistent with the RMP.

With respect to Module 3, the Council staff found that Bethlehem Township's Fair Share Plan and Housing Element was consistent with the RMP. Ms. Swan noted that Council staff worked closely with Bethlehem Township to obtain an approval from NJDEP for a group home on Township parkland that had been specifically planned years ago. With respect to the Environmental Resource Inventory, Module 4, Ms. Swan noted the following describes and illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality: Describes & Illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality. The Staff RMP Consistency Finding is that Bethlehem Township's Environmental Resource Inventory is consistent with the RMP.

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

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

Ms. Swan then presented a summary of the public comments received and a summary of the draft responses prepared by Highlands Council staff for Bethlehem Township's Petition for Plan Conformance. The public comment period for Bethlehem Township's Petition for Plan Conformance opened on November 17, 2010, and closed December 3, 2010. Notice was given in

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area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. Comments received from:

- Bethlehem Township
- Helen Heinrich, on behalf of the New Jersey Farm Bureau
- Kevin Walsh, Esq. on behalf of the Fair Share Housing Center

Ms. Swan noted that Helen Heinrich submitted the same comment for all municipalities being considered today so the Highlands staff responses will apply to all.

Comment: Bethlehem Township requested changes to the Highlands Land Use Ordinance regarding wastewater and water supply utility extensions, as the Township has no Existing Community Zone within the Planning Area.

Comment: Bethlehem Township also suggested changes to the allocation of funds for non-mandatory planning activities to support plans for Agricultural Retention and Viability Plan; Green Building and Sustainability Element of the Master Plan; and Scenic Resource Management Plan

- Response: Highlands Council Staff recommends acceptance of these requests.

Comment: A number of detailed comments were submitted by the New Jersey Farm Bureau on the Highlands Area Land Use Ordinance in regards to farming, agriculture and forest management. A detailed response to each comment was provided but the following is a summary of the responses:

- The Highlands Land Use Ordinance applies only to regulated developments in the Agricultural Resource Area, Forest Resource Area, riparian area and critical habitat. Importantly, all provisions are limited by the exemption for forestry practices under a woodland management plan and the exclusion for agriculture (see § 2.1.1): “Unless specifically indicated otherwise, and in that case only to the specific extent indicated, the provisions of this Ordinance shall not apply to Agricultural or Horticultural Use and Development.”
- An approved woodland management plan provides an exemption for all forestry activities under the plan. Other reports and plans regarding forest impacts apply only to regulated developments, not exempt activities.
- The definition of “family member” in the Highlands Act, as it applies to farm ownership, cannot be modified by the Highlands Council through the Plan Conformance process.
- Funding priority for agricultural retention plans will be given generally to municipalities with a large land area in active agriculture.

Comment: A letter was filed (with COAH) by the Fair Share Housing Center objecting to the use of Highlands Council Build-Out results to adjust the Fair Share Obligation for all four municipalities. Detailed responses were provided but the following is a summary of the responses:

- These comments specifically relate to matters that are pending before the Appellate Division in litigation filed by Fair Share Housing Center. All four Petitions should be approved conditioned upon achieving and retaining compliance with the Fair Housing Act. In addition, the response clarifies that the Build-Out Report is based upon the Highlands Act and RMP requirements.

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

- Adoption of Ordinance Petitioning for Planning Area
- Completion & Adoption of ERI
- Completion & Adoption of Master Plan Highlands Element
- Completion & Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Adoption of Wastewater Management Plan (County Chapter)
- Compliance with Fair Housing Act and Superior Court Proceedings:
The Highlands Council shall be copied on all related correspondence and kept apprised of the Court approval process. Any subsequent revision to the Housing Element and Fair Share Plan shall be provided to the Highlands Council for review and approval prior to implementation by the municipality.
- Update/Development & Implementation of:
 - Water Use & Conservation Management Plan
 - Stormwater Management Plan (updates only)
 - Habitat Conservation & Management Plan
 - Land Preservation & Stewardship Program
 - Septic System Management/Maintenance Plan
 - Alternative Energy Generating Facilities Plan & Ordinance
 - Scenic Resource Management Plan

Acting Chairman Schrier opened the public hearing on Bethlehem Township's Petition for public comment on the proposed Resolution.

Public Comment

John Graefe, Deputy Mayor of Bethlehem Township – Mr. Graefe thanked Eileen Swan, Tom Borden and staff for making the experience and hard work of the Plan Conformance process a more positive one. Mr. Graefe also acknowledged and thanked Joyce Koca, Tom Koven and Cindy MacGonagle. Mr. Graefe also wanted to thank Clarke, Caton, Hintz, especially Lisa Specca who helped to complete this Petition and would not have been completed without her help.

David Peifer, Association of New Jersey Environmental Commission. Mr. Peifer enthusiastically supports this Petition as a valuable tool for land use planning and sees the importance of citizen involvement when challenged with a new idea of planning. Mr. Peifer informed Council and Staff that Kingwood Township just passed an ordinance regulating large solar facilities that Council may want to look at especially for a rural town to consider as an alternative energy plan. ANJEC is supportive of the Petition and urges Council to vote early and often.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey enthusiastically supports Bethlehem Township's Petition for Plan Conformance. The approval of this Petition would be a wonderful reward for those who have supported the Highlands Act from the beginning.

Council Discussion

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Ms. Letts asked what Council's involvement would be with alternative energy. Ms. Swan responded Council staff's role would be in support of alternative energy and working with the municipality. Ms. Swan noted that the Department of Transportation submitted a letter in support of all the Petitions for the municipalities being considered today.

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

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

Public Hearing and Consideration of Resolution– Petition for Plan Conformance by Califon Borough, Hunterdon County

The Council then proceeded with the Public Hearing on the Plan Conformance Petition of Califon Borough. Acting Chairman Schrier acknowledged those in attendance at the hearing representing Califon Borough: Mayor Charles Daniel; Planning Board Chairman, Bruce Morrow; (also present was Environmental Chair, Jim Bell); and planning consultants Betsy McKenzie and Caroline Armstrong.

Ms. Swan then proceeded with the PowerPoint presentation of the Petition of Califon Borough for Plan Conformance and presented photographs of Califon Borough so the Council could focus on the character of the community and consider the past planning and protection initiatives of Califon Borough.

Ms. Swan presented background statistics and information for Califon Borough.

- Established: 1918
- Population (2002): 1,053
- Land Area: 629 acres / 1 sq. mi.
- Agricultural Lands: 31 acres
- Preserved Lands: 60 acres
- Total Forest: 275 acres

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

- Preservation Area Lands: 629 acres – 100%
 - Existing Community Zone: - 253 Acres - 40%
 - Protection Zone: 271 Acres - 43%
 - Conservation Zone: 70 Acres - 11% (Roads 6%)
 - Agricultural Priority Areas: 70 Acres – 11%
 - Highlands Open Water Protection: 191 Acres – 30%
 - Forest Resource Area: 302 Acres – 48%
 - Conservation Priority Areas: 81 Acres – 13%

Califon Borough Background Statistics – Land Use

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NJDEP Land Use/Land Cover (2005/2007)	Acres	Percent
Residential (Single & Multi Family)	254.1	40.4%
Commercial (Retail)	29.0	4.6%
Industrial & Transportation & Utilities	0.7	0.1%
Agriculture (Crops & Plantations)	26.2	4.2%
Recreational Lands (Public & Private)	12.1	1.9%
Other Urban or Built-Up Land	11.9	1.9%
Subtotal Developed Lands	333.9	53.1%
Mixed Forest	265.5	42.2%
Shrub & Scrub	9.0	1.4%
Barren Lands	7.1	1.1%
Surface Waters (Lakes, Ponds & Tributaries)	13.1	2.1%
Subtotal Natural Lands	294.8	46.9%
Total	628.7	100.0%

Ms. Swan then showed a movie representing a 'fly over' of Califon Borough. The movie offered an opportunity to focus on the landscape of the Borough. Ms. Swan showed ordinance maps of Califon Borough and continued to provide an overview of the Petition of Plan Conformance and the administrative record for the Borough as follows:

12/8/09	Petition for Plan Conformance Submitted
1/22/10	Petition Deemed Administratively Complete
2/1/10	Petition Posted to Highlands Council Website
7/28/10	Draft Consistency Report Sent to Municipality
11/17/10	Final Draft Report Posted to Highlands Council Website
12/3/10	End of Public Comment Period (Start 11/17/10)
12/10/10	Final Report Posted to Highlands Council Website
12/16/10	Highlands Council Public Hearing

Ms. Swan noted that Highlands staff member Christine Danis, Principal Planner and staff liaison for Califon and worked with their planners.

With respect to Module 1 and 2, Ms. Swan explained that the Highlands Municipal Build-Out Report for Califon Borough was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The Report is dated July 2009 and was posted to the Highlands Council website on July 15, 2009. The Staff RMP Consistency Finding is that Califon Borough's Highlands Municipal Build-Out Report is consistent with the RMP.

With respect to Module 3, Ms. Swan specified that the Staff RMP Consistency Finding is that Califon Borough's Fair Share Plan and Housing Element is consistent with the RMP. With respect to the Environmental Resource Inventory, Module 4, the Staff RMP Consistency Finding is the Califon Borough's Environmental Resource Inventory is consistent with the RMP. With respect to the Master Plan Highlands, Module 5, the Staff RMP Consistency Finding is the Califon Borough's Master Plan Highlands Element is consistent with the RMP. With respect to the Highlands Area

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Land Use Ordinance, Module 6, the Staff RMP Consistency Finding is the Califon Borough's Highlands Area Land Use Ordinance is consistent with the RMP.

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

Ms. Swan then presented a summary of the public comments received and summary of the responses given by the Highlands staff for Califon Borough Petition for Plan Conformance. The public comment period for Califon Borough's Petition for Plan Conformance opened November 17, 2010, and closed December 3, 2010. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. Comments received from:

- Helen Heinrich, on behalf of the New Jersey Farm Bureau (addressed under Bethlehem Township)
- Kevin Walsh, Esq. on behalf of the Fair Share Housing Center (addressed under Bethlehem Township)

Ms. Swan then summarized the Staff Recommendation for Califon Borough's Petition for Plan Conformance that it be approved with the following conditions. Ms. Swan also noted that the PowerPoint will be corrected to reflect an error on the slide which outlines the conditions for Califon Borough:

- Completion & Adoption of ERI
- Completion & Adoption of Master Plan Highlands Element
- Completion & Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan (County Chapter)
- Compliance with Fair Housing Act (COAH Certification). This condition requires updates on COAH and Law Division proceedings, Council review of any proposed changes to the Fair Share Plan and Housing Element, and specifies that conditional approval shall not be deemed to usurp the authority of the Law Division.
- Update/Development & Implementation of:
 - Water Use & Conservation Management Plan
 - Stormwater Management Plan (updates only)
 - Habitat Conservation & Management Plan
 - Land Preservation & Stewardship Program
 - Septic System Management/Maintenance Plan
 - Stream Corridor Protection/Restoration Plan
- Right to Farm Ordinance

Mr. Holtaway made a motion on the Resolution. Ms. Kovach seconded it.

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Acting Chairman Schrier opened the public hearing on Califon Borough's Petition for public comment on the proposed Resolution.

Public Comment

Mayor Charles Daniel of Califon Borough – Mayor Daniel thanked the Council for allowing him to attend this meeting and excited to move forward with Highlands Plan Conformance. Califon has looked forward to implementing the Highlands plan. Mr. Daniel considers Califon to be the “Jewel of River Raritan” and has a clean trout stream which the Borough would like to keep that way. Mr. Daniel commented that the Borough has a stormwater issue and have received a federal grant to help with that issue. He looks forward to working with the Highlands staff with this issue in the coming years.

Bill Kibler, Executive Director of the South Branch Watershed Association – Mr. Kibler reported he is in support of the Borough's Petition for Plan Conformance. He is a resident of Califon and wanted to thank Mayor Daniel and the Borough for doing the right thing. Mr. Kibler further stated that Califon's Petition for Plan Conformance would not have happened without the teamwork of the Borough and Highlands Council staff.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey urges Council to support Califon's Petition for Plan Conformance. She is a residence of neighboring Tewksbury Township and complimented Califon on its beautiful setting and wonderful merchants.

Council Discussion

Mr. Visioli asked if Califon Borough has direction or an ordinance on steep slope. Ms. McKenzie, Califon's Planner, responded to say that steep slope regulations are in place for the Borough.

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

At this time commemorative photos were taken as the Acting Chairman Schrier presented a framed certificate regarding the approval of the Plan Conformance Petition to Mayor Daniel.

Public Hearing and Consideration of Resolution– Petition for Plan Conformance by Mahwah Township, Bergen County

Ms. Swan reported that Mayor Martel of Mahwah Township was hoping to attend but was unable to attend today. Maryjude Haddock-Weiler, Regional Planner, and Highlands Staff Liaison for Mahwah Township is here today to answer any questions regarding Mahwah Township's Petition for Plan Conformance.

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

- Incorporated: 1944
- Population (2000): 24,062

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- Land Area: 16,545 acres/26 sq. mi.
- Preserved Lands: 8,745 acres
- Total Forest: 10,487 acres

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

- Preservation Area Lands: 9,478 acres – 57%
- Planning Area Lands: 7,067 acres – 43%
 - Existing Community Zone – 6,048 acres – 37%
 - Protection Zone – 9,520 acres – 57% (Roads 6%)
 - Highlands Open Water Protection – 8,172 acres – 49%
 - Forest Resource Area – 10,802 acres – 64%
 - Conservation Priority Areas – 1,414 acres – 8%
 - Special Environmental Zone – 124 acres – 0.7%

Mahwah Township Background Statistics – Land Use			
NJDEP Land Use/Land Cover (2005/2007)	Planning Area	Pres Area	Percent
Residential (Single & Multi Family)	3,309.8	337.5	22.1%
Commercial (Retail)	558.4	14.8	3.5%
Industrial & Transportation & Utilities	584.8	75.3	4.0%
Agriculture (Crops & Plantations)	58.0	70.1	0.8%
Recreational Lands (Public & Private)	311.3	109.1	2.5%
Other Urban or Built-Up Land	418.7	63.1	2.9%
Subtotal Developed Lands	5,241.1	670.0	35.8%
Mixed Forest	1,200.2	7,682.3	53.7%
Shrub & Scrub	58.5	35.4	0.6%
Mixed Wetlands	427.3	797.2	7.4%
Barren Lands	37.9	18.5	0.3%
Surface Waters (Lakes, Ponds & Tributaries)	102.1	266.7	2.2%
Subtotal Natural Lands	1,826.0	8,800.1	64.2%
Total	7,067.1	9,470.1	100.0%

Ms. Swan then showed a movie representing a ‘fly over’ of Mahwah Township. The movie offered an opportunity to focus on the landscape of the Township including its major infrastructure and natural resources. Ms. Swan showed ordinance maps for Mahwah Township and continued to provide an over of the Petition of Plan Conformance and the administrative record for the Township as follows:

12/8/09	Petition for Plan Conformance Submitted
1/22/10	Petition Deemed Administratively Complete
2/1/10	Petition Posted to Highlands Council Website
6/8/10	Draft Consistency Report Sent to Municipality
11/17/10	Final Draft Report Posted to Highlands Council Website
12/3/10	End of Public Comment Period (Start 11/17/10)
12/10/10	Final Report Posted to Highlands Council Website
12/16/10	Highlands Council Public Hearing

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Ms. Swan noted that Mahwah Township had completed the required Module Submittals. With respect to Module 1 & 2, the report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities. The Highlands Municipal Build-Out Report for Mahwah Township was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The Report is dated July 2009 and was posted to the Highlands Council website on July 24, 2009. The Staff RMP Consistency Finding is that Mahwah Township's Highlands Municipal Build-Out Report is consistent with the RMP.

With respect to Module 3, the Staff RMP Consistency Finding is that Mahwah Township's Fair Share Plan and Housing Element is consistent with the RMP. With respect to the Environmental Resource Inventory, Module 4, the Staff RMP Consistency Finding is the Mahwah Township's Environmental Resource Inventory is consistent with the RMP. With respect to the Master Plan Highlands, Module 5, Ms. Swan noted that the Staff RMP Consistency Finding is that Mahwah Township's Master Plan Highlands Element is consistent with the RMP. With respect to Module 6, the Staff RMP Consistency Finding is that Mahwah Township's Highlands Area Land Use Ordinance is consistent with the RMP. Lastly, with respect to the Municipal Petition for Plan Conformance, Module 7, Ms. Swan noted that it consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment Report, List of Current Planning Documents, and the Highlands Implementation Plan & Schedule. The Staff RMP Consistency Finding is that Mahwah Township's Petition for Plan Conformance is consistent with the RMP.

Ms. Swan then presented a summary of the public comments received and a summary of the responses given by Highlands staff for Mahwah Township Petition for Plan Conformance. The public comment period for Mahwah Township's Petition for Plan Conformance opened November 17, 2010, and closed December 3, 2010. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. Comments received from:

- Kevin Walsh, Esq. on behalf of the Fair Share Housing Center (addressed under Bethlehem Township)

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

- Adoption of Ordinance Petitioning for Planning Area
- Adoption of Completed Final Environmental Resource Inventory
- Adoption of Completed Master Plan Highlands Element
- Completion and Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan
- Compliance with Fair Housing Act (COAH Certification). This condition requires updates on COAH proceedings and Council review of any proposed changes to the Fair Share Plan and Housing Element.
- Update/Development & Implementation of:
 - Water Use & Conservation Management Plan
 - Stormwater Management Plan (updates only)

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- Habitat Conservation and Management Plan
- Land Preservation & Stewardship Program
- Septic System Management/Maintenance Plan
- Right to Farm Ordinance
- Sustainable Economic Development Plan
- Stream Corridor Protection & Restoration Plan

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

Council Discussion

Ms. Letts commented under the specific issues in one of the conformance documents it is mentioned that there is about \$100,000 of funding allocations. Ms. Letts asked if these grant that have already been given to the municipalities. Ms. Swan responded that Council has already approved, for Highlands municipalities, a Plan Conformance Grant \$100,000. The Plan Conformance Grant Agreement provides \$50,000 by right for Modules 1 through 7 and a municipality may seek additional monies up to \$100,000. Any funding that was not fully expended to get to the Petition point is reallocated for new planning through the Highlands Implementation Plan and Schedule and additional funding is approved to fund the Petition conditions imposed by the Highlands Council.

Ms. Swan further noted that the Petitions the Highlands Council is considering may include additional monies above the \$100,000 in grant funding previously approved by the Council. Ms. Letts asked if these are grants that Council has approved. Ms. Swan concurred and commented that Council through the approval of the Petition and the Highlands Implementation Plan and Schedule the Council is approving an amendment to the existing grant agreement. Some monies are reallocated from the exiting agreement and some new funding is required to address the conditions of the Petition. Ms. Letts asked why it is not a separate resolution. Ms. Swan responded that Plan Conformance activities are funded through the Plan Conformance Grant funding and under the Highlands Act, the Council is obligated to pay for the reasonable costs associated with Plan Conformance.

Acting Chairman Schrier commented that this is a process that Council has already approved at prior meetings. Ms. Letts commented that she felt it should be a separate resolution and more easily understood approving these funds/grants. Ms. Swan further stated that each municipality is unique with this funding but the need is significant for the work that is needed in Mahwah Township. Mr. Borden commented that the resolution specifically includes the prior approval of the \$100,000 Plan Conformance Grant and then incorporates the Highlands Implementation Plan and Schedule which includes the dollars amount for each town. As part of the review of each Petition for Plan Conformance, a Report and the Schedule are all posted on the website for public comment and vary with each municipality.

Mr. Cogger commented that approval of the Petition and approval of Plan Conformance Grants are both needed for Plan Conformance. Mr. Visioli responded that the resolution is an all encompassing one and that you need both to implement Plan Conformance. Mr. Borden commented that the Highlands Act requires funding for conformance activities that are approved. Ms. Letts stated that the funding is mentioned in the resolution as a reference. Mr. Borden

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concurred. Ms. Carluccio commented that the Highlands Implementation Plan and Schedule is very detailed with respect to next steps and amounts.

Mr. Richko made note that this is the first Bergen County town that Council is considering. For the past 20 years, Mahwah Township has been under tremendous pressure to develop because of proximity to major highways. Acting Chairman Schrier opened the public hearing on Mahwah Township's Petition for public comment on the proposed Resolution.

Public Comment

Helen Heinrich, New Jersey Farmers Bureau – Ms. Heinrich commented that the HDC Bank is making progress with hardship and with expanding the TDR program, but there is still no receiving area. Ms. Heinrich asked if there was any discussion with Mahwah Township's potential receiving areas. Ms. Swan responded in a generic sense that with every municipality Council staff goes through a build-out analysis to see the capacity for any potential development and if there is capacity for future development we encourage the municipality to conduct feasibility analysis for TDR with grant funding. Ms. Heinrich reported that there is an interesting newsletter sent by New Jersey Future on how many areas are built-out and redevelopment so she hopes that Council encouragement will result in TDR receiving zones.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey urges Council to support Mahwah Township's Petition for Plan Conformance. Ms. Frey further stated that Mahwah Township is one of the two municipalities in the Bergen County area in the Highlands Region that has the most dramatic scenery in the preservation portion and deserved to be in conformance with the Highlands plan.

David Shope owns a farm in Lebanon Township – Mr. Shope commented that towns, except Mahwah Township since they are mostly in the Planning Area and a good part of that is preserved in one way or the other, conform to the Highlands plan for a lesser COAH obligation so municipalities do not have to have poor people in their towns.

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

At this time commemorative photos were taken as the Acting Chairman Schrier presented a framed certificate regarding the approval of the Plan Conformance Petition to Highlands Staff Liaison, Maryjude Haddock-Weiler.

Acting Chairman Schrier announced that the New Jersey Section of the American Water Resources Association has selected Council staff member Dan Van Abs as its 2010 recipient of the Peter Homack Award. The official presentation will be in February and the Council congratulates Dr. Van Abs for this honorable recognition. The award is presented to an individual who has made an outstanding contribution to the field of water resources. Peter Homack is remembered as an outstanding engineer, an inspiring leader and a dedicated supporter of his many educational, environmental and technical interests – foremost among them, water resources. He was instrumental in founding the New Jersey Section, serving as Secretary, Vice President and President and exemplary member of AWRA. The New Jersey Section recognizes him each year with this

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award, presented to an individual who has made an outstanding contribution to the field of water resources. Acting Chairman Schrier congratulated Dr. Van Abs for the award.

Public Hearing and Consideration of Resolution– Petition for Plan Conformance by Glen Gardner Borough, Hunterdon County

The Council then proceeded with the Public Hearing on the Plan Conformance Petition of Glen Gardner Borough. Acting Chairman Schrier acknowledged those in attendance at the hearing representing Glen Gardner Borough, Mayor Stanley Kovach and planning consultants Betsy McKenzie and Caroline Armstrong.

Ms. Swan then proceeded with the PowerPoint presentation of the Petition of Glen Gardner Borough for Plan Conformance and presented photographs of Glen Gardner Borough so the Council could focus on the character of the community and consider the past planning and protection initiatives of Glen Gardner Borough.

Ms. Swan presented background statistics and information for Glen Gardner Borough:

- Established: 1926
- Population (2006): 1,830
- Land Area: 991 acres/1.5 sq. mi.
- Agricultural Lands: 84 acres
- Preserved Lands: 124 acres
- Wetlands: 49 acres

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

- Preservation Area Lands: 991 acres – 100%
 - Existing Community Zone: - 349 Acres - 35%
 - Protection Zone: 482 Acres – 49%
 - Conservation Zone: 100 Acres - 10% (Roads 6%)
 - Agricultural Priority Areas: 112 Acres – 11%
 - Highlands Open Water Protection: 384 Acres – 38%
 - Forest Resource Area: 602 Acres – 60%
- Conservation Priority Areas: 286 Acres – 29%

Glen Gardner Borough Background Statistics – Land Use		
NJDEP Land Use/Land Cover (2005/2007)	Acres	Percent
Residential (Single & Multi Family)	332.6	33.6%
Commercial (Retail)	30.3	3.1%
Industrial & Transportation & Utilities	16.7	1.7%
Agriculture (Crops & Plantations)	86.1	8.7%
Recreational Lands (Public & Private)	5.2	0.5%
Extractive Mining	20.4	2.1%
Other Urban or Built-Up Land	21.0	2.1%
Subtotal Developed Lands	512.4	51.7%
Mixed Forest	395.0	39.9%

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Shrub & Scrub	32.0	3.2%
Mixed Wetlands	39.9	4.0%
Barren Lands	0.3	0.0%
Surface Waters (Lakes, Ponds & Tributaries)	11.0	1.1%
Subtotal Natural Lands	478.2	48.3%
Total	990.6	100.0%

Ms. Swan then showed a movie representing a ‘fly over’ of Glen Gardner Borough. The movie offered an opportunity to focus on the landscape of the Borough. Ms. Swan showed ordinance maps for Glen Gardner Borough and continued to provide an overview of the Petition of Plan Conformance and the administrative record for the Borough as follows:

12/7/09	Petition for Plan Conformance Submitted
1/22/10	Petition Deemed Administratively Complete
2/1/10	Petition Posted to Highlands Council Website
7/1/10	Draft Consistency Report Sent to Municipality
11/17/10	Final Draft Report Posted to Highlands Council Website
12/3/10	End of Public Comment Period (Start 11/17/10)
12/10/10	Final Report Posted to Highlands Council Website
12/16/10	Highlands Council Public Hearing

Ms. Swan acknowledged Council staff member Christine Danis, Principal Planner who is the staff liaison for Glen Gardner Borough.

With respect to Module 1 & 2, Ms. Swan explained that the Highlands Municipal Build-Out Report for Glen Gardner Borough was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The Report is dated July 2009 and was posted to the Highlands Council website on July 15, 2009. The Staff RMP Consistency Finding is that Glen Gardner Borough’s Highlands Municipal Build-Out Report is consistent with the RMP.

With respect to Module 3, Ms. Swan noted that the Staff RMP Consistency Finding is that Glen Gardner Borough’s Fair Share Plan and Housing Element is consistent with the RMP. With respect to Module 4, the Staff RMP Consistency Finding is that Glen Gardner Borough’s Environmental Resource Inventory is consistent with the RMP. With respect to the Master Plan Highlands, Module 5, the Staff RMP Consistency Finding is that Glen Gardner Borough’s Master Plan Highlands Element is consistent with the RMP. With respect to the Highlands Area Land Use Ordinance, Module 6, the Staff RMP Consistency Finding is that Glen Gardner Borough’s Highlands Area Land Use Ordinance is consistent with the RMP.

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

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Ms. Swan then presented a summary of the public comments received and a summary of the responses given by Highlands staff for Glen Gardner Borough Petition for Plan Conformance. The public comment period for Glen Gardner Borough's Petition for Plan Conformance opened November 17, 2010, and closed December 3, 2010. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. Comments received from:

- Helen Heinrich, on behalf of the New Jersey Farm Bureau (addressed under Bethlehem Township)
- Kevin Walsh, Esq. on behalf of the Fair Share Housing Center (addressed under Bethlehem Township)

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

- Completion & Adoption of ERI
- Completion & Adoption of Master Plan Highlands Element
- Completion & Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan (County Chapter)
 - Compliance with Fair Housing Act (COAH Certification). This condition requires updates on COAH and Law Division proceedings, Council review of any proposed changes to the Fair Share Plan and Housing Element, and specifies that conditional approval shall not be deemed to usurp the authority of the Law Division.
- Update/Development & Implementation of:
 - Water Use & Conservation Management Plan
 - Stormwater Management Plan (updates only)
 - Habitat Conservation & Management Plan
 - Land Preservation & Stewardship Program
 - Septic System Management/Maintenance Plan
 - Stream Corridor Protection/ Restoration Plan
 - Right to Farm Ordinance

Ms. Kovach made a motion on the Resolution. Ms. Carluccio seconded it.

Acting Chairman Schrier opened the public hearing on Glen Gardner Borough's Petition for public comment on the proposed Resolution.

Public Comment

Stanley S. Kovach, Mayor of Glen Gardner Borough – Mr. Kovach thanked the Council, Eileen Swan and Dr. Van Abs for their help over the years. Mr. Kovach further stated that if it was not for Highlands staff member Christine Danis, and his planners, Betsy McKenzie and Caroline Armstrong this would not have happened. Mr. Kovach was leery when the Highlands Act first came out and how it could affect municipalities, but as soon as we had discussions about the Preservation Area he looked at the property that was not developed and how it could be protected as open space. It was a big advantage and is cost effective for Glen Gardner Borough for us to do it this way.

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Bill Kibler, Executive Director of the South Branch Watershed Association – Mr. Kibler commented that Glen Gardner is another South Branch community and he supports their Petition for Plan Conformance. Mr. Kibler is impressed with the staff's excellent presentation and amount of information that is brought before the Council for review. Mr. Kibler also wanted to take this opportunity to look at the big picture and flowing through Glen Gardner is Spruce Run which is one of the major sources for Spruce Run Reservoir, the third largest reservoir in the New Jersey, next door to Round Valley being the largest one. The Spruce Run Reservoir is part of a water system which provides drinking water for one million New Jersey residents, none of them in Glen Gardner, most of them east and north of Glen Gardner. Amongst all the facts and figures it is easy to look at why we are all here and how important pieces of the puzzle. Mr. Kibler thanks the Council and staff for being thorough with all the facts.

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

At this time commemorative photos were taken as the Acting Chairman Schrier presented a framed certificate regarding the approval of the Plan Conformance Petition to Mayor Kovach.

Public Hearing and Consideration of Resolution– Petition for Plan Conformance by Passaic County

Acting Chairman Schrier comments that Council will now proceed with the Passaic County Petition for Plan Conformance. Passaic is the first County of seven in the Highlands Region to be considered by Council. The Council then proceeded with the Public Hearing on the Plan Conformance Petition of Passaic County. Acting Chairman Schrier acknowledged those in attendance at the hearing representing Passaic County: Kathleen Caren, Open Space Coordinator and Michael Lysicatos, Senior Planner. Ms. Swan commented that Passaic County has shown the way for the rest of the counties in the Highlands Region and how it can be done with a great partnership.

Ms. Swan presented background statistics and information for Passaic County.

- Total County Land Area: 126,926 Acres (198 Sq/m)
- Highlands Portion: 83,946 Acres - 66%
- Preservation Area: 78,889 Acres - 94%
- Planning Area: 5,057 Acres - 6%
- Ringwood Borough and West Milford Township are entirely in the Preservation Area.
- Pompton Lakes Borough is entirely in the Planning Area.
- Bloomingdale Borough and Wanaque Borough have lands in each.

Ms. Swan then presented a map and chart which showed the Highlands municipalities and their Plan Conformance status in Passaic County.

	Notice of Intent	Initial Assessment Report	Petition Filed	Deemed Complete	Posted to Council Website	Consistency Report Drafted
Bloomingdale	✓	✓	12/8/09	1/22/10	2/1/10	✓
West Milford	✓	✓	12/8/10	2/4/10	2/9/10	✓

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Ringwood	✓	✓	12/8/10	2/4/10	2/9/10	In Progress
Wanaque	✓	✓	12/8/10	Pending		
Pompton Lakes	✓	✓				

Ms. Swan then showed a map of Passaic County which Mr. Richko had suggested we include in the presentation. Mr. Richko very wisely pointed out that it is one thing to talk about Passaic County in terms of its Highlands Region but it is important to look at the entire county in terms of the importance of the Highlands Region and this is part of that large map that shows you where the water goes from the Highlands to the areas outside the Highlands Region that depend on some part of their water in the Highlands. Mr. Richko has been on the Passaic County Open Space Committee and said that many times he hears from people down in Patterson and Clifton who ask why we are funding money for preserving lands in the upper part of the county where they cannot really use it and the map shows why.

Ms. Swan reported on Passaic County's planning initiatives. Passaic County has a history of proactive engagement in planning and conservation initiatives. The Board of Chosen Freeholders formed the Passaic County Planning Commission in 1929. The commission was reorganized as the Passaic County Planning Board in 1936, and just last year, celebrated "80 Years of Planning." The County has been particularly active and effective in preserving open space. Since its establishment in 2001, the County has preserved nearly 2,000 acres through its Open Space Trust Fund. Numerous other initiatives are highlighted in the following slides from a document prepared by the County to celebrate the Board's 80th Anniversary. Ms. Swan recognized Judy Thornton, Principal Planner and Highlands staff liaison for Passaic County and who has worked very closely with Passaic County on this Petition.

Ms. Swan showed a movie representing a 'fly over' of the Highlands Region of Passaic County. Land Use Ordinance maps of Passaic County were shown and an administrative record for Passaic County as follows:

1/11/10	Petition for Plan Conformance Submitted
4/26/10	Petition Deemed Administratively Complete
4/29/10	Petition Posted to Highlands Council Website
8/2/10	Draft Consistency Report Sent to County
11/17/10	Final Draft Report Posted to Highlands Council Website
12/3/10	End of Public Comment Period (Start 11/17/10)
12/10/10	Final Report Posted to Highlands Council Website
12/16/10	Highlands Council Public Hearing

With respect to Task A: Environmental Resource Inventory. Ms. Swan noted the following describes and illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the County. The Staff RMP Consistency Finding is that Passaic County's Environmental Resource Inventory is consistent with the RMP. With respect to Task B: Master Plan Highlands Element, Ms. Swan noted the following incorporates RMP Goals & Objectives into county planning; provides basis for effectuation of RMP. The Staff RMP consistency finding is that Passaic County's Master Plan Highlands Element is consistent with the RMP.

With respect to Task C: Lands and Facilities Regulations, Ms. Swan noted the following facilities regulations set forth provisions that protect Highlands Resources and effectuate the policies, goals,

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and objectives of RMP for all County properties. The Development Resolution incorporates development application checklist requirements, notice provisions, and Highlands Council call-up allowances. The Staff RMP Consistency Finding is that Passaic County's is consistent with lands and facilities regulations and development resolution. With respect to Task D: Petition for Plan Conformance, Ms. Swan noted that it consists of the Self-Assessment Report and Implementation Plan & Schedule. The Staff RMP Consistency Finding is that Passaic County's Petition for Plan Conformance is consistent with the RMP

Ms. Swan then presented a summary of the public comments received and a summary of the responses given by Highlands staff for Passaic County's Petition for Plan Conformance. The public comment period for Passaic County's Petition for Plan Conformance opened November 17, 2010, and closed December 3, 2010. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. Comments received from Helen H. Heinrich, representing the New Jersey Farm Bureau, and are summarized below.

Comment: Concerns regarding the applicability of Passaic County Plan Conformance to agricultural lands in private ownership within the Preservation Area.

- Response: Passaic County's Petition for Plan Conformance applies primarily to county-owned lands and facilities, and to a very limited universe of development applications. Agricultural activities are not affected.

Comment: How will the Highlands Council address potential changes in the Preservation Area rules for septic system density?

- Response: The matter is presently in litigation with oral arguments scheduled by the Appellate Division of the Superior Court for March 2011.

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

- Completion & Adoption of Planning Documents:
 - Environmental Resource Inventory
 - Master Plan Highlands Element
 - Land & Facilities Regulations
 - Land Development Resolution
- Adherence to Highlands Implementation Plan and Schedule
- Additional Priority Tasks – Funding Allocated
 - Inventory of Conservation Easements, Highlands portion of County
 - County Facilities Planning Program (to provide for comprehensive plan approvals for Highlands projects; minimizing need for on-going State permitting/reviews)
 - Sustainable Economic Development Master Plan Element – Highlands aspects, in conjunction with Passaic County Cultural and Heritage Council

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

Council Discussion

Mr. Francis asked for clarification if this Petition is on the County owned and managed property in the Preservation Area, not in the Planning Area. Ms. Swan concurred. Ms. Swan added that the

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Highlands Act mandates that the County go through this process in order to be deemed to be consistent to the Preservation Area only.

Acting Chairman Schrier opened the public hearing on Passaic County's Petition for public comment on the proposed Resolution.

Public Comment

Kathleen Caren, Open Space Coordinator for Passaic County – Ms. Caren waited a long time for this and thanks Eileen Swan, staff and Council. Ms. Caren also thanked her Freeholders for their vision and support. Passaic County has long recognized the water resources contained in our County and we even went as far as purchasing land in New York State to protect our water resources. Ms. Caren is a resident of West Milford in the heart of the Highlands Region and she looks forward to working with the Council in the future.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey congratulated Passaic County and urged the Council to approve this Petition. Ms. Frey commented that Passaic County is the genesis of the effort to protect the Highland Region began. Barefort Mountain is the summit of the view of the Highlands in Passaic County and that we have taken legislatures and their staff that it is worth preserving.

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

At this time commemorative photos were taken as the Acting Chairman Schrier presented a framed certificate regarding the approval of the Plan Conformance Petition to Kathleen Caren.

Resolution - Annual Meeting Schedule for 2011

Ms. Swan presented the proposed meeting schedule for 2011.

- January 20, 10 a.m.
- February 17, 1 p.m.
- March 17, 4 p.m.
- April 21, 10 a.m.
- May 19, 1 p.m.
- June 16, 4 p.m.
- July 21, 10 a.m.
- August 18, 1 p.m.
- September 15, 4 p.m.
- October 13, 1 p.m.
- November 10, 10 a.m.
- December 15, 4 p.m.

Ms. Letts made a motion to approve the Resolution. Ms. Kovach seconded it.

Public Comment - There was no public comment.

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

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MINUTES OF THE MEETING OF DECEMBER 16, 2010

Public Comment

David Shope owns a farm in Lebanon Township – Mr. Shope made comment that he attended the HDC Bank Board meeting and what he gathered from the meeting is that one hardship application was denied because it originated from a landowner in Mansfield Township and Mansfield has not yet conformed. Mr. Shope asked if this was correct. Mr. Shope commented that the Highlands Act is a series of lies regarding the ground water recharge, nitrate solution, and the biggest lie is what Governor Christie said this week to say that “...those that promised you compensation lied to you.” Mr. Shope would also like to see a Land Use Capability map showing ground water recharge of Newark and Patterson.

Ms. Swan responded to Mr. Shope’s comment that said Council staff did not reject a land owner’s application for hardship because it fell in a non-conforming Preservation Area. Ms. Swan further added that there was an application from a property owner that was in the Planning Area which is not applicable and does not meet the criteria at this time.

Kate Millsaps, New Jersey Highlands Coalition – Ms. Millsaps is a resident of Clinton Township. Ms. Millsaps commented that in considering Passaic County’s Petition Council was able to see firsthand the abundance pristine resources in West Milford and Ringwood Townships. Ms. Millsaps wanted to bring to the Council’s attention of the destruction that is being done by Tennessee Gas Pipeline to West Milford and Ringwood Townships which was approved by this Council. Ms. Millsaps submitted photos for Council’s record. Ms. Millsaps mentioned that Tennessee Gas will come before Council again sometime this spring to expand this project. Ms. Millsaps urges the Council to deny any further destruction of our natural resources.

Council Comment

Mr. Holtaway commented on the issue of COAH’s rules and build-out analysis and the use of Highlands analysis as a reduction in the obligation. The Superior Court has found a portion of COAH’s rules to be invalid. Mr. Holtaway also brought up building permits and that very few are generating impervious coverage and new square footage. Acting Chairman Schrier commented that he never heard anyone speak of the recession in such good terms.

Mr. Francis commented on affordable housing that anyone who considers that as a major reason to conform with the RMP is making a huge mistake. Mr. Francis further stated that the long range plan with complying with the RMP is far more complex than affordable house. Mr. Francis is also experiencing improvements in his towns.

Mr. Visioli wished the Council and audience a Merry Christmas, Happy Holiday and Happy, Healthy New Year.

Ms. Letts made a motion to adjourn the meeting. Mr. Holtaway seconded it. The meeting was adjourned at 6:58pm.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF DECEMBER 16, 2010

CERTIFICATION

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

Date: 1-21-11

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

Vote of the Approval of These Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach	✓		✓			
Councilmember Letts		✓	✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			

PUBLIC COMMENTS

Comments submitted at Highlands Council Meeting
on December 16, 2010 by Kate Millsaps.
Page 1 of 4

WolfeNotes.com

Holding Polluters and Government Accountable

- [Home](#)
- [About](#)
-

Type text to search here...

[Home](#) > [Uncategorized](#) > Tennessee Gas Pipeline Blasts Through NJ Highlands & Watershed Lands – Will Import Marcellus Frack Gas

Tennessee Gas Pipeline Blasts Through NJ Highlands & Watershed Lands – Will Import Marcellus Frack Gas

November 2nd, 2010 [Bill Wolfe](#) [Leave a comment](#) [Go to comments](#)

Why is Environmental Review Just Beginning on a Project Already Under Construction?



Tennessee Gas Pipeline under construction, destroying forests in Newark Watershed (Highland Lakes, NJ -view looking east)

[**Update - 11/3/10** - [FERC Federal Register Notice](#) - hearing tonight in Milford, Pa. at Delaware Valley HS]

I just got home from the Federal Energy Regulatory Commission (FERC) [National Environmental](#)

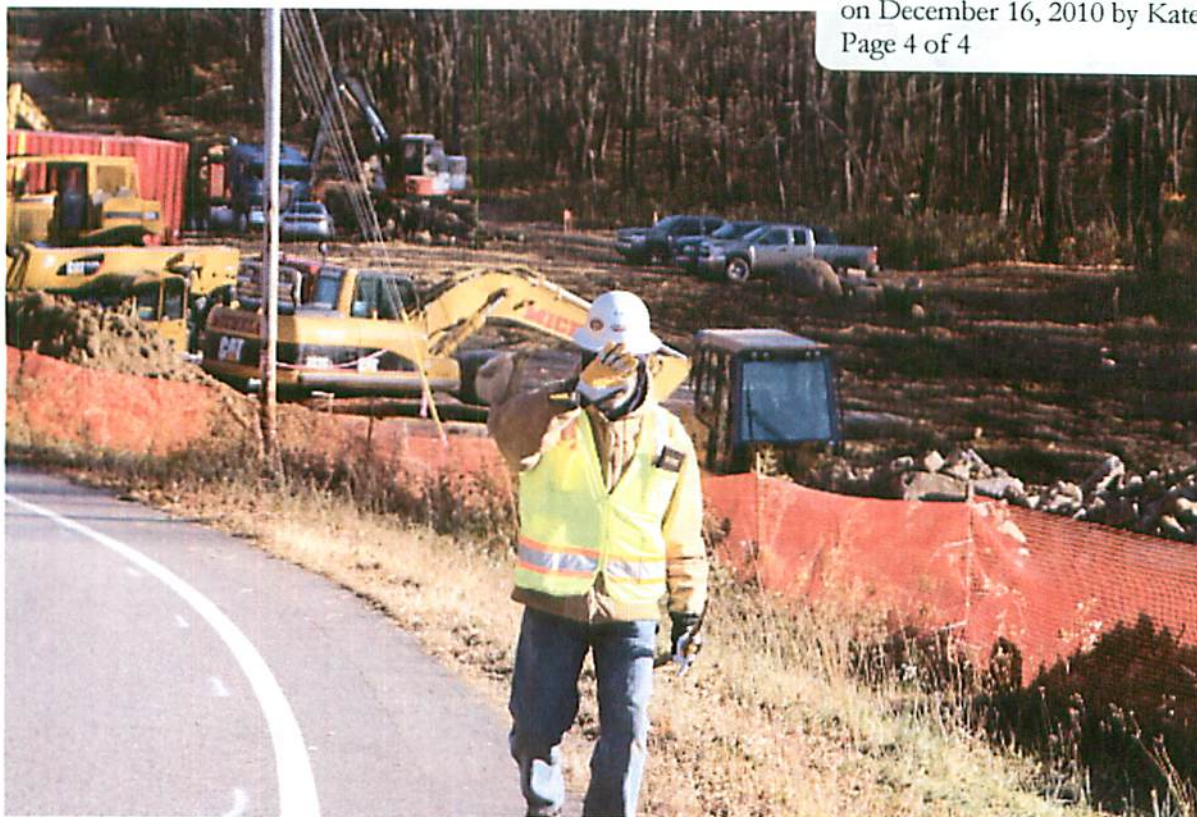
Comments submitted at Highlands Council Meeting
on December 16, 2010 by Kate Millsaps.
Page 2 of 4



Comments submitted at Highlands Council Meeting
on December 16, 2010 by Kate Millsaps.
Page 3 of 4



Comments submitted at Highlands Council Meeting
on December 16, 2010 by Kate Millsaps.
Page 4 of 4



El Paso goons ran me off the site - the first words out of their mouths were: "no photos allowed". No big deal, I bushwacked to ridges.



This is the existing pipeline right of way - the forest seems to be healing.

HIGHLANDS REGIONAL



MASTER PLAN
2008

Highlands Council Meeting

December 16, 2010

*(Revised 12/17/10 as a result of 12/16/10
Council Meeting)*



Update on Highlands Development Credit Bank

HDC Bank Purchase Program

<u>Type</u>	<u>Number of Properties</u>	<u>Number of HDCs</u>	<u>Number of Acres</u>	<u>HDC Value</u>
HDC Allocations (qualified as hardship under Round 1)	5	107.75	220.89	\$1,724,000
HDC Allocations (qualify for hardship consideration under Round 2)	4	53.25	82.37	\$852,000
Remaining HDC Allocations (to date)	9	342	381.37	\$5,472,000
Totals	18	503	684.63	\$8,048,000

Expansion of HDC Purchase Program

- ❑ The HDC Bank approved two new categories proposed for third round consideration.
- ❑ Parcel that received or should have qualified for Exemption #3, but which exemption expired.
- ❑ Parcel located within either Special Environmental Zone or High Value Agricultural Priority Area, which owner of the parcel applied for participation in a preservation program administered by the State or a local government unit (together “Public Agency”) no earlier than August 10, 2004, and which application was rejected by the appropriate Public Agency or was deemed ineligible for participation based upon the requisite program’s eligibility criteria.
 - If parcel located in Special Environmental Zone, property owner must forgo any remaining development opportunities.
 - Where the parcel of land is located within the High Value Agricultural Priority Area, a majority of the parcel’s existing agricultural lands must have both high and moderate agricultural value.

Expansion of HDC Purchase Program

HDC Bank to consider opening of third round of consideration:

- ❖ **HDC Allocation Applications** due to Highlands Council by **February 24, 2011**;
- ❖ **HDC Certificate Applications** due to HDC Bank by **March 24, 2011**;
- ❖ **HDC Bank** to consider third round applications at **April 7, 2011 meeting**.

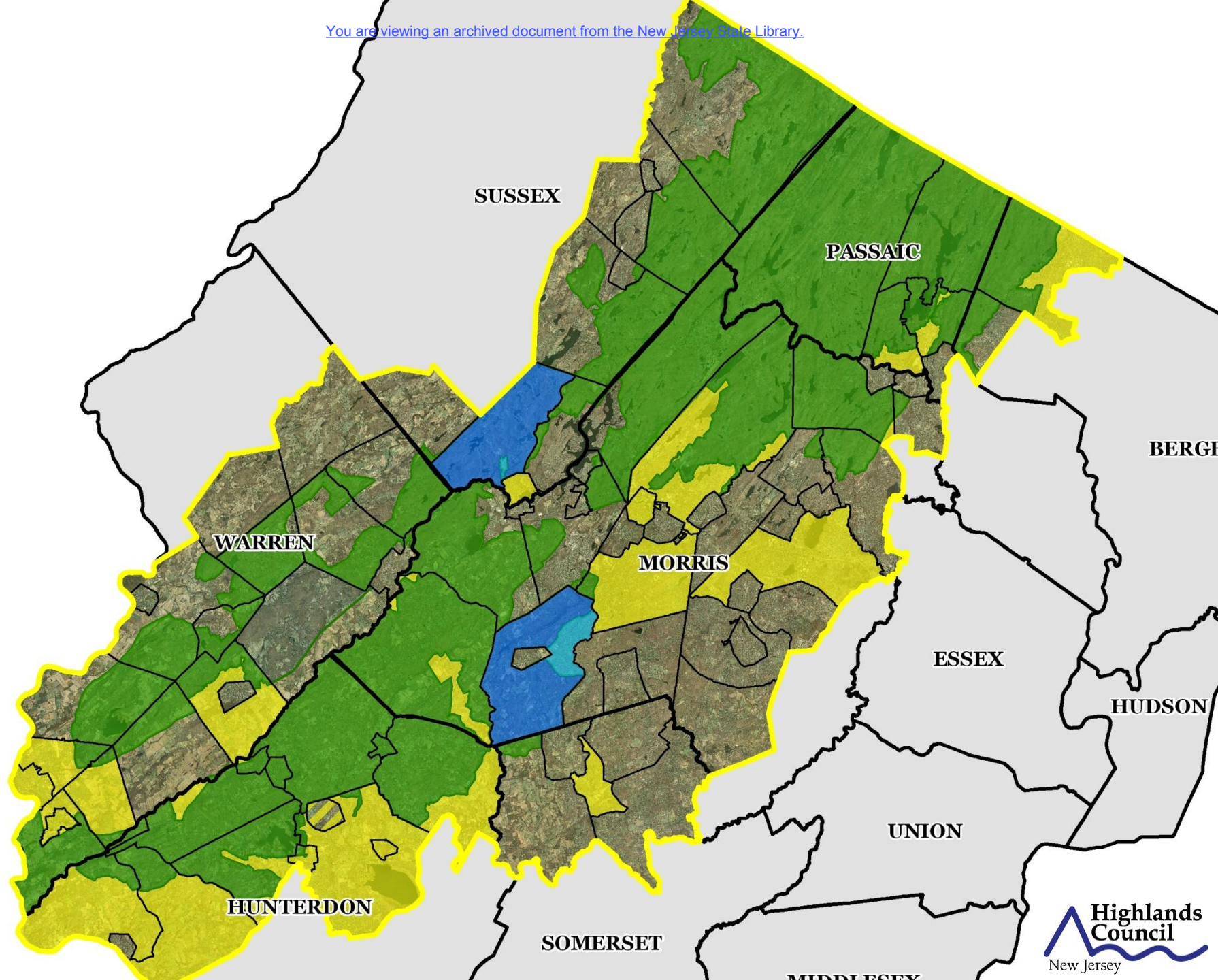
Plan Conformance Update

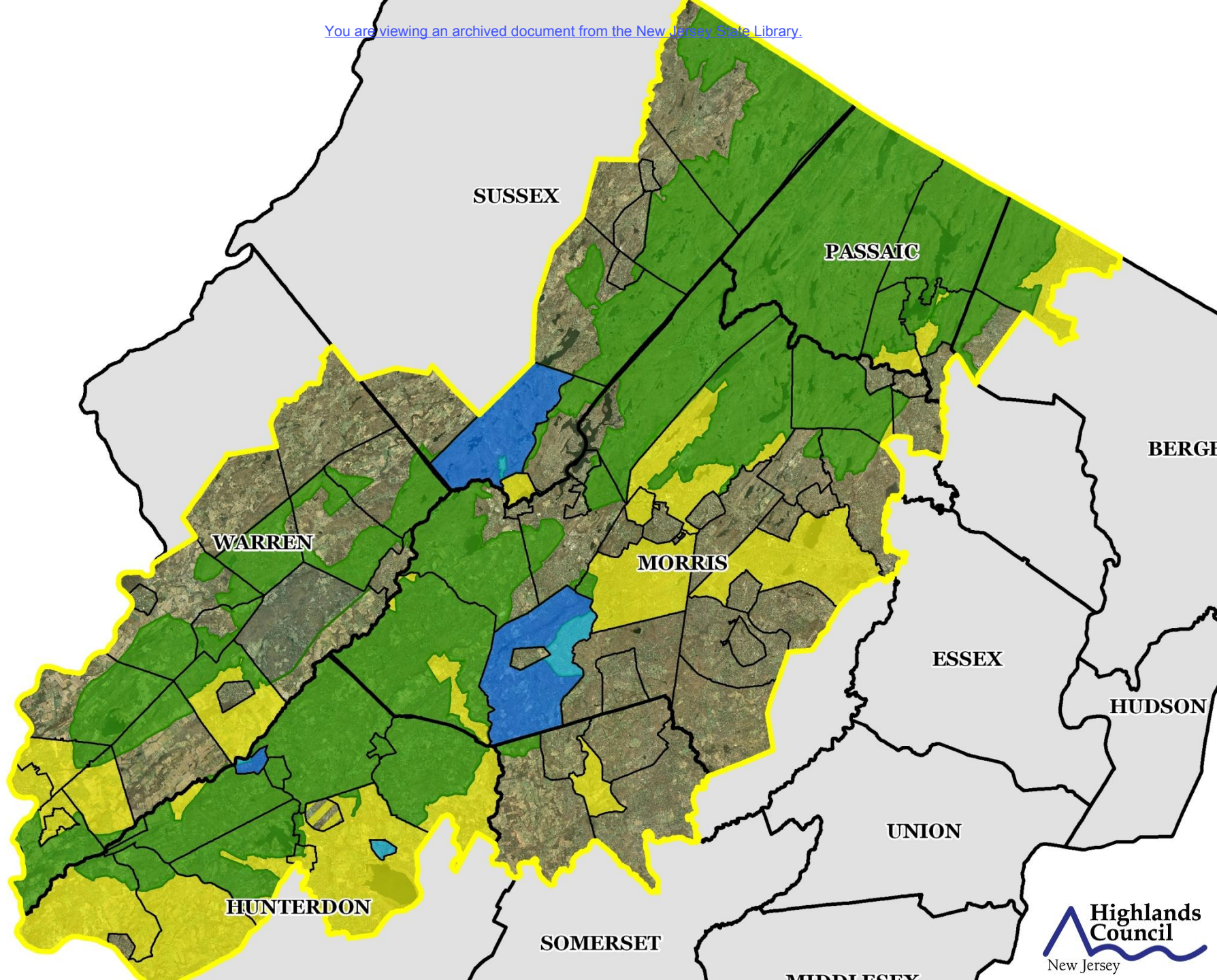
Plan Conformance Update

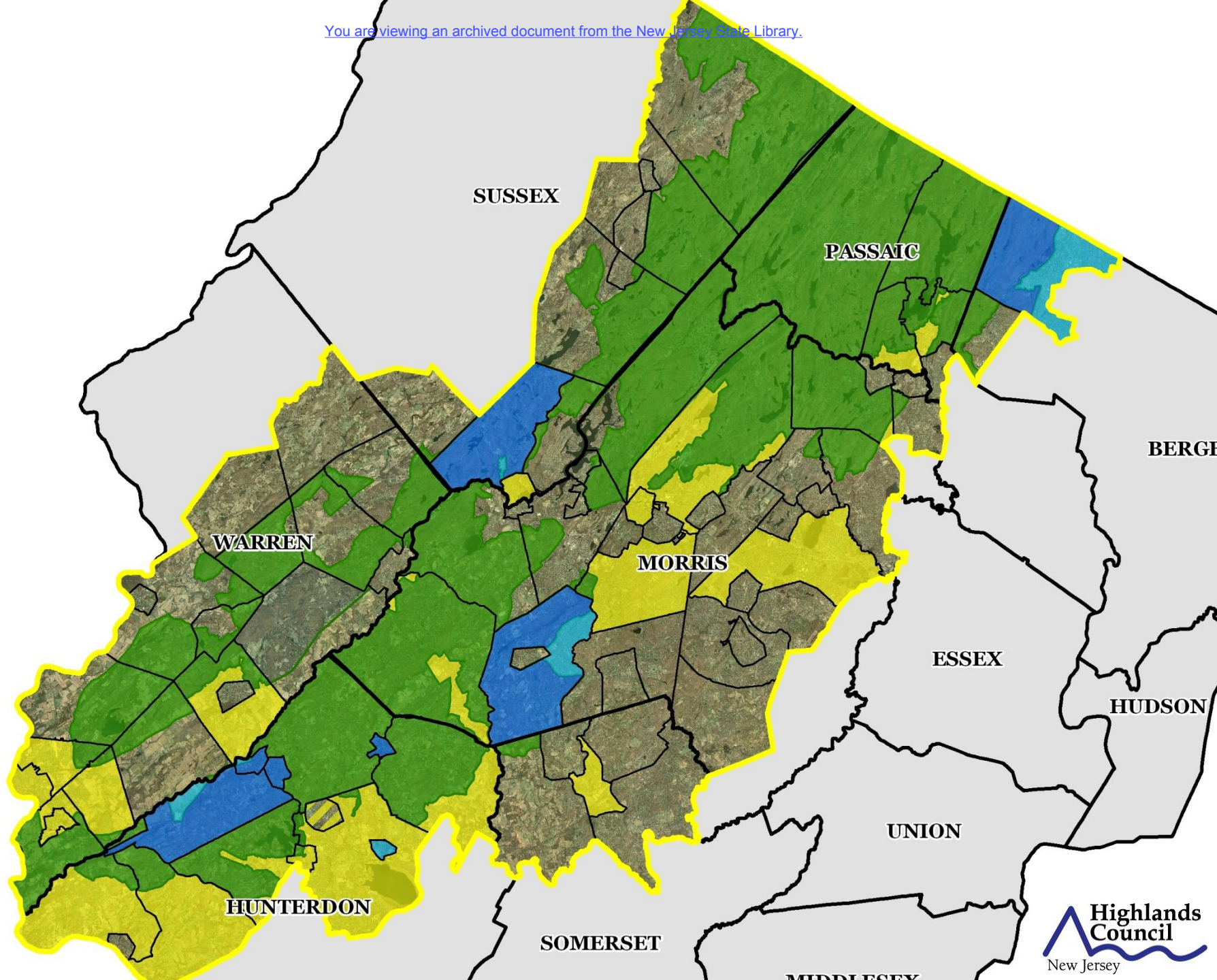
Petitions Submitted: 64 (59 Municipalities and 5 Counties). Of these, 49 have been deemed Administratively Complete & posted to the Highlands Council website (including 2 Counties). Of these:

- Petitions Approved (4): Byram and Chester Townships; Lebanon and Hampton Boroughs
- On Today's Meeting Agenda (5): Bethlehem & Mahwah Townships, Califon & Glen Gardner Boroughs, & Passaic County
- Anticipated for January Meeting (5): Clinton Town, Mount Olive, High Bridge, Green, and Denville. (Rockaway Township is scheduled for February.)
 - Municipal Response Period Underway (4): Tewksbury, Franklin, Lopatcong and Washington (Morris) Townships
- 21 more Draft Consistency Reports have been prepared and are under internal review; another 9 are in development by Staff

Public can follow the conformance process on our website.







Plan Conformance Update

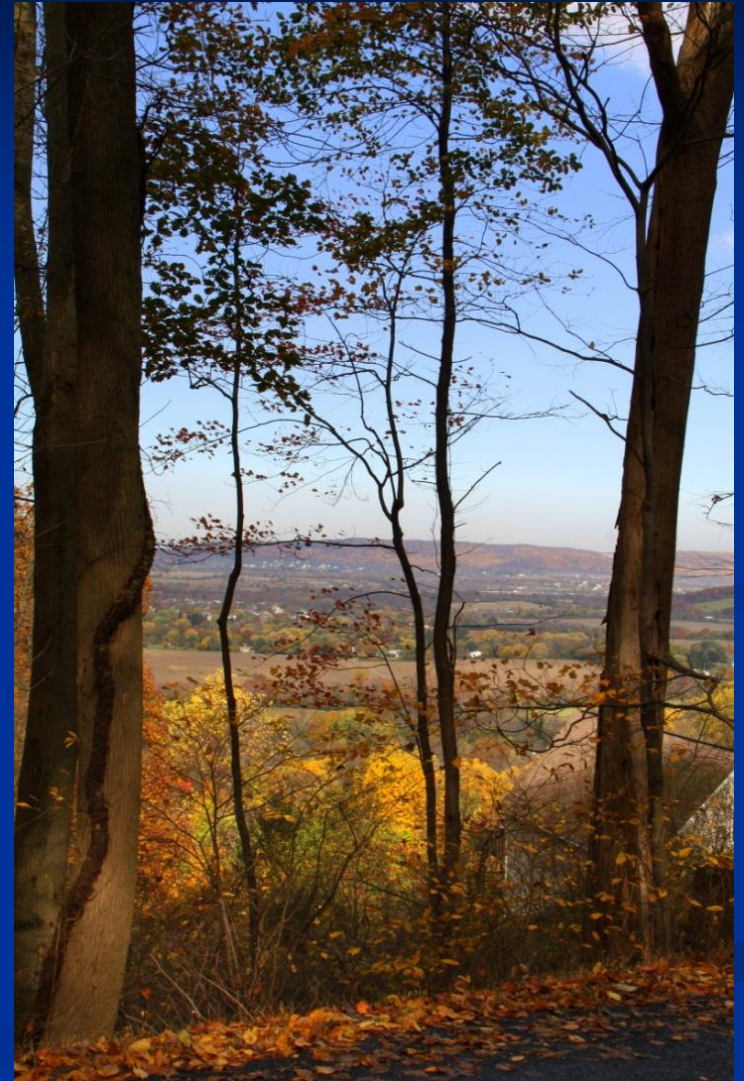
Plan Conformance Grant Program: Following are the average amounts requested for reimbursement by municipalities that are participating in Plan Conformance grant activities. On average, reimbursement requests to date are within the base amounts established by the Highlands Council. We do anticipate that some towns will need additional grants due to unique circumstances.

<u>Towns</u>	<u>Base Amount</u>	<u>Average</u>	<u>Number</u>
Module 1	\$15,000	\$13,256	68
Module 2	\$10,000	\$ 6,326	64
Module 3	\$ 7,500	\$12,737	50
Module 4	\$ 2,000	\$ 3,200	55
Module 5	\$ 2,500	\$ 5,831	46
Module 6	\$ 5,000	\$ 4,157	44
Module 7	<u>\$ 8,000</u>	<u>\$ 6,466</u>	40
Total	\$50,000	\$51,973	

Public Hearing

Bethlehem Township Petition for Plan Conformance

Introduction to Bethlehem Township

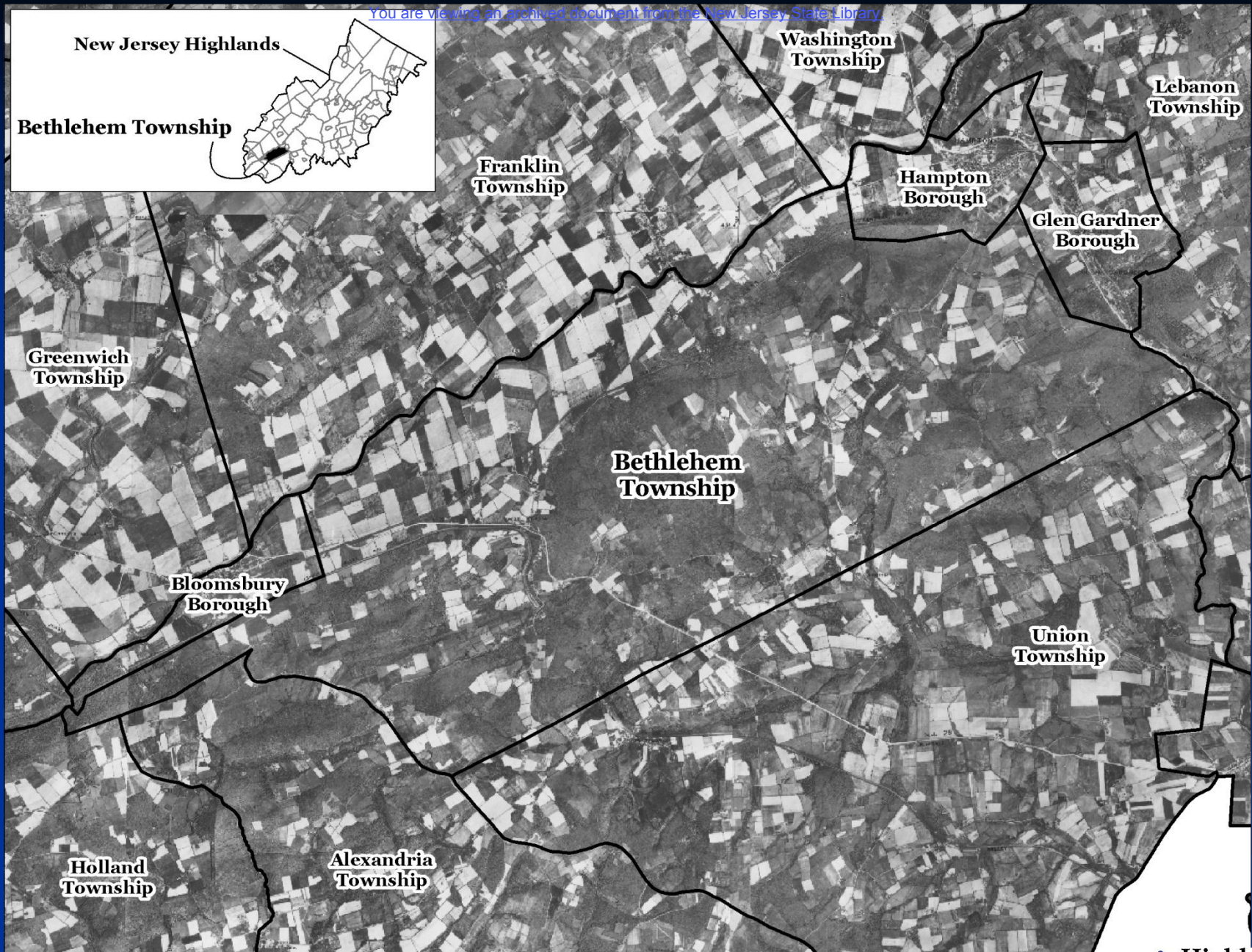


Bethlehem Township

Background Statistics

- Established: 1798
- Population (2010): 3,993
- Land Area: 13,287 acres
(20.8 sq. mi.)
- Agricultural Lands: 3,132 acres
- Preserved Lands: 4,371 acres
- Wetlands: 695 acres
- Total Forest: 7,452 acres





Bethlehem Township - 1930

Bethlehem Township

Significant Highlands Statistics

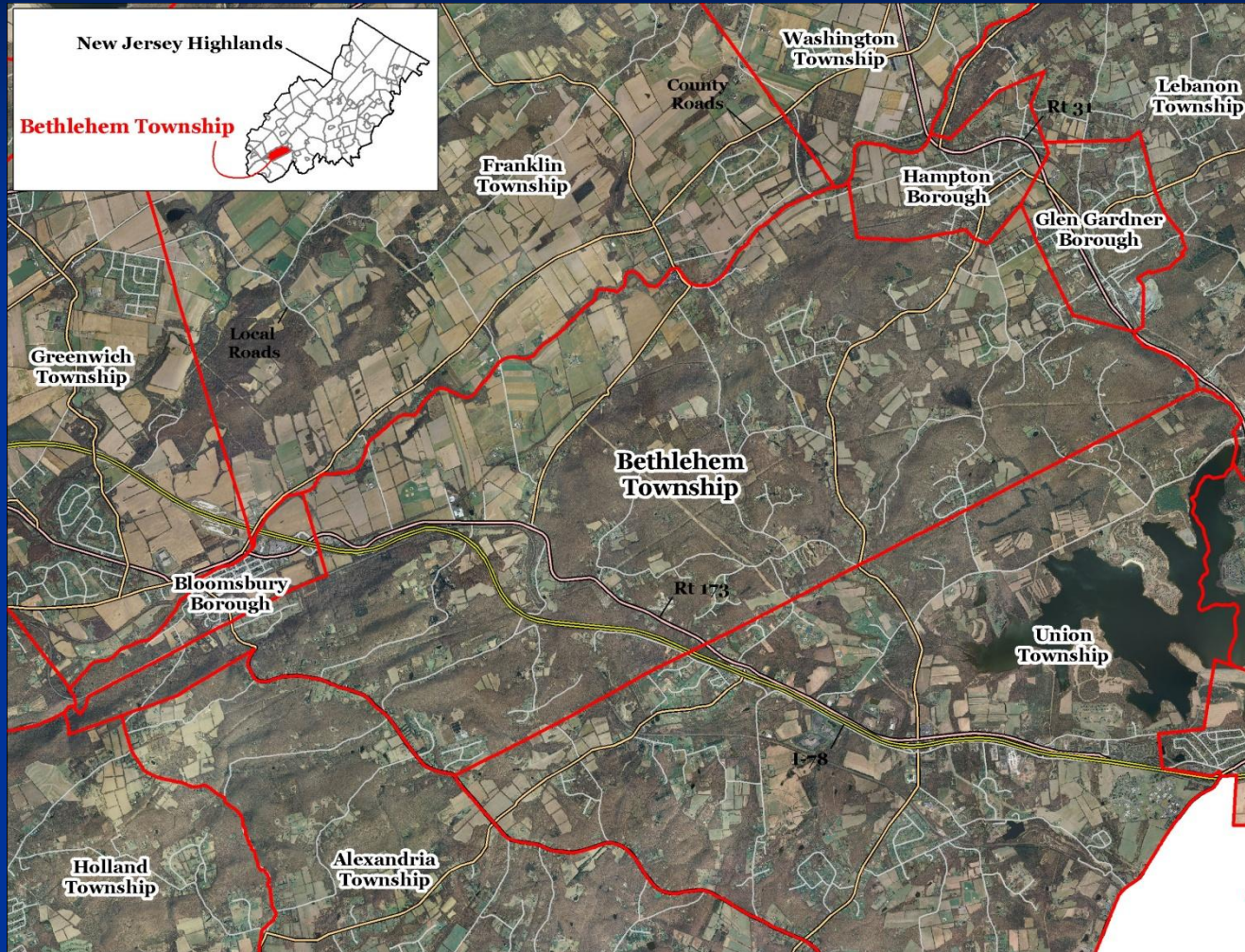
- **Preservation Area Lands: 12,147 acres – 91%**
- **Planning Area Lands: 1,141 Acres – 9%**
 - Existing Community Zone: - 100.3 Acres – 0.8%
 - Protection Zone: 8,696 Acres – 65%
 - Conservation Zone: 4,005 Acres – 30% (Roads 3.7%)
 - Highlands Open Water Protection: 3,926 Acres – 29%
 - Forest Resource Area: 10,691 Acres – 80%
 - Agricultural Priority Areas: 2,440 Acres – 18%
 - Conservation Priority Areas: 2,614 Acres – 20%

Bethlehem Township

Background Statistics – Land Use

NJDEP Land Use/Land Cover (2005/2007)	Planning Area	Pres Area	Percent
Residential (Single & Multi Family)	59.2	2,033.0	15.7%
Commercial (Retail)	5.3	37.4	0.3%
Industrial & Transportation & Utilities	16.6	321.4	2.5%
Agriculture (Crops & Plantations)	916.9	2,078.2	22.5%
Recreational Lands (Public & Private)	2.4	49.3	0.4%
Other Urban or Built-Up Land	1.4	129.2	1.0%
Subtotal Developed Lands	1,001.8	4,648.6	42.5%
Mixed Forest	73.8	6,354.6	48.4%
Shrub & Scrub	17.9	480.6	3.8%
Mixed Wetlands	31.2	619.3	4.9%
Barren Lands	0.0	1.9	0.0%
Surface Waters (Lakes, Ponds & Tributaries)	16.0	41.6	0.4%
Subtotal Natural Lands	138.9	7,498.0	57.5%
Total	1,140.7	12,146.6	100.0%

Bethlehem Township, Hunterdon County



Bethlehem Township Flyover

New Jersey Highlands

Bethlehem Township



Washington Township

Lebanon Township

Hampton Borough

Glen Gardner Borough

Franklin Township

Greenwich Township

Bethlehem Township

Bloomsbury Borough

Union Township

Alexandria Township

Legend

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

New Jersey Highlands

Bethlehem Township



Washington Township

Lebanon Township

Hampton Borough

Glen Gardner Borough

Franklin Township

Greenwich Township

Bethlehem Township

Bloomsbury Borough

Union Township

Alexandria Township

Legend

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

New Jersey Highlands

Bethlehem Township



Washington Township

Lebanon Township

Hampton Borough

Glen Gardner Borough

Franklin Township

Greenwich Township

Bethlehem Township

Bloomsbury Borough

Union Township

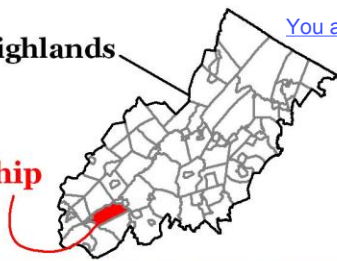
Alexandria Township

Legend

-  Municipal Boundaries
-  Forest Resource Area
-  Total Forest Area
- Forest Integrity by HUC14 Subwatershed
 -  Moderate
 -  High

New Jersey Highlands

Bethlehem Township



Washington Township

Lebanon Township

Hampton Borough

Glen Gardner Borough

Franklin Township

Greenwich Township

Bethlehem Township

Bloomsbury Borough

Union Township

Alexandria Township



Legend

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

Watershed Values
By HUC-14 Subwatershed

- Moderate
- High

New Jersey Highlands

Bethlehem Township



Washington Township

Lebanon Township

Hampton Borough

Glen Gardner Borough

Franklin Township

Greenwich Township

Bethlehem Township

Bloomsbury Borough

Union Township

Alexandria Township

Legend

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

New Jersey Highlands

Bethlehem Township



Washington Township

Lebanon Township

Hampton Borough

Glen Gardner Borough

Franklin Township

Greenwich Township

Bethlehem Township

Bloomsbury Borough

Union Township

Alexandria Township

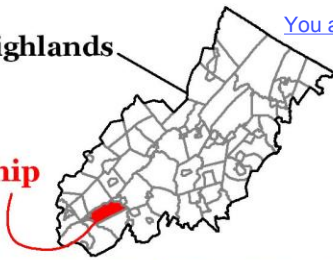


Legend

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

New Jersey Highlands

Bethlehem Township



Washington Township

Lebanon Township

Hampton Borough

Glen Gardner Borough

Franklin Township

Greenwich Township

Bethlehem Township

Bloomsbury Borough

Union Township

Alexandria Township

Legend

-  Municipal Boundaries
- Conservation Priority Areas
 -  Moderate
 -  High
 -  Preserved Lands

New Jersey Highlands

Bethlehem Township



Washington Township

Lebanon Township

Hampton Borough

Glen Gardner Borough

Franklin Township

Greenwich Township





Bethlehem Township

Bloomsbury Borough

Union Township

Alexandria Township

Legend

-  Municipal Boundaries
- Agricultural Priority Areas
 -  High
 -  Moderate
 -  Preserved Lands

Bethlehem Township

Hunterdon County, New Jersey



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

12/7/09	Petition for Plan Conformance Submitted
3/16/10	Petition Deemed Administratively Complete
3/24/10	Petition Posted to Highlands Council Website
7/12/10	Draft Consistency Report Sent to Municipality
11/17/10	Final Draft Report Posted to Highlands Council Website
12/3/10	End of Public Comment Period (Start 11/17/10)
12/10/10	Final Report Posted to Highlands Council Website
12/16/10	Highlands Council Public Hearing

Highlands Municipal Build-Out Report – Modules 1 & 2

- The Report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities.
- The Highlands Municipal Build-Out Report for Bethlehem Township was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition.
- The Report is dated July 2009 and was posted to the Highlands Council website on July 24, 2009.
- Staff RMP Consistency Finding: CONSISTENT

Housing Plan – Module 3

- **Summary of Bethlehem Township Fair Share Obligation**
 - **Rehabilitation Share: 5 Units**
 - **Prior Round Obligation: 42 Units**
 - **Growth Share Obligation: 11 Units**
- **Summary of Bethlehem Township Fair Share Plan**
 - **Municipal Rehabilitation Program** – Township to contract with agency or Hunterdon County Housing Rehabilitation Program. Anticipated Credits: 5
 - **Regional Contribution Agreement** - Completed Credits: 9
 - **Accessory Apartment Program** - Anticipated Credits: 10
 - **Supportive and Special Needs Housing** - Anticipated Credits: 23
 - **Market to Affordable Program** - Anticipated Credits: 6
 - **Regional Affordable Housing Development Program** - Anticipated Credits: 5
- **Staff RMP Consistency Finding: CONSISTENT**

Environmental Resource Inventory

Module 4

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

Master Plan Highlands Element

Module 5

- Incorporates RMP Goals & Objectives into local planning; provides basis for effectuation of RMP
- Bethlehem Township Submittal Based on Highlands Council Model
 - ❖ All Applicable Narrative Portions Retained
 - ❖ All Applicable Exhibits Provided (via ERI)
- Staff RMP Consistency Finding: CONSISTENT

Highlands Area Land Use Ordinance

Module 6

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

Municipal Petition for Plan Conformance

Module 7

- Consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment Report, List of Current Planning Documents, Highlands Implementation Plan & Schedule
- Bethlehem Township Submittals Based on Highlands Council Models
 - ❖ Resolutions (#1-Preservation Area, #2-Planning Area) Complete
 - ❖ Self-Assessment Report Accurate & Complete
 - ❖ Highlands Implementation Plan and Schedule Completed
- Staff RMP Consistency Finding: CONSISTENT

Bethlehem Township Petition for Plan Conformance

Public Comments Received

- The public comment period for Bethlehem Township's Petition for Plan Conformance opened November 17, 2010, and closed December 3, 2010. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.
- **Comments received from:**
 - Bethlehem Township
 - Helen Heinrich, on behalf of the New Jersey Farm Bureau
 - Kevin Walsh, Esq. on behalf of the Fair Share Housing Center

Public Comments and Responses

- **Comment:** Bethlehem Township requested changes to the Highlands Land Use Ordinance regarding wastewater and water supply utility extensions, as the Township has no Existing Community Zone within the Planning Area.
- **Comment:** Bethlehem Township also suggested changes to the allocation of funds for non-mandatory planning activities to support plans for:
 - Agricultural Retention and Viability Plan
 - Green Building and Sustainability Element of the Master Plan
 - Scenic Resource Management Plan
- **Response:** Highlands Council Staff recommends acceptance of these requests.

Public Comments and Responses

- **Comment:** A number of detailed comments were submitted by the New Jersey Farm Bureau on the Highlands Area Land Use Ordinance in regards to farming, agriculture and forest management. A detailed response to each comment was provided.
- **Summary of Responses:**
 - **The** Highlands Land Use Ordinance applies only to regulated developments in the Agricultural Resource Area, Forest Resource Area, riparian area and critical habitat. Importantly, all provisions are limited by the exemption for forestry practices under a woodland management plan and the exclusion for agriculture (see § 2.1.1): “Unless specifically indicated otherwise, and in that case only to the specific extent indicated, the provisions of this Ordinance shall not apply to Agricultural or Horticultural Use and Development.”
 - An approved woodland management plan provides an exemption for all forestry activities under the plan. Other reports and plans regarding forest impacts apply only to regulated developments, not exempt activities.

Public Comments and Responses

■ Summary of Responses (continued):

- The definition of “family member” in the Highlands Act, as it applies to farm ownership, cannot be modified by the Highlands Council through the Plan Conformance process.
- Funding priority for agricultural retention plans will be given generally to municipalities with a large land area in active agriculture.
- **Comment:** A letter was filed (with COAH) by the Fair Share Housing Center objecting to the use of Highlands Council Build-Out results to adjust the Fair Share Obligation for all four municipalities. Detailed response provided.
- **Summary of Response:** These comments specifically relate to matters that are pending before the Appellate Division in litigation filed by Fair Share Housing Center. All four Petitions should be approved conditioned upon achieving and retaining compliance with the Fair Housing Act. In addition, the response clarifies that the Build-Out Report is based upon the Highlands Act and RMP requirements.

Petition Disposition

Bethlehem Township Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS

- Adoption of Ordinance Petitioning for Planning Area
- Completion & Adoption of ERI
- Completion & Adoption of Master Plan Highlands Element
- Completion & Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Adoption of Wastewater Management Plan (County Chapter)

Petition Disposition

Bethlehem Township's Petition for Plan Conformance

CONDITIONS (Continued)

- Compliance with Fair Housing Act and Superior Court Proceedings:

The Highlands Council shall be copied on all related correspondence and kept apprised of the Court approval process. Any subsequent revision to the Housing Element and Fair Share Plan shall be provided to the Highlands Council for review and approval prior to implementation by the municipality.

- Update/Development & Implementation of:

- Water Use & Conservation Management Plan
- Stormwater Management Plan (updates only)
- Habitat Conservation & Management Plan
- Land Preservation & Stewardship Program
- Septic System Management/Maintenance Plan
- Alternative Energy Generating Facilities Plan & Ordinance
- Scenic Resource Management Plan

Council Deliberation



Bethlehem Township

Public Hearing

Califon Borough Petition for Plan Conformance

Introduction to Califon Borough

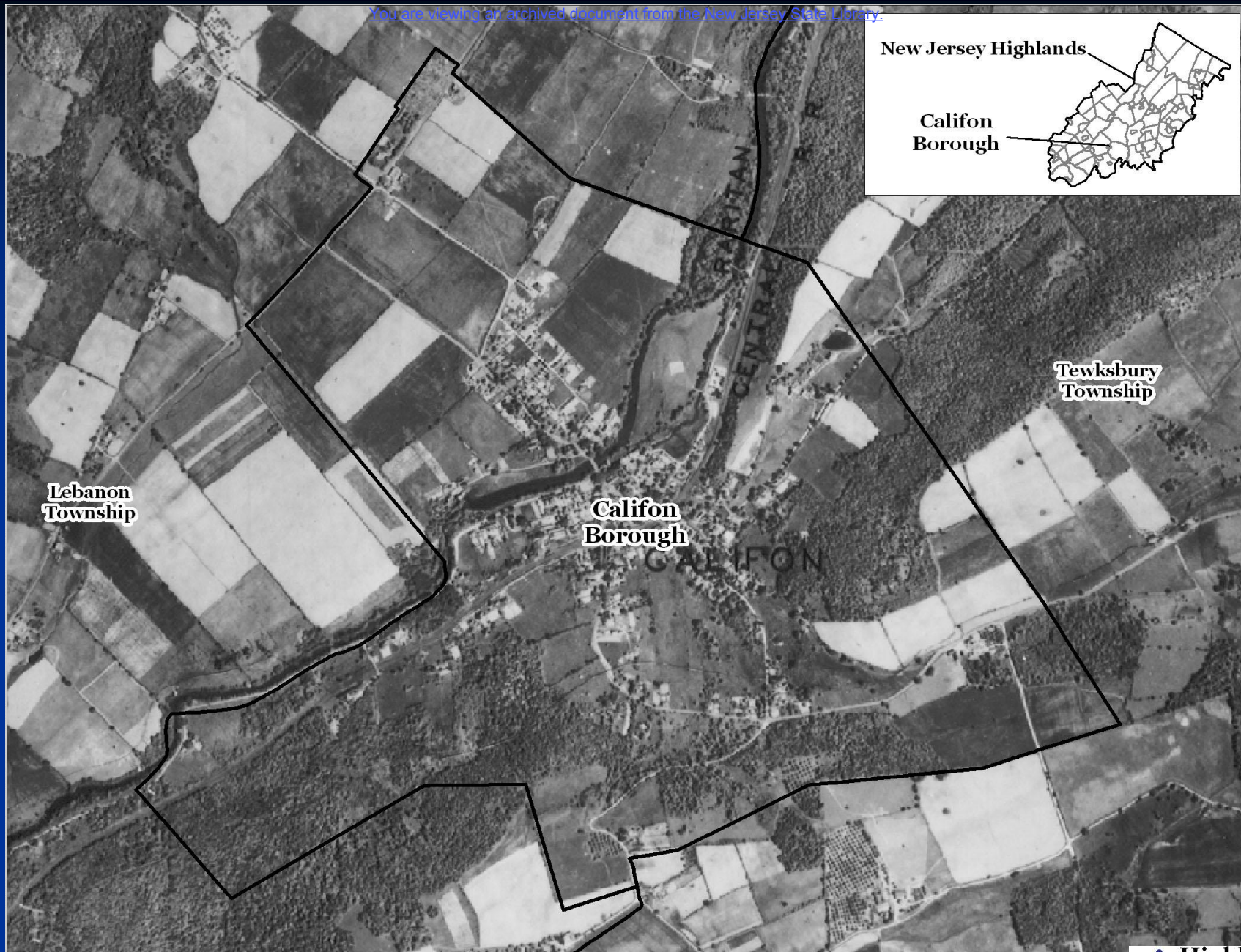


Califon Borough

Background Statistics

- Established: 1918
- Population (2002): 1,053
- Land Area: 629 acres /
1 sq. mi.
- Agricultural Lands: 31 acres
- Preserved Lands: 60 acres
- Total Forest: 275 acres





Califon Borough - 1930

Califon Borough

Significant Highlands Statistics

- **Preservation Area Lands: 629 acres – 100%**
 - Existing Community Zone: - 253 Acres - 40%
 - Protection Zone: 271 Acres - 43%
 - Conservation Zone: 70 Acres - 11% (Roads 6%)

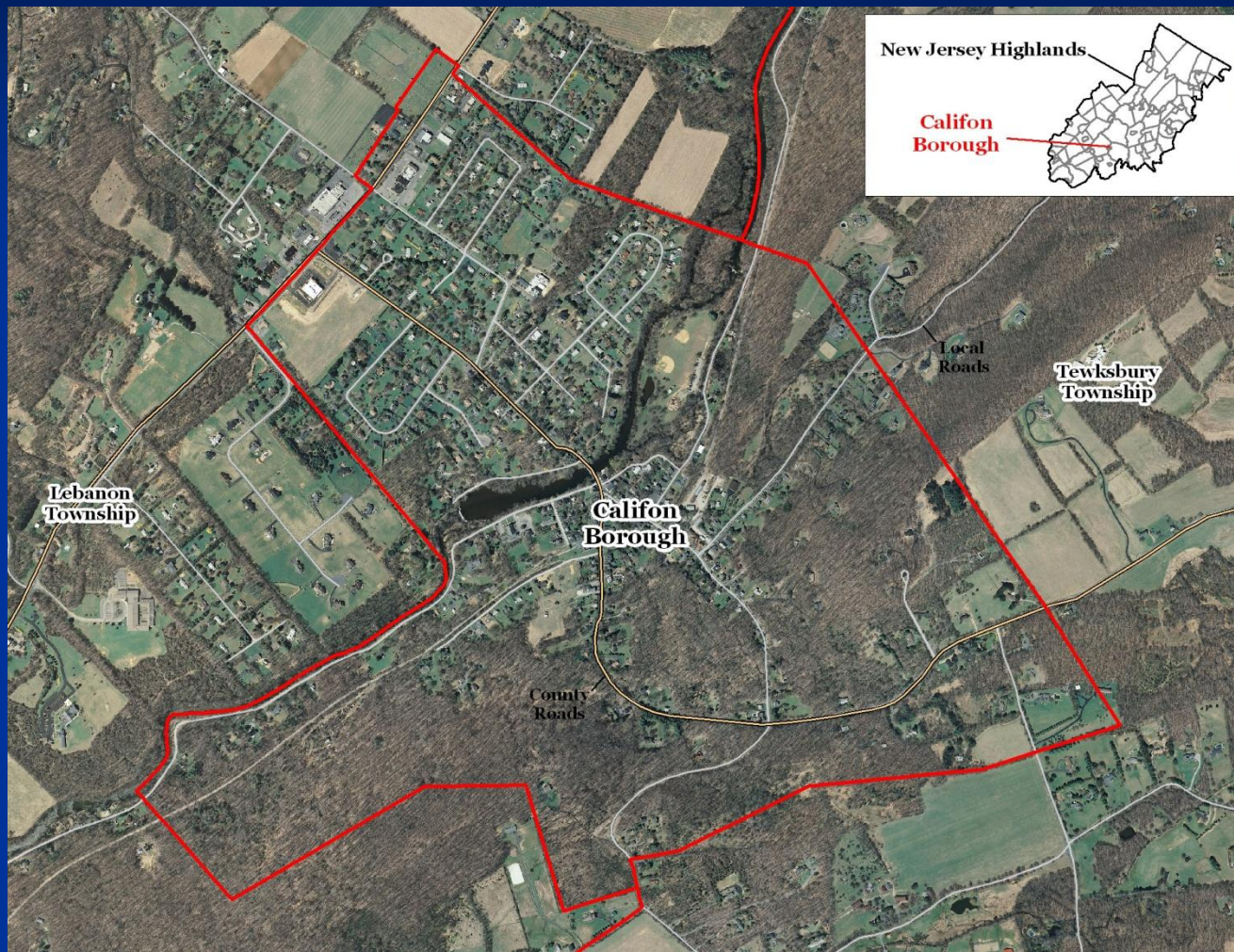
- Agricultural Priority Areas: 70 Acres – 11%
- Highlands Open Water Protection: 191 Acres – 30%
- Forest Resource Area: 302 Acres – 48%
- Conservation Priority Areas: 81 Acres – 13%

Califon Borough

Background Statistics – Land Use

NJDEP Land Use/Land Cover (2005/2007)	Acres	Percent
Residential (Single & Multi Family)	254.1	40.4%
Commercial (Retail)	29.0	4.6%
Industrial & Transportation & Utilities	0.7	0.1%
Agriculture (Crops & Plantations)	26.2	4.2%
Recreational Lands (Public & Private)	12.1	1.9%
Other Urban or Built-Up Land	11.9	1.9%
Subtotal Developed Lands	333.9	53.1%
Mixed Forest	265.5	42.2%
Shrub & Scrub	9.0	1.4%
Barren Lands	7.1	1.1%
Surface Waters (Lakes, Ponds & Tributaries)	13.1	2.1%
Subtotal Natural Lands	294.8	46.9%
Total	628.7	100.0%

Califon Borough, Hunterdon County



Califon Borough Flyover




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Legend


 Municipal Boundaries

 Parcel Boundaries

Land Use Capability Zone

 Protection

 Conservation

 Existing Community

Land Use Capability Sub-Zone

 Existing Community
Environmentally Constrained

 Conservation
Environmentally Constrained

Lebanon
Township

Califon
Borough

Tewksbury
Township

New Jersey Highlands


Califon
Borough






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Legend


 Municipal Boundaries

 Parcel Boundaries

Land Use Capability Zone

 Protection

 Conservation

 Existing Community

Land Use Capability Sub-Zone

 Existing Community
Environmentally Constrained

 Conservation
Environmentally Constrained

Lebanon
Township

Califon
Borough

Tewksbury
Township

New Jersey Highlands

Califon
Borough





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Legend

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

Watershed Values
By HUC-14 Subwatershed

-  Moderate
-  High

**Lebanon
Township**

**Califon
Borough**

**Tewksbury
Township**

New Jersey Highlands

**Califon
Borough**





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Legend

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

Lebanon
Township

Califon
Borough

Tewksbury
Township

New Jersey Highlands




Califon
Borough





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Legend

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

Wellhead Protection Areas

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

Lebanon
Township

Califon
Borough

Tewksbury
Township

New Jersey Highlands





Califon
Borough





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Legend

-  Municipal Boundaries
-  Scenic Resources
-  Historic Properties
-  New Jersey Historic Districts

Lebanon
Township

Califon
Borough

Tewksbury
Township

New Jersey Highlands

Califon
Borough





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Legend


 Municipal Boundaries


Existing Area Served for:

 Public Community Water Systems

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

 0.10 - 0.39

 0.00 - 0.04

 -0.09 - -0.01

Lebanon
Township

Califon
Borough

Tewksbury
Township

New Jersey Highlands

Califon
Borough





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Legend

-  Municipal Boundaries
-  Conservation Priority Areas
-  Preserved Lands

Lebanon
Township

Califon
Borough

Tewksbury
Township

New Jersey Highlands

Califon
Borough



Califon Borough

Hunterdon County, New Jersey



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

12/8/09	Petition for Plan Conformance Submitted
1/22/10	Petition Deemed Administratively Complete
2/1/10	Petition Posted to Highlands Council Website
7/28/10	Draft Consistency Report Sent to Municipality
11/17/10	Final Draft Report Posted to Highlands Council Website
12/3/10	End of Public Comment Period (Start 11/17/10)
12/10/10	Final Report Posted to Highlands Council Website
12/16/10	Highlands Council Public Hearing

Highlands Municipal Build-Out Report – Modules 1 & 2

- The Report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities.
- The Highlands Municipal Build-Out Report for Califon Borough was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition.
- The Report is dated July 2009 and was posted to the Highlands Council website on July 15, 2009.
- Staff RMP Consistency Finding: CONSISTENT

Housing Plan – Module 3

- **Summary of Califon Borough Fair Share Obligation**
 - **Rehabilitation Share: 3 Units**
 - **Prior Round Obligation: 0 units with 21 units of Unmet Need based on Reasonable Development Potential**
 - **Growth Share Obligation: 2 Units**
- **Summary of Califon Borough Fair Share Plan**
 - **Municipal Rehabilitation Program.** The Borough has an obligation to fund and arrange for the administration of a housing rehabilitation program for 3 units. Anticipated Credits: 3
 - **Accessory Apartment Program (5 units).** The Borough will continue to implement its prior round 5 unit accessory apartment program and has established an escrow account for such purpose. Anticipated Credits: 5
 - **Combination of single family and Supportive/Special Needs Housing.** The Borough proposes two potential sites to provide for a minimum of 3 affordable housing credits. Anticipated Credits: 3
- **Staff RMP Consistency Finding: CONSISTENT**

Environmental Resource Inventory

Module 4

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

Master Plan Highlands Element

Module 5

- Incorporates RMP Goals & Objectives into local planning; provides basis for effectuation of RMP
- Calfon Borough Submittal Based on Highlands Council Model
 - ❖ All Applicable Narrative Portions Retained
 - ❖ All Applicable Exhibits Provided (via ERI)
- Staff RMP Consistency Finding: CONSISTENT

Highlands Area Land Use Ordinance

Module 6

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

Municipal Petition for Plan Conformance

Module 7

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

Califon Borough Petition for Plan Conformance

Public Comments Received

- The public comment period for Califon Borough's Petition for Plan Conformance opened November 17, 2010, and closed December 3, 2010. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.
- **Comments received from:**
 - Helen Heinrich, on behalf of the New Jersey Farm Bureau (addressed under Bethlehem Township)
 - Kevin Walsh, Esq. on behalf of the Fair Share Housing Center (addressed under Bethlehem Township)

Petition Disposition

Califon Borough Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS

- Completion & Adoption of ERI
- Completion & Adoption of Master Plan Highlands Element
- Completion & Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan (County Chapter)

Petition Disposition

Califon Borough's Petition for Plan Conformance

CONDITIONS (Continued)

- Compliance with Fair Housing Act (COAH Certification).

This condition requires updates on COAH and Law Division proceedings, Council review of any proposed changes to the Fair Share Plan and Housing Element, and specifies that conditional approval shall not be deemed to usurp the authority of the Law Division.

- Update/Development & Implementation of:

- Water Use & Conservation Management Plan
- Stormwater Management Plan (updates only)
- Habitat Conservation & Management Plan
- Land Preservation & Stewardship Program
- Septic System Management/Maintenance Plan
- Stream Corridor Protection/Restoration Plan
- Right to Farm Ordinance

Council Deliberation



Califon Borough

Public Hearing

Mahwah Township Petition for Plan Conformance

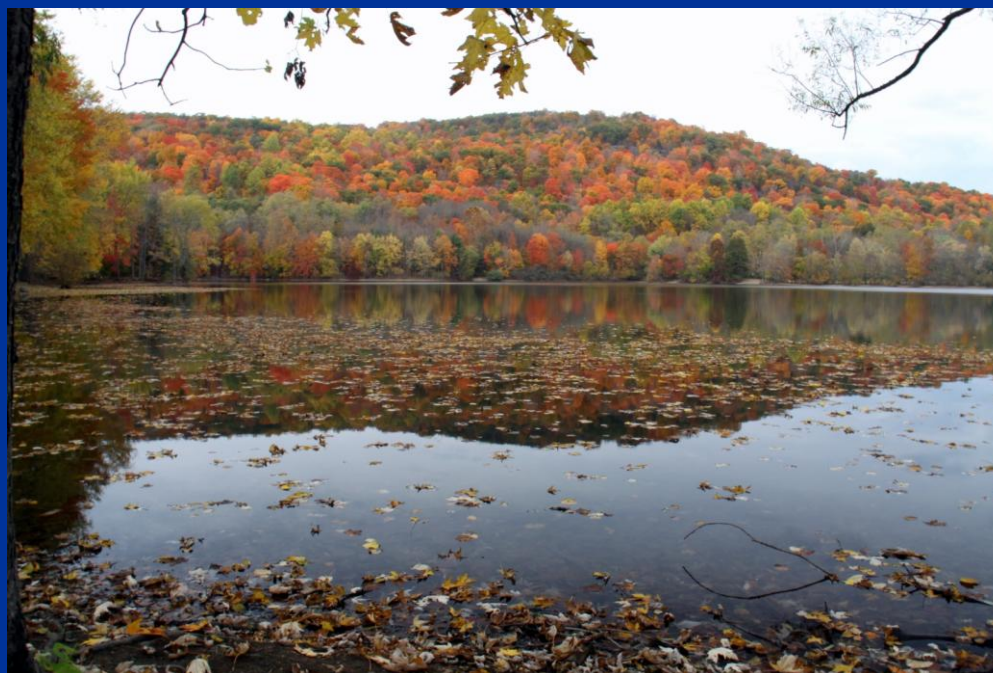
Introduction to Mahwah Township



Mahwah Township

Background Statistics

- Incorporated: 1944
- Population (2000): 24,062
- Land Area: 16,545 acres /
26 sq. mi.
- Preserved Lands: 8,745 acres
- Total Forest: 10,487 acres





Mahwah Township - 1930

Mahwah Township

Significant Highlands Statistics

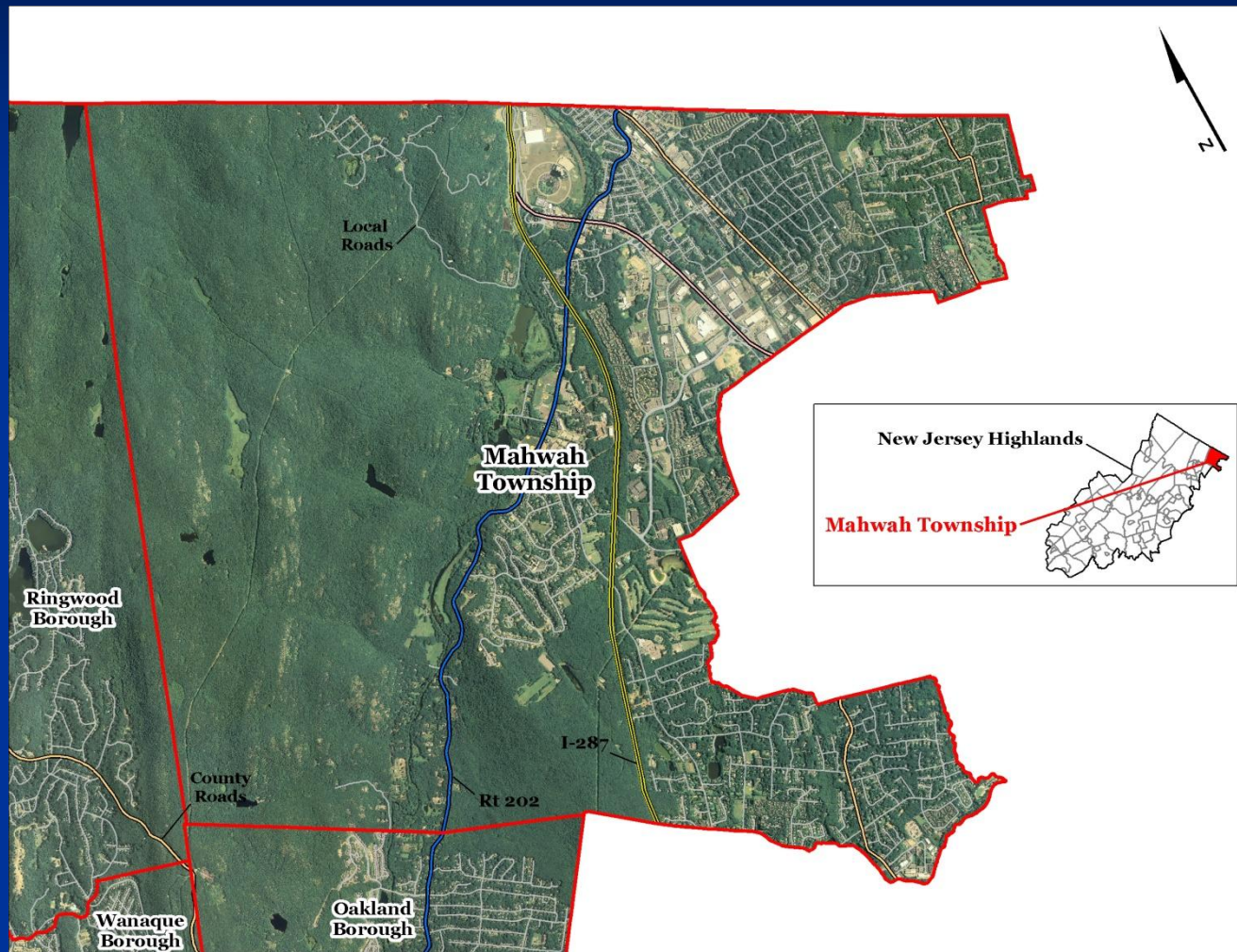
- Preservation Area Lands: 9,478 acres – 57%
- Planning Area Lands: 7,067 acres – 43%
 - Existing Community Zone – 6,048 acres – 37%
 - Protection Zone – 9,520 acres – 57% (Roads 6%)
- Highlands Open Water Protection – 8,172 acres – 49%
- Forest Resource Area – 10,802 acres – 64%
- Conservation Priority Areas – 1,414 acres – 8%
- Special Environmental Zone – 124 acres – 0.7%

Mahwah Township

Background Statistics – Land Use

NJDEP Land Use/Land Cover (2005/2007)	Planning Area	Pres Area	Percent
Residential (Single & Multi Family)	3,309.8	337.5	22.1%
Commercial (Retail)	558.4	14.8	3.5%
Industrial & Transportation & Utilities	584.8	75.3	4.0%
Agriculture (Crops & Plantations)	58.0	70.1	0.8%
Recreational Lands (Public & Private)	311.3	109.1	2.5%
Other Urban or Built-Up Land	418.7	63.1	2.9%
Subtotal Developed Lands	5,241.1	670.0	35.8%
Mixed Forest	1,200.2	7,682.3	53.7%
Shrub & Scrub	58.5	35.4	0.6%
Mixed Wetlands	427.3	797.2	7.4%
Barren Lands	37.9	18.5	0.3%
Surface Waters (Lakes, Ponds & Tributaries)	102.1	266.7	2.2%
Subtotal Natural Lands	1,826.0	8,800.1	64.2%
Total	7,067.1	9,470.1	100.0%

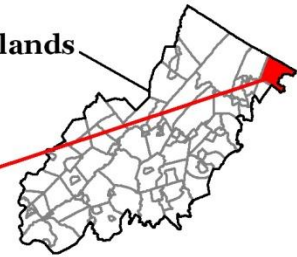
Mahwah Township, Bergen County



Mahwah Township Flyover

New Jersey Highlands

Mahwah Township



Ringwood
Borough

Mahwah
Township

Wanaque
Borough

Oakland
Borough



Legend

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

New Jersey Highlands

Mahwah Township



Ringwood
Borough

Mahwah
Township

Wanaque
Borough

Oakland
Borough



Legend

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

New Jersey Highlands

Mahwah Township



**Ringwood
Borough**







**Mahwah
Township**

**Wanaque
Borough**

**Oakland
Borough**

**Highlands
Council**
New Jersey

Legend

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

New Jersey Highlands

Mahwah Township



Ringwood
Borough

Mahwah
Township

Wanaque
Borough

Oakland
Borough



Legend

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

Watershed Values By HUC-14 Subwatershed

- Low
- High

New Jersey Highlands

Mahwah Township



Ringwood
Borough

Mahwah
Township

Wanaque
Borough

Oakland
Borough

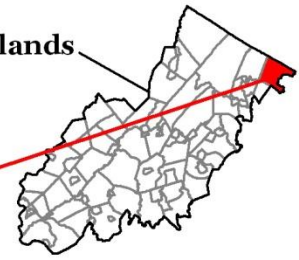


Legend

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

New Jersey Highlands

Mahwah Township



Ringwood
Borough

Mahwah
Township

Wanaque
Borough

Oakland
Borough



Legend

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

New Jersey Highlands

Mahwah Township



Ringwood
Borough

Mahwah
Township

Wanaque
Borough

Oakland
Borough



Legend

- Municipal Boundaries
- Existing Area Served for:
 - Public Community Water Systems
 - Highlands Domestic Sewerage Facilities
 - Highlands Domestic Sewerage Facilities and Public Community Water Systems
- Net Water Availability
By HUC14 Subwatershed
Million Gallons Per Day (MGD)
 - 0.00 - 0.04
 - 0.09 - -0.01
 - 0.99 - -0.10
 - 7.10 - -1.00
- Lakes Greater Than 10 Acres

New Jersey Highlands

Mahwah Township



Ringwood
Borough

Mahwah
Township

Wanaque
Borough

Oakland
Borough



Legend

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

Mahwah Township

Bergen County, New Jersey



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

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2/1/10	Petition Posted to Highlands Council Website
6/8/10	Draft Consistency Report Sent to Municipality
11/17/10	Final Draft Report Posted to Highlands Council Website
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12/10/10	Final Report Posted to Highlands Council Website
12/16/10	Highlands Council Public Hearing

Highlands Municipal Build-Out Report – Modules 1 & 2

- The Report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities.
- The Highlands Municipal Build-Out Report for Mahwah Township was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition.
- The Report is dated July 2009 and was posted to the Highlands Council website on July 24, 2009.
- Staff RMP Consistency Finding: CONSISTENT

Housing Plan – Module 3

- **Summary of Mahwah Township Fair Share Obligation**
 - **Rehabilitation Share: 44 Units**
 - **Prior Round Obligation: 350 Units**
 - **Growth Share Obligation: 72 Units**
- **Summary of Mahwah Township Fair Share Plan**
 - **Municipal Rehabilitation Program** – The Township seeks credit for 3 units that have been rehabilitated through the Bergen County Home Improvement Program. The Township intends on satisfying its remaining rehabilitation obligation through continued participation in the Bergen County Home Improvement Program, and through the use of its development fees.
 - **Prior Round Obligation:** The 350-unit Prior Round Obligation will be addressed through already constructed projects; 271 units in the Society Hill Developments and 79 units from the Ridge Gardens project.
 - **Third Round Project/Sites:** The Township will meet its 72-unit Growth Share Obligation with credits from the Ramapo Brae and Franklin Heights projects. These projects provide for 182 credits, thus the Township will have 110 credits remaining for future obligations. Both projects have already been constructed.
- **Staff RMP Consistency Finding: CONSISTENT**

Environmental Resource Inventory

Module 4

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

Master Plan Highlands Element

Module 5

- Incorporates RMP Goals & Objectives into local planning; provides basis for effectuation of RMP
- Mahwah Township Submittal Based on Highlands Council Model
 - ❖ All Applicable Narrative Portions Retained
 - ❖ All Applicable Exhibits Provided (via ERI)
- Staff RMP Consistency Finding: CONSISTENT

Highlands Area Land Use Ordinance

Module 6

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

Municipal Petition for Plan Conformance

Module 7

- Consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment Report, List of Current Planning Documents, Highlands Implementation Plan & Schedule
- Mahwah Township Submittals Based on Highlands Council Models
 - ❖ Resolutions (#1-Preservation Area, #2-Planning Area) Complete
 - ❖ Self-Assessment Report Accurate & Complete
 - ❖ Highlands Implementation Plan and Schedule Completed
- Staff RMP Consistency Finding: CONSISTENT

Mahwah Township Petition for Plan Conformance Public Comments Received

- The public comment period for Mahwah Township's Petition for Plan Conformance opened November 17, 2010, and closed December 3, 2010. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.
- **Comments received from:**
 - Kevin Walsh, Esq. on behalf of the Fair Share Housing Center (addressed under Bethlehem Township)

Petition Disposition

Mahwah Township Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS

- Adoption of Ordinance Petitioning for Planning Area
- Adoption of Completed Final Environmental Resource Inventory
- Adoption of Completed Master Plan Highlands Element
- Completion and Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan

Petition Disposition

Mahwah Township's Petition for Plan Conformance

CONDITIONS (Continued)

- Compliance with Fair Housing Act (COAH Certification). This condition requires updates on COAH proceedings and Council review of any proposed changes to the Fair Share Plan and Housing Element.
- Update/Development & Implementation of:
 - Water Use & Conservation Management Plan
 - Stormwater Management Plan (updates only)
 - Habitat Conservation and Management Plan
 - Land Preservation & Stewardship Program
 - Septic System Management/Maintenance Plan
 - Right to Farm Ordinance
 - Sustainable Economic Development Plan
 - Stream Corridor Protection & Restoration Plan

Council Deliberation

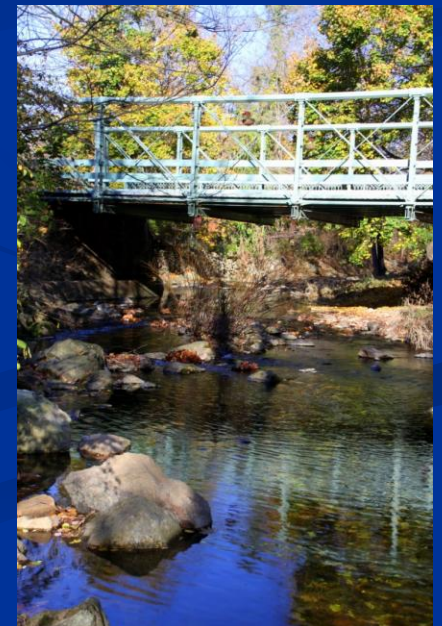
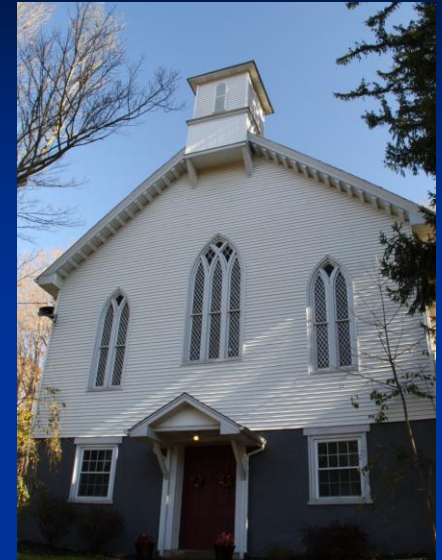


Mahwah Township

Public Hearing

Glen Gardner Borough Petition for Plan Conformance

Introduction to Glen Gardner Borough

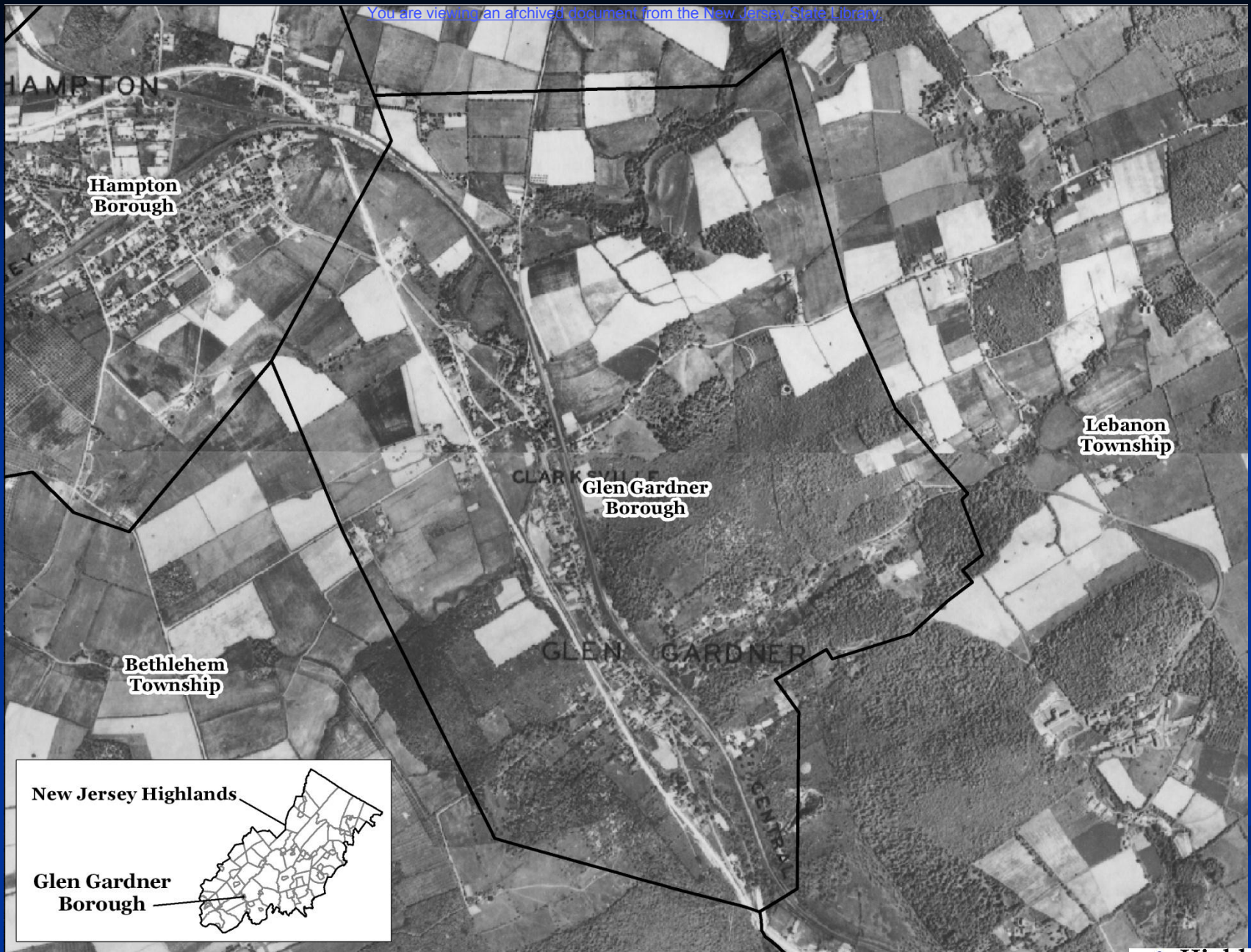


Glen Gardner Borough

Background Statistics

- Established: 1926
- Population (2006): 1,830
- Land Area: 991 acres /
1.5 sq. mi.
- Agricultural Lands: 84 acres
- Preserved Lands: 124 acres
- Wetlands: 49 acres





Glen Gardner - 1930

Glen Gardner Borough

Significant Highlands Statistics

- **Preservation Area Lands: 991 acres – 100%**
 - Existing Community Zone: - 349 Acres - 35%
 - Protection Zone: 482 Acres – 49%
 - Conservation Zone: 100 Acres - 10% (Roads 6%)

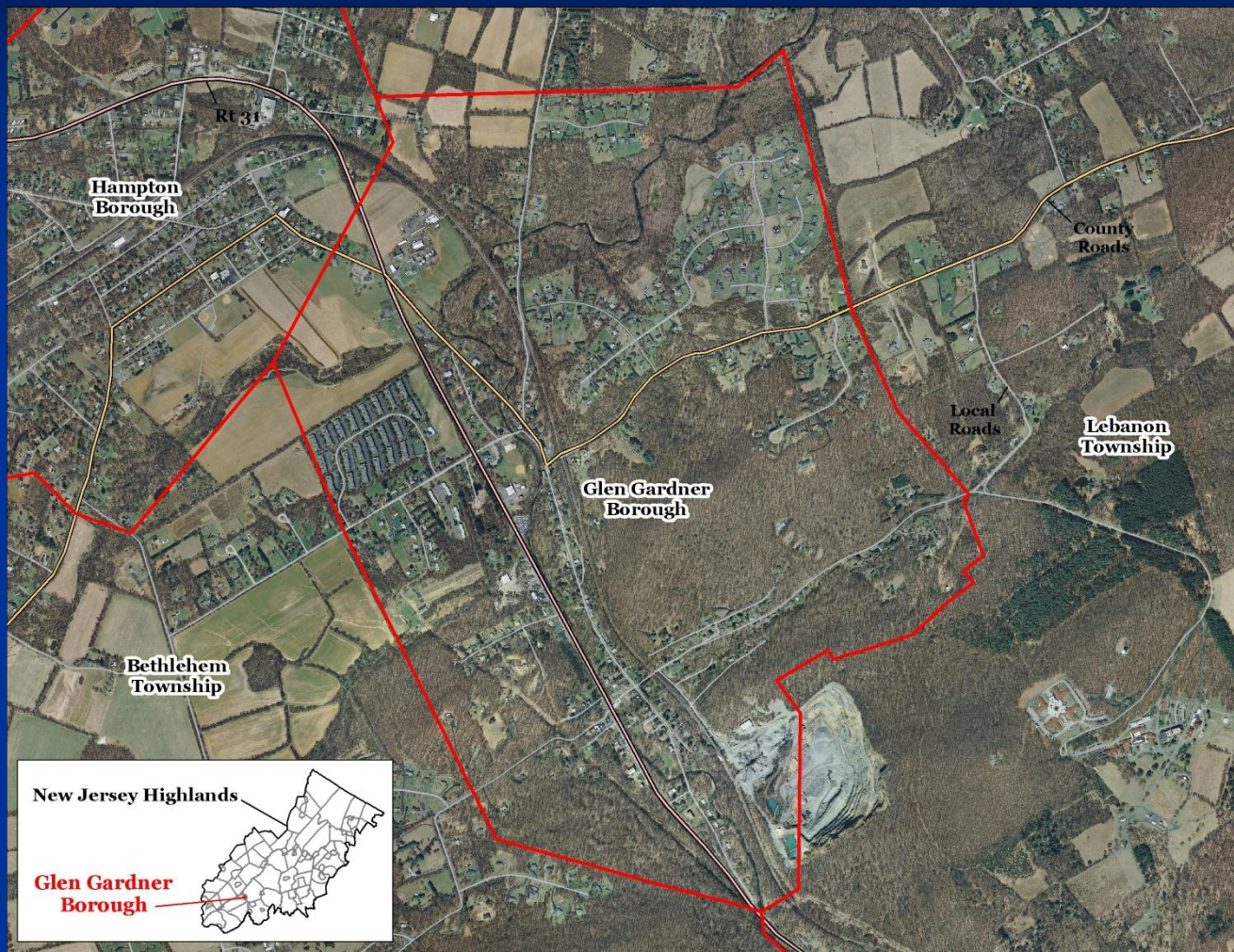
 - Agricultural Priority Areas: 112 Acres – 11%
 - Highlands Open Water Protection: 384 Acres – 38%
 - Forest Resource Area: 602 Acres – 60%
 - Conservation Priority Areas: 286 Acres – 29%

Glen Gardner Borough

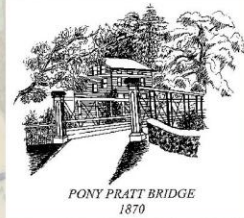
Background Statistics – Land Use

NJDEP Land Use/Land Cover (2005/2007)	Acres	Percent
Residential (Single & Multi Family)	332.6	33.6%
Commercial (Retail)	30.3	3.1%
Industrial & Transportation & Utilities	16.7	1.7%
Agriculture (Crops & Plantations)	86.1	8.7%
Recreational Lands (Public & Private)	5.2	0.5%
Extractive Mining	20.4	2.1%
Other Urban or Built-Up Land	21.0	2.1%
Subtotal Developed Lands	512.4	51.7%
Mixed Forest	395.0	39.9%
Shrub & Scrub	32.0	3.2%
Mixed Wetlands	39.9	4.0%
Barren Lands	0.3	0.0%
Surface Waters (Lakes, Ponds & Tributaries)	11.0	1.1%
Subtotal Natural Lands	478.2	48.3%
Total	990.6	100.0%

Glen Gardner Borough, Hunterdon County



Glen Gardner Borough Flyover



**Hampton
Borough**

**Lebanon
Township**

**Glen Gardner
Borough**

**Bethlehem
Township**

New Jersey Highlands

**Glen Gardner
Borough**



Legend

Municipal Boundaries

Parcel Boundaries

Land Use Capability Zone

Protection

Conservation

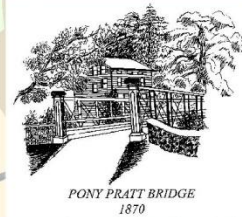
Existing Community

Land Use Capability Sub-Zone

Existing Community
Environmentally Constrained

Conservation
Environmentally Constrained

Wildlife Management



**Hampton
Borough**

**Lebanon
Township**

**Glen Gardner
Borough**

**Bethlehem
Township**

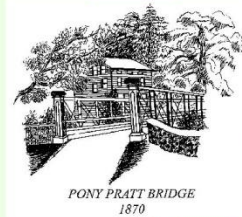
New Jersey Highlands

**Glen Gardner
Borough**



Legend

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



**Hampton
Borough**

**Lebanon
Township**

**Glen Gardner
Borough**

**Bethlehem
Township**

New Jersey Highlands

**Glen Gardner
Borough**



Legend

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

Watershed Values
By HUC-14 Subwatershed

- Moderate
- High



**Hampton
Borough**

**Lebanon
Township**

**Glen Gardner
Borough**

**Bethlehem
Township**

New Jersey Highlands

**Glen Gardner
Borough**



Legend

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



**Hampton
Borough**

**Lebanon
Township**

**Glen Gardner
Borough**

**Bethlehem
Township**

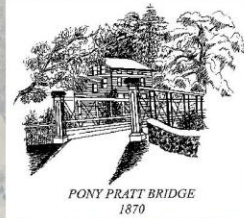
New Jersey Highlands

**Glen Gardner
Borough**



Legend

-  Municipal Boundaries
-  Prime Ground Water Recharge Areas
- Wellhead Protection Areas**
 -  (Tier 1) 2-Year
 -  (Tier 2) 5-Year
 -  (Tier 3) 12-Year



**Hampton
Borough**

**Lebanon
Township**

**Glen Gardner
Borough**




**Bethlehem
Township**

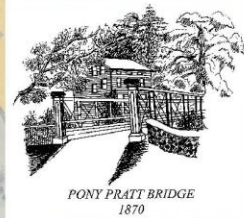
New Jersey Highlands

**Glen Gardner
Borough**



Legend

-  Municipal Boundaries
- Existing Area Served for:
 -  Public Community Water Systems
- Net Water Availability
By HUC14 Subwatershed
Million Gallons Per Day (MGD)
 -  -0.09 - -0.01



**Hampton
Borough**

**Lebanon
Township**

**Glen Gardner
Borough**

**Bethlehem
Township**

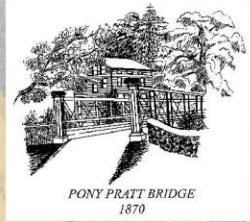
New Jersey Highlands

**Glen Gardner
Borough**



Legend

-  Municipal Boundaries
- Conservation Priority Areas**
 -  Moderate
 -  High
 -  Preserved Lands



**Hampton
Borough**

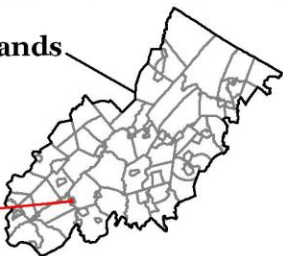
**Lebanon
Township**

**Glen Gardner
Borough**





**Bethlehem
Township**

New Jersey Highlands

**Glen Gardner
Borough**



Legend

-  Municipal Boundaries
- Agricultural Priority Areas**
 -  *High*
 -  *Moderate*
 -  Preserved Lands

Glen Gardner Borough



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

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12/16/10	Highlands Council Public Hearing

Highlands Municipal Build-Out Report – Modules 1 & 2

- The Report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities.
- The Highlands Municipal Build-Out Report for Glen Gardner Borough was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition.
- The Report is dated July 2009 and was posted to the Highlands Council website on July 15, 2009.
- Staff RMP Consistency Finding: CONSISTENT

Housing Plan – Module 3

- **Summary of Glen Gardner Borough Fair Share Obligation**
 - **Rehabilitation Share: 6 Units**
 - **Prior Round Obligation: 7 Units**
 - **Growth Share Obligation: 3 Units**
- **Summary of Glen Gardner Borough Fair Share Plan**
 - **Municipal Rehabilitation Program.** Borough to contract with qualified rehabilitation consultant, in accordance with COAH requirements. Anticipated Credits: 6
 - **Prior Round Cycle Credits (48 units).** Parkside Apts., existing construction (1981) that includes 48 subsidized rental units; 40 Senior Citizen units; 8 units dedicated to housing for disabled individuals. Anticipated Credits: 48
 - **Extension of Expiring Controls (10 units).** Borough to deed restrict 10 units within Parkside Apts. as very low income housing rental units. Anticipated Credits: 3+ (credit)
- **Staff RMP Consistency Finding: CONSISTENT**

Environmental Resource Inventory

Module 4

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

Master Plan Highlands Element

Module 5

- Incorporates RMP Goals & Objectives into local planning; provides basis for effectuation of RMP
- Glen Gardner Borough Submittal Based on Highlands Council Model
 - ❖ All Applicable Narrative Portions Retained
 - ❖ All Applicable Exhibits Provided (via ERI)
- Staff RMP Consistency Finding: CONSISTENT

Highlands Area Land Use Ordinance

Module 6

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

Municipal Petition for Plan Conformance

Module 7

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

Glen Gardner Borough Petition for Plan Conformance Public Comments Received

- The public comment period for Glen Gardner Borough's Petition for Plan Conformance opened November 17, 2010, and closed December 3, 2010. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.
- **Comments received from:**
 - Helen Heinrich, on behalf of the New Jersey Farm Bureau (addressed under Bethlehem Township)
 - Kevin Walsh, Esq. on behalf of the Fair Share Housing Center (addressed under Bethlehem Township)

Petition Disposition

Glen Gardner Borough Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS

- Completion & Adoption of ERI
- Completion & Adoption of Master Plan Highlands Element
- Completion & Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan (County Chapter)

Petition Disposition

Glen Gardner Borough's Petition for Plan Conformance

CONDITIONS (Continued)

- Compliance with Fair Housing Act (COAH Certification).

This condition requires updates on COAH and Law Division proceedings, Council review of any proposed changes to the Fair Share Plan and Housing Element, and specifies that conditional approval shall not be deemed to usurp the authority of the Law Division.

- Update/Development & Implementation of:

- Water Use & Conservation Management Plan
- Stormwater Management Plan (updates only)
- Habitat Conservation & Management Plan
- Land Preservation & Stewardship Program
- Septic System Management/Maintenance Plan
- Stream Corridor Protection/ Restoration Plan
- Right to Farm Ordinance

Council Deliberation



Glen Gardner Borough

Public Hearing

Passaic County Petition for Plan Conformance

Passaic County

Total County Land Area	126,926 Acres	(198 Sq/m)
Highlands Portion	83,946 Acres	66%

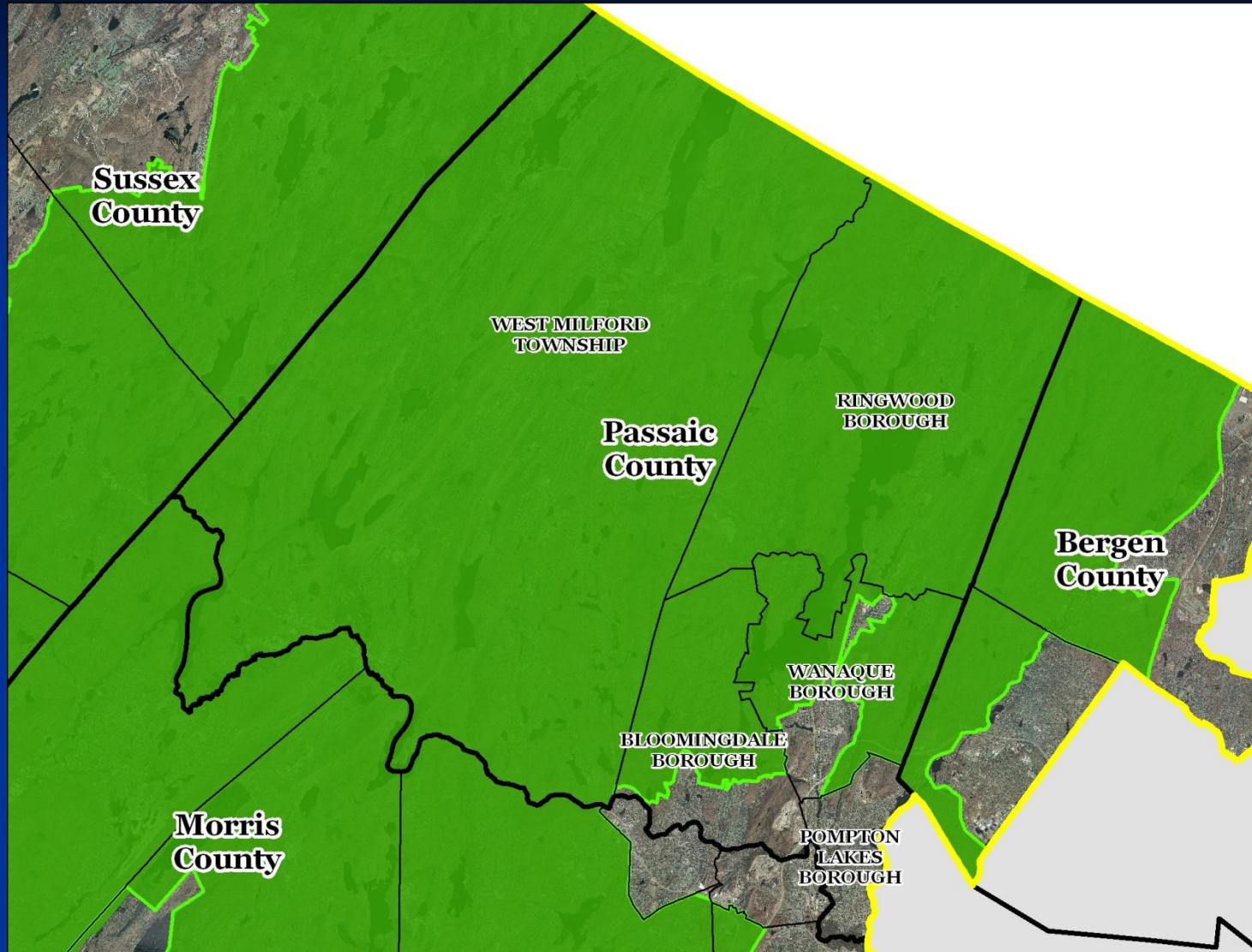
Preservation Area:	78,889 Acres	94%
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Planning Area:	5,057 Acres	6%
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Ringwood Borough and West Milford Township are entirely in the Preservation Area.

Pompton Lakes Borough is entirely in the Planning Area.

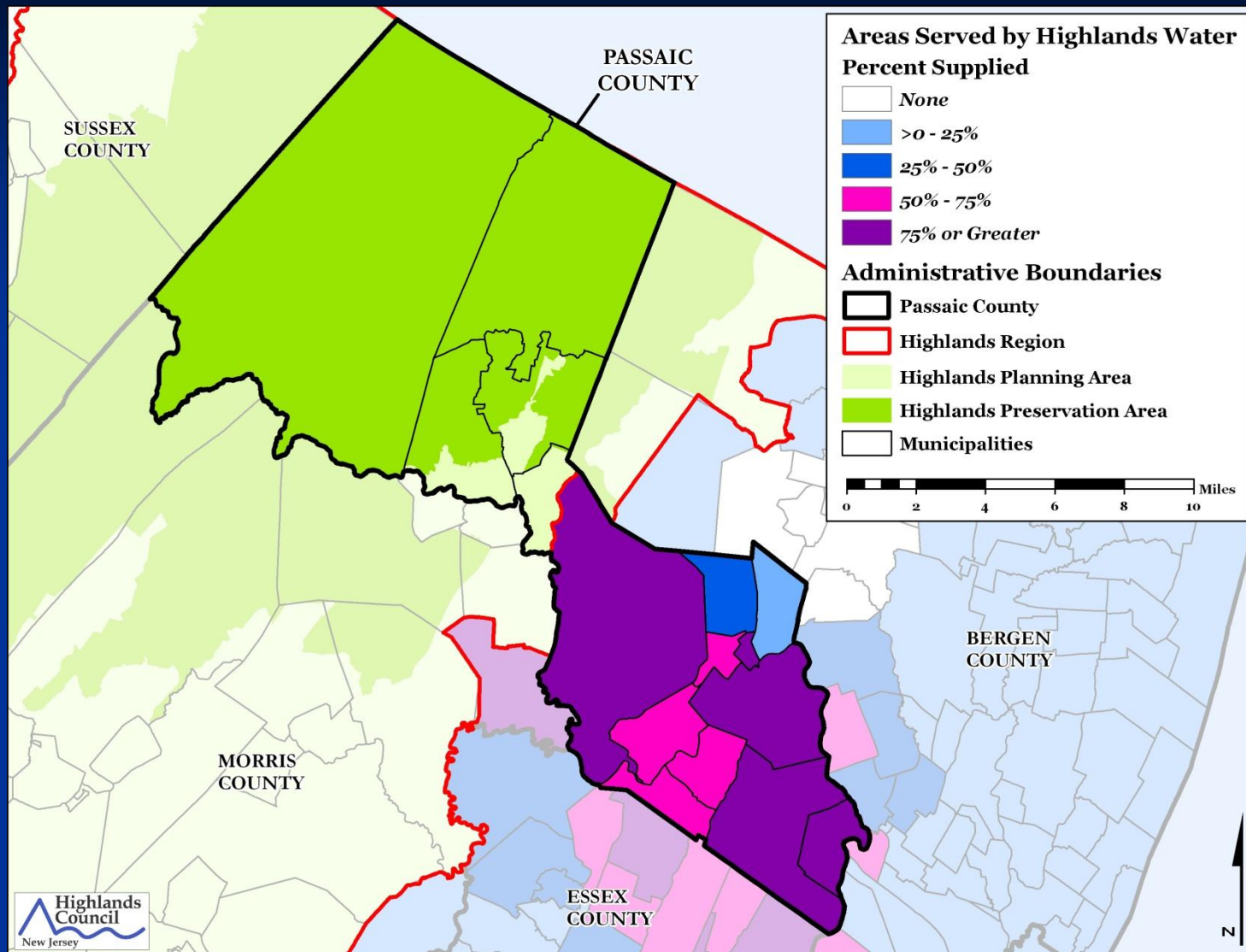
Bloomington Borough and Wanaque Borough have lands in each.



Passaic County

Status Update – Passaic County Highlands Municipalities

	Notice of Intent	Initial Assessment Report	Petition Filed	Deemed Complete	Posted to Council Website	Consistency Report Drafted
Bloomingtondale	✓	✓	12/8/09	1/22/10	2/1/10	✓
West Milford	✓	✓	12/8/09	2/4/10	2/9/10	✓
Ringwood	✓	✓	12/8/09	2/4/10	2/9/10	In Progress
Wanaque	✓	✓	12/8/09	Pending		
Pompton Lakes	✓	✓				



Passaic County

Passaic County

Planning Initiatives

Passaic County has a history of proactive engagement in planning and conservation initiatives. The Board of Chosen Freeholders formed the Passaic County Planning Commission in 1929. The commission was reorganized as the Passaic County Planning Board in 1936, and just last year, celebrated **“80 Years of Planning.”**

The County has been particularly active and effective in preserving open space. Since its establishment in 2001, the County has preserved nearly 2,000 acres through its Open Space Trust Fund.

Numerous other initiatives are highlighted in the following slides from a document prepared by the County to celebrate the Board's 80th Anniversary. Congrats to Passaic County on a job well done!



**PASSAIC COUNTY
BOARD OF CHOSEN
FREEHOLDERS**

TAHESHA WAY, Esq.
Freeholder Director

BRUCE JAMES
Deputy Director

TERRY DUFFY

JAMES GALLAGHER

GREYSON HANNIGAN, Esq.

PAT LEPORE

SONIA ROSADO

PASSAIC COUNTY PLANNING DEPARTMENT

80 Years of Planning

1929—2009

Investing in the Future: Open Space

The Passaic County Open Space and Farmland Preservation Trust Fund is designed to facilitate the acquisition of open space within the County for preservation, as well as to fund redevelopment of parks, through a designated levy on real property.

Two questions were added to the November 5, 1996 Ballot: an Open Space and Park Improvement Fund referendum and an Open Space Acquisition referendum. Both were approved by voters, and ultimately consolidated.

The Passaic County Freeholders adopted a resolution on September 3, 1997 establishing an Advisory Committee for the pro-

gram. In order to generate revenues to fund the program, a resolution was adopted on February 3, 1999 authorizing the implementation of an "Open Space Tax."

A recommendation was made for the tax rate for the calendar year 1999 to be fixed at 1 cent per \$100 of assessed value.

Studies have shown that proximity to open space and parkland increases property values, while costs in terms of municipal services are relatively insignificant.

Since 2001, the Open Space Trust Fund has amassed approxi-



GREAT FALLS OF THE PASSAIC RIVER

mately \$35 million and has helped to preserve nearly 2,000 acres; in addition, the trust has funded improvements to numerous municipal and county parks.

The Changing Geography of Passaic County



At the time of the American Revolution, Passaic County was actually part of Bergen and Essex counties, with the Passaic River forming a natural boundary between the two counties.

Named after the river which powered the factories of the American Industrial Revolution, Passaic County was formed in 1837, and was made up of seven towns.

Today, the sixteen towns of Passaic County represent a geographic cross section of New Jersey, from the historic cities of Paterson and Passaic, to rural West Milford and Ringwood.

PASSAIC COUNTY PLANNING BOARD Chairman THOMAS WILLIAMSON, Vice Chairman MIGUEL DIAZ, Freeholder Director TAHESHA WAY, Deputy Director BRUCE JAMES, Freeholder TERRY DUFFY, STEVEN EDMOND, STEPHEN MARTINIQUE, JOSEPH MELTZER, VINCENT OLIVO, LYNDA WILSON, WILLIAM GERVENIS

(Courtesy: Passaic County Website <http://www.passaiccountynj.org/>)

in turn spurred other redevelopment projects in the area.

In June 2005, the Board of Chosen Freeholders, on the recommendation of the County Planning Board, adopted a Corridor Enhancement Program to allow for small-scale improvement

placed in Passaic County by the New Jersey Commission on Historic Sites in 1932. Corridor Enhancement fees will also be used to fund improvements of the intersection of Paterson-Hamburg Turnpike and Valley Road.

Current Planning Efforts in Passaic County

TRANSIT-ORIENTED DEVELOPMENT

Madison Avenue Rail-Corridor Study

SUSTAINABLE LAND-USE PLANNING

*Transportation Element Update of
Passaic County Master Plan*

HISTORIC PRESERVATION

*Restoration of NJ Historic Markers
Commemorating Revolutionary War Events*

GEOGRAPHIC INFORMATION SYSTEM

(GIS) MAPPING

GIS Resources Website

PLAN REVIEW

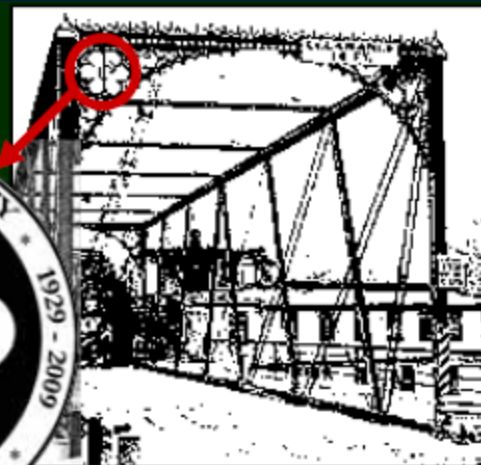
County Urban Design Guidelines

URBAN DESIGN VISIONING

Hamilton Street & Court House Plaza

ENVIRONMENTAL PLANNING

*Molly Ann Brook Watershed
Management Plan*



FORMER LINCOLN STREET BRIDGE,
PATERSON

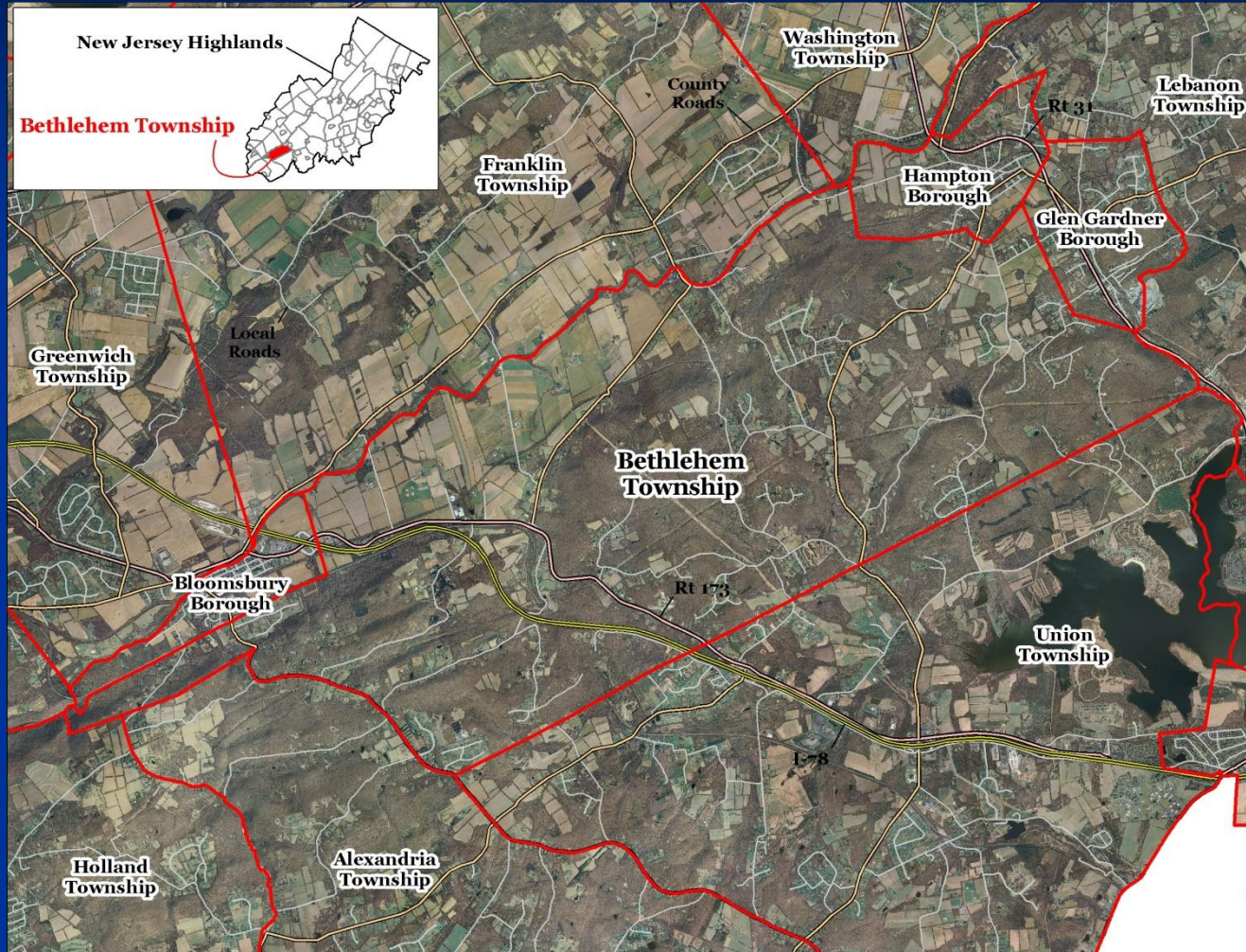
Anniversary Logo

The "PC" Monogram Design for our 80th Anniversary Logo was inspired by the beautiful iron work on the former Lincoln Street Bridge over the Passaic River in Paterson. It represents excellence in design and pride in the past with an eye to the future.

The Passaic County Planning Department would like to extend a Special Thanks to all officials and employees, past and present, who contributed to 80 years of Planning in Passaic County.

(Courtesy: Passaic County Website <http://www.passaiccountynj.org/>)

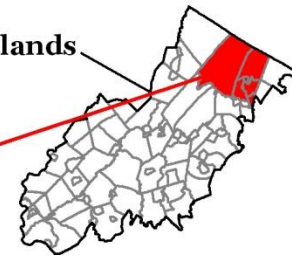
Passaic County



Passaic County Flyover

New Jersey Highlands

Passaic
County



West Milford
Township

Ringwood
Borough

Wanaque
Borough

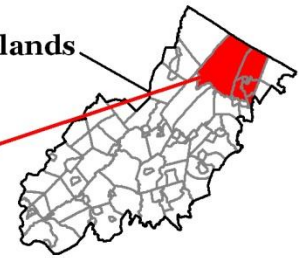
Bloomingdale
Borough

Pompton
Lakes
Borough

-  Municipal Boundaries
-  Preservation Area
-  Interstate Highways
-  U.S. Routes
-  State Routes
-  County Routes
-  Local Roads

New Jersey Highlands

Passaic
County



West Milford
Township

Ringwood
Borough

Wanaque
Borough

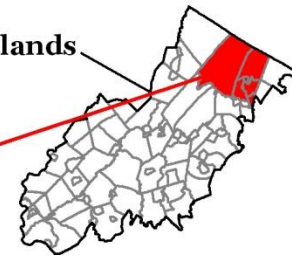
Bloomington
Borough

Pompton
Lakes
Borough

-  Municipal Boundaries
-  Preservation Area
-  Interstate Highways
-  U.S. Routes
-  State Routes
-  County Routes
-  Local Roads

New Jersey Highlands

Passaic
County



West Milford
Township

Ringwood
Borough

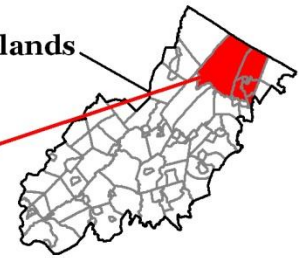
Wanaque
Borough

Bloomingdale
Borough

Pompton
Lakes
Borough

New Jersey Highlands

**Passaic
County**



-  County Preserved Lands
-  Other Preserved Lands
-  Preserved Farms

**West Milford
Township**

**Ringwood
Borough**

**Wanaque
Borough**

**Bloomingdale
Borough**

**Pompton
Lakes
Borough**

Passaic County



PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

1/11/10	Petition for Plan Conformance Submitted
4/26/10	Petition Deemed Administratively Complete
4/29/10	Petition Posted to Highlands Council Website
8/2/10	Draft Consistency Report Sent to County
11/17/10	Final Draft Report Posted to Highlands Council Website
12/3/10	End of Public Comment Period (Start 11/17/10)
12/10/10	Final Report Posted to Highlands Council Website
12/16/10	Highlands Council Public Hearing

Plan Conformance Petition Review

Task A: Environmental Resource Inventory

- Describes & Illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the County
- Staff RMP Consistency Finding: CONSISTENT

Task B: Master Plan Highlands Element

- Incorporates RMP Goals & Objectives into county planning; provides basis for effectuation of RMP
- Staff RMP Consistency Finding: CONSISTENT

Plan Conformance Petition Review

Task C: Lands and Facilities Regulations

- Facilities Regulations: Set forth provisions that protect Highlands Resources and effectuate the policies, goals, and objectives of RMP for all County properties.
- Development Resolution: Incorporates Development Application checklist requirements, notice provisions, and Highlands Council call-up allowances.
- Staff RMP Consistency Finding: CONSISTENT

Task D: Petition for Plan Conformance

- Self-Assessment Report
- Implementation Plan & Schedule
- Staff RMP Consistency Finding: CONSISTENT

Passaic County Petition for Plan Conformance Public Comments Received

- The public comment period for Passaic County's Petition for Plan Conformance opened November 17, 2010, and closed December 3, 2010. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.
- Comments received only from: Helen H. Heinrich PP LLA, Research Associate, representing the New Jersey Farm Bureau.

Passaic County Petition for Plan Conformance

Public Comments Received

- **Comment:** Concerns regarding the applicability of Passaic County Plan Conformance to agricultural lands in private ownership within the Preservation Area.
- **Response:** Passaic County's Petition for Plan Conformance applies primarily to county-owned lands and facilities, and to a very limited universe of development applications. Agricultural activities are not affected.
- **Comment:** How will the Highlands Council address potential changes in the Preservation Area rules for septic system density?
- **Response:** The matter is presently in litigation with oral arguments scheduled by the Appellate Division of the Superior Court for March 2011.

Petition Disposition

Passaic County's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

PROPOSED CONDITIONS

- Completion & Adoption of Planning Documents:
 - Environmental Resource Inventory
 - Master Plan Highlands Element
 - Land & Facilities Regulations
 - Land Development Resolution
- Adherence to Highlands Implementation Plan and Schedule

Petition Disposition

Passaic County's Petition for Plan Conformance

- Additional Priority Tasks – Funding Allocated
 - Inventory of Conservation Easements, Highlands portion of County
 - County Facilities Planning Program (to provide for comprehensive plan approvals for Highlands projects; minimizing need for on-going State permitting/reviews)
 - Sustainable Economic Development Master Plan Element – Highlands aspects, in conjunction with Passaic County Cultural and Heritage Council

Council Deliberation



Passaic County

PROPOSED ANNUAL MEETING SCHEDULE FOR 2011

- January 20, 10 a.m.
- February 17, 1 p.m.
- March 17, 4 p.m.
- April 21, 10 a.m.
- May 19, 1 p.m.
- June 16, 4 p.m.
- July 21, 10 a.m.
- August 18, 1 p.m.
- September 15, 4 p.m.
- October 13, 1 p.m.
- November 10, 10 a.m.
- December 15, 4 p.m.

HIGHLANDS REGIONAL



MASTER PLAN
2008

Photos by Nathan McLean / New Jersey Highlands Council

Highlands Council Meeting

December 16, 2010



RESOLUTION 2010-12
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF BETHLEHEM, HUNTERDON COUNTY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, in the Township of Bethlehem 12,173 acres are in the Preservation Area and 1,137 acres are in the Planning Area; and

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

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

WHEREAS, on March 16, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on March 24, 2010, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, on July 12, 2010, the Executive Director provided Bethlehem Township with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

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

WHEREAS, on November 17, 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 documents 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 Bethlehem Township's Petition for Plan Conformance and provided an opportunity for public comment; and

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

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

WHEREAS, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by Bethlehem Township of its master plan and development

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

regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

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

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

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

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

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

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

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

RESOLUTION 2010-12
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF BETHLEHEM, HUNTERDON COUNTY

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 Bethlehem Township 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 Bethlehem Township 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 Bethlehem Township's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of December, 2010.



Jack J. Schrier, Acting Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio	✓		✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway		✓	✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			



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Bethlehem Township

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

Adopted Plan Conformance Documents

The following documents have been adopted by the municipality in fulfillment of conditions of the Petition for Plan Conformance approved by the Highlands Council. These documents have been approved as final by the Highlands Council, and therefore are eligible for legal protections as provided by the Highlands Act for municipal actions in conformance with the Regional Master Plan.

- [Planning Area Petition Ordinance ADOPTED August 2011](#) (363 KB pdf)

Petition for Plan Conformance

The Highlands Council unanimously approved Bethlehem Township's Petition for Plan Conformance at its meeting on December 16, 2010.

- [Resolution](#)
- [Bethlehem Township Presentation](#)
- [Press Release](#)
- [Pictures](#)
- [Public Hearing: December 16, 2010](#)
- [Bethlehem Movie](#)

- [Highlands Council Approved Documents](#) (51 MB zip):

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

- [1 - Highlands Council Resolution 2010-12 Approval of Bethlehem Township Petition for Plan Conformance](#) (521 KB pdf) (posted previously)
- [1a - Highlands Final Consistency Review and Recommendations Report](#) (293 KB pdf) (posted 4/4/11)
- [1b - Highlands Implementation Plan and Schedule](#) (214 KB pdf) (posted 4/4/11)
- [2 - Highlands Municipal Build-Out Report](#) (1.32 MB pdf) (posted previously)
- [3 - Adopted Housing Element & Fair Share Plan May 2010](#) (656 KB pdf) (posted previously)
- [3a - Adopted Fair Share Appendices](#) (1.31 MB pdf) (posted previously)
- [4 - Highlands Environmental Resource Inventory](#) (15 MB pdf) (posted previously)
- [5 - Master Plan Highlands Element and Exhibits](#) (15 MB pdf) (posted previously)
- [6 - Highlands Area Land Use Ordinance](#) (973 KB pdf) (posted previously)
- [6a - Highlands Area Land Use Ordinance Exhibits](#) (18 MB pdf) (posted previously)

Final Posting Prior to Public Hearing

The documents below include all edits made prior to Highlands Council consideration of Bethlehem Township's Petition for Plan Conformance which is scheduled for the Council's 4 p.m. meeting on December 16, 2010.

- [Final Posting Prior to Public Hearing](#) (15.5 MB zip)
 - [1 - Final Consistency Review and Recommendations Report](#) (485 KB pdf)
 - [2 - Public Comments/Highlands Council Responses](#) (109 KB pdf)
 - [3 - Final Highlands Implementation Plan and Schedule](#) (179 KB pdf)
 - [4 - Highlands Element](#) (13.8 MB pdf)
 - [5 - Highlands Land Use Ordinance](#) (1.5 MB pdf)

Petition for Public Comment

Petition Posting for Public Comment (Public Comment Period: Nov. 17, 2010 - Dec. 3, 2010)

A public hearing for Bethlehem Township's Petition for Plan Conformance is scheduled for the Highlands Council meeting of December 16, 2010. The [public notice](#) for this hearing includes information on how to submit public comments.

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

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

- [Petition Posting for Public Comment](#) (49 MB zip)
 - [1 - Final Draft Consistency Review & Recommendations Report](#) (284 KB pdf)

Final Housing Plan Submittals:

- [2 - Adopted Housing Element and Fair Share Plan May 2010](#) (656 KB pdf)
- [2a - Fair Share Plan Appendices](#) (1.3 MB pdf)

Remaining Documents:

- [3 - Highlands ERI DRAFT November 2010](#) (15 MB pdf)

- 4 - Master Plan Highlands Element DRAFT November 2010 (15 MB pdf)
- [5 - Highlands Area Land Use Ordinance DRAFT November 2010](#) (725 KB pdf)
- [5a - Highlands Area Land Use Ordinance Exhibits](#) (18 MB pdf)
- [6 - Highlands Implementation Plan & Schedule](#) (432 KB pdf)

Previously Posted Documents

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

- Administrative Completeness Letters
 - [Completeness Letter dated March 16, 2010](#) (419 KB pdf)
 - [Completeness Letter dated February 8, 2010](#) (705 KB pdf)
- [Highlands Council Response Letter dated March 15, 2010 re Municipal RMP Update and/or Map Adjustment Request\(s\)](#) (1.1 MB pdf)
- [Municipal Petition for Plan Conformance](#) (50 MB zip)
 - [Petition Cover Letter](#) (497 KB pdf)
 - [Petition Submittal Checklist](#) (75 KB pdf)
 - [Preservation Area Resolution](#) (587 KB pdf)
 - [Planning Area Resolution](#) (398 KB pdf)
 - [General Correspondence - Letter from Lisa Specca, Clarke Caton Hintz](#) (95 KB pdf)
 - [Record of Public Involvement](#) (692 KB pdf)
 - [Current List of Planning/Regulatory Documents](#) (218 KB pdf)
 - Modules 1 and 2: See **Highlands Municipal Build-Out Report** below
 - Module 3:
 - [Affordable Housing Summary](#) (636 KB pdf)
 - [Prior Round Sites Consistency Reports](#) (28.1 MB pdf)
 - [Module 4 Highlands ERI](#) (16.3 MB pdf)
 - [Module 5 Master Plan Highlands Element](#) (81 KB pdf)
 - [Module 6 Highlands Land Use Ordinance](#) (1.1 MB pdf)
 - Module 7:
 - [Municipal Self-Assessment Report](#) (207 KB pdf)
 - [Municipal Self-Assessment Checklist](#) (81 KB pdf)
 - [Implementation Plan and Schedule](#) (87 KB pdf)
 - [RMP Updates](#) (838 KB pdf)
- Municipal Resolution: [Notice of Intent](#)
- Municipal Resolution: [COAH extension](#)
- [Initial Assessment Report](#)
- [Highlands Municipal Build-Out Report](#) (pdf)
 - [Supporting Documents](#) (25 MB zip)



RESOLUTION 2010-13
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF CALIFON, HUNTERDON COUNTY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Borough of Califon is located entirely within the Highlands Region, and contains approximately 632 acres, all of which are in the Preservation Area; and

RESOLUTION 2010-13
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WHEREAS, on December 8, 2009, Califon Borough submitted a Petition for Plan Conformance for all lands lying in the Preservation Area; and

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

WHEREAS, on July 28, 2010, the Executive Director provided Califon Borough with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

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

WHEREAS, on November 17, 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 documents 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 Califon Borough's Petition for Plan Conformance and provided an opportunity for public comment; and

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

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

WHEREAS, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by Califon Borough of its master plan and development regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands

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Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

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

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

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

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

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

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

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

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BE IT FURTHER RESOLVED, that Califon Borough 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 Califon Borough 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 Califon Borough's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of December, 2010.



Jack J. Schrier, Acting Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio		✓	✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach			✓			
Councilmember Letts	✓		✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			



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Califon Borough

The Highlands Council unanimously approved Califon Borough's Petition for Plan Conformance at its meeting on December 16, 2010.

- [Resolution](#)
- [Califon Borough Presentation](#)
- [Press Release](#)
- [Pictures](#)
- [Public Hearing: December 16, 2010](#)
- [Califon Borough Movie](#)
- [Petition Documents Approved by Highlands Council](#) (47 MB zip)

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

- - [1 - Highlands Council Resolution 2010-13 Approval of Califon Borough's Petition for Plan Conformance](#) (474 KB pdf) (posted previously)
 - [1a - Highlands Final Consistency Review and Recommendations Report](#) (317 KB pdf) (posted 3/7/11)
 - [1b - Highlands Implementation Plan and Schedule](#) (205 KB pdf) (posted 3/7/11)
 - [2 - Highlands Municipal Build-Out Report](#) (1.75 MB pdf) (posted previously)
 - [3 - Adopted Housing Element and Fair Share Plan](#) (19 MB pdf) (posted previously)
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 - [5 - Highlands Master Plan Element](#) (1.1 MB pdf) (posted previously)
 - [5a - Highlands Master Plan Element Exhibits](#) (7.5 MB pdf) (posted previously)
 - [6 - Highlands Area Land Use Ordinance](#) (1.14 MB pdf) (posted previously)
 - [6a - Highlands Area Land Use Ordinance Exhibits](#) (3.54 MB pdf) (posted previously)

Approved Plan Conformance Documents

The documents below are the final documents regarding Califon Borough's Petition for Plan Conformance, as approved by the Highlands Council at its December 16, 2010 meeting.

- [Final Approved Documents](#) (461 KB zip):
 - [1 - Approved Consistency Review and Recommendations Report](#) (317 KB pdf)
 - [2 - Approved Highlands Implementation Plan and Schedule](#) (206 KB pdf)

Petition for Public Comment

Final Posting Prior to Public Hearing

The documents below include all edits made prior to Highlands Council consideration of Califon Borough's Petition for Plan Conformance which is scheduled for the Council's 4 p.m. meeting on December 16, 2010.

- [Final Posting Prior to Public Hearing](#) (743 KB zip)
 - [1 - Final Consistency Review and Recommendations Report](#) (431 KB pdf)
 - [2 - Public Comments/Highlands Council Responses](#) (156 KB pdf)
 - [3 - Final Highlands Implementation Plan and Schedule](#) (222 KB pdf)

Petition Posting for Public Comment (Public Comment Period: Nov. 17, 2010 - Dec. 3, 2010)

A public hearing for Califon Borough's Petition for Plan Conformance is scheduled for the Highlands Council meeting of December 16, 2010. The [public notice](#) for this hearing includes information on how to submit public comments.

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

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

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Final Housing Plan Submittals:

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 - [4 - Master Plan Highlands Element DRAFT November 2010](#) (605 KB pdf)
 - [4a - Master Plan Highlands Element Exhibits November 2010](#) (7 MB pdf)
 - [5 - Highlands Area Land Use Ordinance DRAFT November 2010](#) (854 KB pdf)
 - [5a - Highlands Area Land Use Ordinance Exhibits](#) (3 MB pdf)
 - [6 - Highlands Implementation Plan & Schedule](#) (221 KB pdf)

Previously Posted Documents

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

- [Administrative Completeness Letter](#) (551 KB pdf)
- [Municipal Petition for Plan Conformance](#) (31 MB zip)
 - [Petition Cover Letter](#) (95 KB pdf)
 - [Petition Submittal Checklist](#) (109 KB pdf)
 - [Preservation Area Resolution](#) (344 KB pdf)
 - [Record of Public Involvement](#) (4.6 MB pdf)
 - [Current List of Planning/Regulatory Documents](#) (60 KB pdf)
 - Modules 1 and 2: See **Highlands Municipal Build-Out Report** below
 - Module 3
 - [Affordable Housing Summary](#) (2.9 MB pdf)
 - [Module 4 Highlands ERI](#) (5.2 MB pdf)
 - [Module 5 Master Plan Highlands Element](#) (8.7 MB pdf)
 - [Module 6 Highlands Land Use Ordinance](#) (9.4 MB pdf)
 - Module 7
 - [Municipal Self-Assessment Report](#) (423 KB pdf)
 - [Municipal Self-Assessment Checklist](#) (151 KB pdf)
 - [Implementation Plan and Schedule](#) (171 KB pdf)
- Municipal Resolution: [Notice of Intent](#)
- Municipal Resolution: [COAH extension](#)
- [Initial Assessment Grant Report](#)
- MP3 Grant Report: [Wastewater Alternatives](#)
- [Highlands Municipal Build-Out Report](#) (pdf)
 - [Supporting Documents](#) (15.5 MB zip)



RESOLUTION 2010-14
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF MAHWAH, BERGEN COUNTY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION 2010-14
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE TOWNSHIP OF MAHWAH, BERGEN COUNTY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, in the Township of Mahwah 9,687 acres are in the Preservation Area and 7,082 acres are in the Planning Area; and

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

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

WHEREAS, on June 8, 2010, the Executive Director provided Mahwah Township with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

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

WHEREAS, on November 17, 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 documents 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, the Highlands Council accepts the recommendation of the Executive Director as stated in the Final Consistency Review and Recommendations Report; and

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

WHEREAS, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by Mahwah Township of its master plan and development

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regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

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

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

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

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

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

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

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

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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THE TOWNSHIP OF MAHWAH, BERGEN COUNTY


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 Mahwah Township 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 Mahwah Township 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 Mahwah Township's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of December, 2010.



Jack J. Schrier, Acting Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach	✓		✓			
Councilmember Letts		✓	✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			



New Jersey Highlands Council

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Mahwah Township

Mahwah Township in Bergen County has 9,481 acres in the Preservation Area and 7,083 acres in the Planning Area of the Highlands Region. The municipality submitted a Petition for Plan Conformance for both areas, which was approved by the Highlands Council on December 16, 2010. This page contains links to documents related to the Township's conformance with the Highlands Regional Master Plan.

Note: For faster downloads, right-click on a file and select "Save Target As..." to save to your computer. The Highlands Council unanimously approved Mahwah Township's Petition for Plan Conformance at its meeting on December 16, 2010.

Petition for Plan Conformance

Materials from Public Hearing

- [Resolution](#)
- [Mahwah Township Presentation](#)
- [Press Release](#)
- [Pictures](#)
- [Public Hearing: December 16, 2010](#)
- [Mahwah Movie](#)

Council Approved Documents

- All documents listed below as one compressed file: [Petition Documents Approved by Highlands Council](#) (38 MB zip)
- Individual documents:
 - [Highlands Council Resolution 2010-14 Approval of Mahwah Township's Petition for Plan Conformance](#) (327 KB pdf)
 - [Highlands Final Consistency Review and Recommendations Report](#) (387 KB pdf)
 - [Highlands Implementation Plan and Schedule](#) (171 KB pdf)
 - [Highlands Municipal Build-Out Report](#) (2.03 MB pdf)
 - [Adopted Housing Element and Fair Share Plan](#) (2.97 MB pdf)
 - [Highlands Environmental Resource Inventory](#) (4.4 MB pdf)
 - [Highlands Master Plan Element](#) (6.24 MB pdf)
 - [Highlands Area Land Use Ordinance](#) (1.17 MB pdf)
 - [Highlands Area Land Use Ordinance Exhibits](#) (23 MB pdf)

Final Posting Prior to Public Hearing

The documents below include all edits made prior to Highlands Council consideration of Mahwah Township's Petition for Plan Conformance.

- All documents listed below as one compressed file: [Final Posting Prior to Public Hearing](#) (470 KB zip)
- Individual documents:
 - [Final Consistency Review and Recommendations Report](#) (396 KB pdf)
 - [Public Comments/Highlands Council Responses](#) (121 KB pdf)

Petition for Public Comment

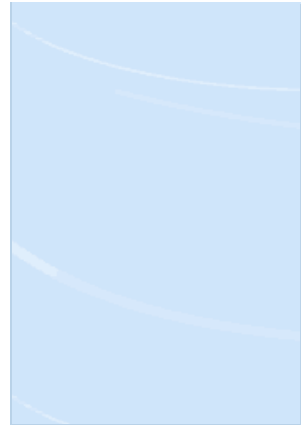
A public comment period was held from November 17 through December 3, 2010 and announced by [public notice](#). Comments received and Highlands Council responses are included in the Comment/Response document in the section above. The following documents constitute the municipality's final submission to the Highlands Council and include the Final Draft Consistency Review and Recommendations Report prepared by Highlands Council staff for Highlands Council consideration of the full Petition.

- All documents listed below as one compressed file: [Petition Posting for Public Comment](#) (77 MB zip)
- Individual documents:
 - [Final Draft Consistency Review and Recommendations Report](#) (236 KB pdf)
 - Final Housing Plan Submittals:
 - [Adopted Housing Element and Fair Share Plan May 2010](#) (3 MB pdf)
 - Remaining Documents:
 - [Highlands ERI DRAFT November 2010](#) (21.3 MB pdf)
 - [Master Plan Highlands Element DRAFT November 2010](#) (29.8 MB pdf)
 - [Highlands Area Land Use Ordinance DRAFT November 2010](#) (1.1 MB pdf)
 - [Highlands Area Land Use Ordinance Exhibits](#) (26 MB pdf)
 - [Highlands Implementation Plan & Schedule](#) (176 KB pdf)

Administratively Complete Petition for Plan Conformance

The following documents comprise all required components of the municipal Petition for Plan Conformance, which was deemed administratively complete by the Highlands Council. ([Administrative Completeness Letter](#)).

- All documents listed below as one compressed file: [Municipal Petition for Plan Conformance](#) (17 MB zip)
- Individual documents:
 - [Petition Cover Letter](#) (41 KB pdf)
 - [Petition Submittal Checklist](#) (69 KB pdf)
 - [Preservation Area Resolution](#) (80 KB pdf)
 - [Planning Area Resolution](#) (135 KB pdf)
 - [Record of Public Involvement](#) (1.5 MB pdf)
 - [Current List of Planning/Regulatory Documents](#) (14 KB pdf)
 - Modules 1 and 2: See **Highlands Municipal Build-Out Report** below



- Module 3:
 - [Affordable Housing Summary](#) (1 MB pdf)
- [Module 4 Highlands ERI](#) (4.3 MB pdf)
- [Module 5 Master Plan Highlands Element](#) (6.2 MB pdf)
- [Module 6 Highlands Land Use Ordinance](#) (3.4 MB pdf)
- Module 7
 - [Municipal Self-Assessment Report](#) (193 KB pdf)
 - [Municipal Self-Assessment Checklist](#) (606 KB pdf)
 - [Implementation Plan and Schedule](#) (81 KB pdf)

Supporting Documents

- Municipal Resolution: [Notice of Intent](#) (pdf)
- Municipal Resolution: [COAH extension](#) (pdf)
- [Initial Assessment Grant Report](#) (pdf)
- [Highlands Municipal Build-Out Report](#) (pdf)
 - [Supporting documents \(33 MB zip\)](#)



RESOLUTION 2010-15
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF GLEN GARDNER, HUNTERDON COUNTY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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THE BOROUGH OF GLEN GARDNER, HUNTERDON COUNTY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Borough of Glen Gardner is located entirely within the Highlands Region, and contains approximately 998 acres, all of which are in the Preservation Area; and

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WHEREAS, on December 7, 2009, Glen Gardner Borough submitted a Petition for Plan Conformance for all lands lying in the Preservation Area; and

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

WHEREAS, on July 1, 2010, the Executive Director provided Glen Gardner Borough with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

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

WHEREAS, on November 17, 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 documents 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 Glen Gardner Borough's Petition for Plan Conformance and provided an opportunity for public comment; and

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

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

WHEREAS, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by Glen Gardner Borough of its master plan and development regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands

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Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

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

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

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

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

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

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

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

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
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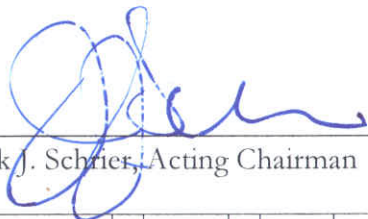
consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

BE IT FURTHER RESOLVED, that Glen Gardner Borough 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 Glen Gardner Borough 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 Glen Gardner Borough's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of December, 2010.



Jack J. Schrier, Acting Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio		✓	✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach	✓		✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			



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Glen Gardner Borough

The Highlands Council unanimously approved Glen Gardner Borough's Petition for Plan Conformance at its meeting on December 16, 2010.

- [Resolution](#) (pdf)
- [Press Release](#) (pdf)
- [Glen Gardner Presentation](#) (pdf)
- [Pictures](#) (pdf)
- [Public Hearing: December 16, 2010](#)
- [Glen Gardner Movie](#)
- [Petition Documents Approved by Highlands Council](#) (35 MB zip)

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

- [1 - Highlands Council Resolution 2010-15 Approval of Glen Gardner Borough's Petition for Plan Conformance](#) (495 KB pdf) (posted previously)
- [1a - Highlands Final Consistency Review and Recommendations Report](#) (346 KB pdf) (posted 3/7/11)
- [1b - Highlands Implementation Plan and Schedule](#) (169 KB pdf) (posted 3/7/11)
- [2 - Highlands Municipal Build-Out Report](#) (2.02 MB pdf) (posted previously)
- [3 - Adopted Housing Element and Fair Share Plan](#) (115 KB pdf) (posted previously)
- [4 - Highlands Environmental Resource Inventory](#) (8.17 MB pdf) (posted previously)
- [5 - Highlands Master Plan Element](#) (1.27 MB pdf) (posted previously)
- [5a - Highlands Master Plan Element Exhibits](#) (7.87 MB pdf) (posted previously)
- [6 - Highlands Area Land Use Ordinance](#) (1.06 MB pdf) (posted previously)
- [6a - Highlands Area Land Use Ordinance Exhibits](#) (6.07 MB pdf) (posted previously)

Approved Plan Conformance Documents

The documents below are the final documents regarding Glen Gardner Borough's Petition for Plan Conformance, as approved by the Highlands Council at its December 16, 2010 meeting.

- [Final Approved Documents](#) (455 KB zip)
 - [1 - Approved Consistency Review and Recommendations Report](#) (346 KB pdf)
 - [2 - Approved Highlands Implementation Plan and Schedule](#) (197 KB pdf)

Petition for Plan Conformance

Final Posting Prior to Public Hearing

The documents below include all edits made prior to Highlands Council consideration of Glen Gardner Borough's Petition for Plan Conformance which is scheduled for the Council's 4 p.m. meeting on December 16, 2010.

- [Final Posting Prior to Public Hearing](#) (742 KB zip)
 - [1 - Final Consistency Review and Recommendations Report](#) (430 KB pdf)
 - [2 - Public Comments/Highlands Council Responses](#) (167 KB pdf)
 - [3 - Final Highlands Implementation Plan and Schedule](#) (206 KB pdf)

Petition Posting for Public Comment (Public Comment Period: Nov. 17, 2010 - Dec. 3, 2010)

A public hearing for Glen Gardner Borough's Petition for Plan Conformance is scheduled for the Highlands Council meeting of December 16, 2010. The [public notice](#) for this hearing includes information on how to submit public comments.

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

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

- [Petition Posting for Public Comment](#) (30 MB zip)
 - [1 - Final Draft Consistency Review & Recommendations Report](#) (376 KB pdf)

Final Housing Plan Submittals:

 - [2 - Adopted Housing Element and Fair Share Plan June 2010](#) (10.8 MB pdf)

Remaining Documents:

 - [3 - Highlands ERI DRAFT November 2010](#) (6.5 MB pdf)
 - [4 - Master Plan Highlands Element DRAFT November 2010](#) (861 KB pdf)
 - [4a - Master Plan Highlands Element Exhibits November 2010](#) (6.4 MB pdf)
 - [5 - Highlands Area Land Use Ordinance DRAFT November 2010](#) (778 KB pdf)
 - [5a - Highlands Area Land Use Ordinance Exhibits](#) (6.2 MB pdf)
 - [6 - Highlands Implementation Plan & Schedule](#) (176 KB pdf)

Previously Posted Documents

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

- [Administrative Completeness Letter](#) (542 KB pdf)
- [Municipal Petition for Plan Conformance](#) (24 MB zip)
 - [Petition Cover Letter](#) (62 KB pdf)
 - [Petition Submittal Checklist](#) (109 KB pdf)
 - [Preservation Area Resolution](#) (65 KB pdf)
 - [Record of Public Involvement](#) (589 KB pdf)
 - [Current List of Planning/Regulatory Documents](#) (130 KB pdf)
 - Modules 1 and 2: See **Highlands Municipal Build-Out Report** below
 - Module 3
 - [Affordable Housing Summary](#) (1 MB pdf)
 - [Module 4 Highlands ERI](#) (5.7 MB pdf)
 - [Module 5 Master Plan Highlands Element](#) (8.3 MB pdf)
 - [Module 6 Highlands Land Use Ordinance](#) (5.6 MB pdf)
 - Module 7
 - [Municipal Self-Assessment Report](#) (403 KB pdf)
 - [Municipal Self-Assessment Checklist](#) (185 KB pdf)
 - [Implementation Plan and Schedule](#) (171 KB pdf)
 - Supporting Materials - [Color Exhibits for Modules 4 and 5](#) (1.5 MB pdf)
- Municipal Resolution: [Notice of Intent](#) (pdf)
- Municipal Resolution: [COAH extension](#) (pdf)
- [Initial Assessment Report](#) (pdf)
- [Highlands Municipal Build-Out Report](#) (pdf)
 - [Supporting Documents](#) (24 MB zip)



RESOLUTION 2010-16
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE COUNTY OF PASSAIC, STATE OF NEW JERSEY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where counties, located wholly or partially in the Preservation Area, must revise and conform their county master plan and associated 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 county with lands in the Planning Area may voluntarily revise and conform their county master plans and associated 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, pursuant to Sections 14 and 15 of the Highlands Act, the Highlands Council shall approve, reject, or approve with conditions the revised plan and associated regulations, as it deems appropriate, after public hearing, within 60 days after the date of submission thereof; and

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

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

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

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse counties 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 counties 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 \$50,000 allocation for each individual county for Basic Plan Conformance; and

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

WHEREAS, as directed, the Executive Director developed the Plan Conformance Grant Program, a program that splits Plan Conformance into the following tasks for administering the authorized grant funding: Task A: Environmental Resource Inventory, Task B: Highlands Element for County Master Plans, Task C: Highlands Regulations for Development of County Lands and Facilities, and Task D: County Petition for Plan Conformance; and

WHEREAS, in the County of Passaic 78,789 acres are in the Preservation Area and 5,063 acres are in the Planning Area; and

WHEREAS, on January 11, 2010, Passaic County submitted a Petition for Plan Conformance including one resolution for all lands lying in the Preservation Area; and

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WHEREAS, on April 26, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on April 29, 2010, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, on August 2, 2010, the Executive Director provided Passaic County with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

WHEREAS, the Executive Director provided Passaic County with a deliberative county response period allowing Passaic County to review and respond to the Draft Consistency Review and Recommendations Report; and

WHEREAS, on November 17, 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 documents 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 Passaic County's Petition for Plan Conformance and provided an opportunity for public comment; and

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

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

WHEREAS, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act, and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until one (1) year after the Highlands Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

WHEREAS, the Plan Conformance Guidelines provides that no amendment to any master plan or development regulations applicable to the development and use of land in Passaic County shall be

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APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE COUNTY OF PASSAIC, STATE OF NEW JERSEY

effective until Passaic County has submitted such amendment to the Highlands Council and such amendment has been found by the Council to be in conformance with the Regional Master Plan, or the Executive Director has notified Passaic County that such amendment does not affect the Highlands Council's prior finding of Plan Conformance; and

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that Passaic County 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 Passaic County remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

RESOLUTION 2010-16

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE COUNTY OF PASSAIC, STATE OF NEW JERSEY

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of December, 2010.



Jack J. Schrier, Acting Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway		✓	✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Richko	✓		✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			

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

The Highlands Council approved Passaic County's Petition for Plan Conformance at its meeting on December 16, 2010.

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

- [Resolution](#)
- [Press Release](#)
- [Passaic County Presentation](#)
- [Pictures](#)
- [Public Hearing: December 16, 2010](#)
- [Passaic County Movie](#)
- [Highlands Council Approved Documents](#) (62 MB zip):

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

- [1 - Highlands Council Resolution 2011-4 Approval of Passaic County's Petition for Plan Conformance](#) (296 KB pdf) (posted previously)
- [1a - Highlands Final Consistency Review and Recommendations Report](#) (277 KB pdf) (posted 3/3/11)
- [1b - Highlands Implementation Plan and Schedule](#) (161 KB pdf) (posted 3/3/11)
- [2 - Highlands Environmental Resource Inventory](#) (439 KB pdf) (posted previously)
- [2a - Highlands ERI Exhibits](#) (17 MB pdf) (posted 3/3/11)
- [3 - Highlands Master Plan Element](#) (497 KB pdf) (posted 3/3/11)
- [3a - Highlands Master Plan Element Exhibits](#) (29 MB pdf) (posted 3/3/11)
- [4 - Highlands Lands and Facilities Regulations](#) (590 KB pdf) (posted 3/3/11)
- [4a - Highlands Regulations Exhibits](#) (20 MB pdf) (posted previously)
- [5 - Highlands Land Development Resolution](#) (121 KB pdf) (posted previously)

Petition for Plan Conformance**Final Posting Prior to Public Hearing**

The documents below include all edits made prior to Highlands Council consideration of Passaic County's Petition for Plan Conformance which is scheduled for the Council's 4 p.m. meeting on December 16, 2010.

- [Final Posting Prior to Public Hearing](#) (238 KB zip)
 - [1 - Final Consistency Review and Recommendations Report](#) (192 KB pdf)
 - [2 - Public Comments/Highlands Council Responses](#) (65 KB pdf)

Petition Posting for Public Comment (Public Comment Period: Nov. 17, 2010 - Dec. 3, 2010)

A public hearing for Passaic County's Petition for Plan Conformance is scheduled for the Highlands Council meeting of December 16, 2010. The [public notice](#) for this hearing includes information on how to submit public comments.

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

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

- [Petition Posting for Public Comment](#) (43 MB zip)
 - [1 - Final Draft Consistency Review & Recommendations Report](#) (232 KB pdf)
 - Task A:
 - [2 - Highlands ERI November 2010](#) (726 KB pdf)
 - [2a - Highlands ERI Exhibits](#) (17 MB)
 - Task B:
 - [3 - Master Plan Highlands Element November 2010](#) (497 KB pdf)
 - [3a - Highlands Element Exhibits](#) (29 MB pdf)
 - Task C:
 - [4 - Land & Facilities Regulations November 2010](#) (727 KB pdf)
 - [5 - Land Development Resolution November 2010](#) (82 KB pdf)
 - Task D:
 - [6 - Highlands Implementation Plan & Schedule November 2010](#) (153 KB pdf)

Previously Posted Documents

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

- Administrative Completeness Letter:

[Completeness Letter dated April 26, 2010](#) (352 KB pdf)

- [Completeness Letter dated February 8, 2010](#) (822 KB pdf)

- [Highlands Council Response Letter Dated March 31, 2010 re Municipal RMP Update and/or Map Adjustment Request\(s\)](#) (2.1 MB pdf)

- [Petition for Plan Conformance](#) (59 MB zip)

- [Petition Cover Letter](#) (34 KB pdf)

- [Petition Submittal Checklist](#) (64 KB pdf)

- [Preservation Area Resolution](#) (177 KB pdf)

- [Current List of Planning/Regulatory Documents](#) (66 KB pdf)

- [Task A Highlands ERI](#) (10.2 MB pdf)

- [Task B Master Plan Highlands Element](#) (30.1 MB pdf)

- Task C:

- [Highlands Regulations](#) (20.8 MB pdf)

- [Land Development Resolution](#) (87 KB pdf)

- Task D:

- [County Self-Assessment Report](#) (24 KB pdf)

- [County Self-Assessment Checklist](#) (72 KB pdf)

- [Implementation Plan and Schedule](#) (74 KB pdf)

- [RMP Updates](#) (33 KB pdf)

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New Jersey Highlands Council

100 North Road

Chester, NJ 07930

908-879-6737

RESOLUTION 2010-17
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ANNUAL MEETING SCHEDULE FOR 2011

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 Open Public Meetings Act directs public bodies to give adequate written advance notice of regular meetings and to establish and post an annual schedule of regular public meetings; 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

1. The Highlands Council hereby adopts the following schedule of regularly scheduled meetings of the Highlands Council for the year 2011:

January 20, 10 a.m.
February 17, 1 p.m.
March 17, 4 p.m.
April 21, 10 a.m.
May 19, 1 p.m.
June 16, 4 p.m.
July 21, 10 a.m.
August 18, 1 p.m.
September 15, 4 p.m.
October 13, 1 p.m.
November 10, 10 a.m.
December 15, 4 p.m.

2. The Highlands Council's regular public meetings shall be held at the dates and times noted above at its office at 100 North Road, Chester, New Jersey, with the understanding that the Council may choose to make changes in location or time, but only with the provision of adequate advance public notice; and

3. The above schedule of regular public meetings, which may be amended and revised by the Executive Director as appropriate, shall be posted at the Highlands Council's office and on its web site.

RESOLUTION 2010-17
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ANNUAL MEETING SCHEDULE FOR 2011

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of December, 2010.



Jack J. Schrier, Acting Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach		✓	✓			
Councilmember Letts	✓		✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			

Bethlehem Township Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



Bethlehem Township Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



From left: Bethlehem Township Planners Carl Hintz and Lisa Specca; Bethlehem Township Deputy Mayor John Graefe; Highlands Council Acting Chairman Jack Schrier; and James Hutzelmann, Highlands Council liaison to Bethlehem Township.

Bethlehem Township Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



Bethlehem Township Deputy Mayor John Graefe addresses the Highlands Council during the December 16th meeting.

Bethlehem Township Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



HIGHLANDS REGIONAL



MASTER PLAN
2008

Highlands Council Meeting

December 16, 2010

Photos by Nathan McLean / New Jersey Highlands Council



Califon Borough Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



Califon Borough Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



From left: Christine Danis, Highlands Council liaison to Califon Borough; Califon Borough Planning Board Chairman Bruce Morrow; Califon Mayor Charles Daniel; Califon Planners Elizabeth McKenzie and Caroline Armstrong; Highlands Council Acting Chairman Jack Schrier; and Highlands Council Executive Director Eileen Swan.

Califon Borough Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



From left: Highlands Council Executive Director Eileen Swan speaks with Califon Borough Planning Board Chairman Bruce Morrow and Califon Borough Mayor Charles Daniel prior to the start of the December 16th meeting.

Califon Borough Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



HIGHLANDS REGIONAL



MASTER PLAN
2008

Photos by Nathan McLean / New Jersey Highlands Council

Highlands Council Meeting

December 16, 2010



Mahwah Township Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



Mahwah Township Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



From left: Highlands Council staff member Maryjude Haddock-Weiler, liaison to Mahwah Township; Highlands Council Acting Chairman Jack Schrier; and Highlands Council Executive Director Eileen Swan.

Mahwah Township Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



From left: Highlands Council members Mimi Letts, former Mayor of Parsippany-Troy Hills; Robert Holtaway, Mayor of Bedminster; and Janice Kovach, former Clinton Town Council member, prior to the start of the December 16th meeting.

Mahwah Township Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



HIGHLANDS REGIONAL



MASTER PLAN
2008

Highlands Council Meeting

December 16, 2010

Photos by Nathan McLean / New Jersey Highlands Council



Glen Gardner Borough Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



Glen Gardner Borough Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



From left: Christine Danis, Highlands Council liaison to Glen Gardner Borough; Glen Gardner Borough Mayor Stanley Kovach; Highlands Council Acting Chairman Jack Schrier; and Highlands Council Executive Director Eileen Swan.

Glen Gardner Borough Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



From left: Dr. Daniel Van Abs, Highlands Council Senior Director of Planning and Science, speaks with Glen Gardner Mayor Stanley Kovach prior to the December 16th meeting.

Glen Gardner Borough Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



HIGHLANDS REGIONAL



MASTER PLAN
2008

Photos by Nathan McLean / New Jersey Highlands Council

Highlands Council Meeting

December 16, 2010



Passaic County Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



PASSAIC COUNTY BOARD OF CHOSEN FREEHOLDERS

TAHESHA WAY, ESQ.

Freeholder Director

BRUCE JAMES

Deputy Director

TERRY DUFFY

JAMES GALLAGHER

GREYSON HANNIGAN, ESQ.

PAT LEPORE

SONIA ROSADO

PASSAIC COUNTY PLANNING DEPARTMENT

80 Years of Planning

1929—2009

Investing in the Future: Open Space

The Passaic County Open Space and Farmland Preservation Trust Fund is designed to facilitate the acquisition of open space within the County for preservation, as well as to fund redevelopment of parks, through a designated levy on real property.

Two questions were added to the November 5, 1996 Ballot: an Open Space and Park Improvement Fund referendum and an Open Space Acquisition referendum. Both were approved by voters, and ultimately consolidated.

The Passaic County Freeholders adopted a resolution on September 3, 1997 establishing an Advisory Committee for the pro-

gram. In order to generate revenues to fund the program, a resolution was adopted on February 3, 1999 authorizing the implementation of an "Open Space Tax."

A recommendation was made for the tax rate for the calendar year 1999 to be fixed at 1 cent per \$100 of assessed value.

Studies have shown that proximity to open space and parkland increases property values, while costs in terms of municipal services are relatively insignificant.

Since 2001, the Open Space Trust Fund has amassed approxi-



GREAT FALLS OF THE PASSAIC RIVER

mately \$35 million and has helped to preserve nearly 2,000 acres; in addition, the trust has funded improvements to numerous municipal and county parks.

Passaic County Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



From left: Judy Thornton, Highlands Council Liaison to Passaic County; Passaic County Senior Planner Michael Lysicatos; Passaic County Open Space Coordinator Kathleen Caren; Highlands Council Acting Chairman Jack Schrier; and Highlands Council Executive Director Eileen Swan.

Passaic County Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)



From left: Passaic County Open Space Coordinator Kathleen Caren and Passaic County Senior Planner Michael Lysicatos at the December 16th Highlands Council meeting.

Passaic County Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)

The Changing Geography of Passaic County



At the time of the American Revolution, Passaic County was actually part of Bergen and Essex counties, with the Passaic River forming a natural boundary between the two counties.

Named after the river which powered the factories of the American Industrial Revolution, Passaic County was formed in 1837, and was made up of seven towns.

Today, the sixteen towns of Passaic County represent a geographic cross section of New Jersey, from the historic cities of Paterson and Passaic, to rural West Milford and Ringwood.

PASSAIC COUNTY PLANNING BOARD Chairman THOMAS WILLIAMSON, Vice Chairman MIGUEL DIAZ, Freeholder Director TANESHA WAY, Deputy Director BRUCE JAMES, Freeholder TERRY DUFFY, STEVEN EDMOND, STEPHEN MARTINIQUE, JOSEPH MELTZER, VINCENT OLIVO, LYNDA WILSON, WILLIAM GERVENS

(Courtesy: Passaic County Website <http://www.passaiccountynj.org/>)

Passaic County Petition for Plan Conformance

Highlands Council (Chester Township, N.J. – December 16, 2010)

in turn spurred other redevelopment projects in the area.

In June 2005, the Board of Chosen Freeholders, on the recommendation of the County Planning Board, adopted a Corridor Enhancement Program to allow for small-scale improvement

placed in Passaic County by the New Jersey Commission on Historic Sites in 1932. Corridor Enhancement fees will also be used to fund improvements of the intersection of Paterson-Hamburg Turnpike and Valley Road.

Current Planning Efforts in Passaic County

TRANSIT-ORIENTED DEVELOPMENT

Madison Avenue Rail-Corridor Study

SUSTAINABLE LAND-USE PLANNING

*Transportation Element Update of
Passaic County Master Plan*

HISTORIC PRESERVATION

*Restoration of NJ Historic Markers
Commemorating Revolutionary War Events*

GEOGRAPHIC INFORMATION SYSTEM

(GIS) MAPPING

GIS Resources Website

PLAN REVIEW

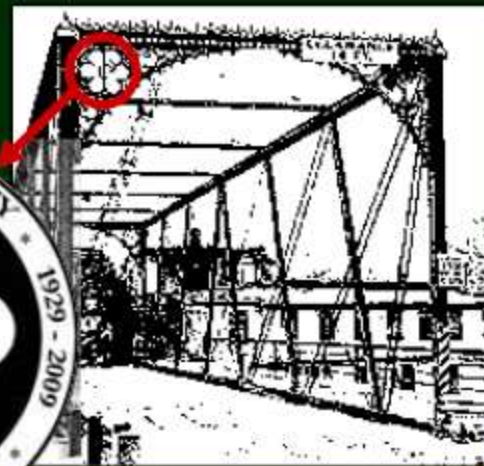
County Urban Design Guidelines

URBAN DESIGN VISIONING

Hamilton Street & Court House Plaza

ENVIRONMENTAL PLANNING

*Molly Ann Brook Watershed
Management Plan*



FORMER LINCOLN STREET BRIDGE,
PATERSON

Anniversary Logo

The "PC" Monogram Design for our 80th Anniversary Logo was inspired by the beautiful iron work on the former Lincoln Street Bridge over the Passaic River in Paterson. It represents excellence in design and pride in the past with an eye to the future.

The Passaic County Planning Department would like to extend a Special Thanks to all officials and employees, past and present, who contributed to 80 years of Planning in Passaic County.

(Courtesy: Passaic County Website <http://www.passaiccountynj.org/>)

HIGHLANDS REGIONAL



MASTER PLAN
2008

Photos by Nathan McLean / New Jersey Highlands Council

Highlands Council Meeting

December 16, 2010





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



JACK J. SCHRIER
Acting Chairman

EILEEN SWAN
Executive Director

Contact: Craig Garretson, Manager of Communications
(908) 879-6737 ext. 108 or craig.garretson@highlands.state.nj.us

FOR IMMEDIATE RELEASE
December 16, 2010

Four More Towns, First County Approved For Conformance with Highlands Plan

CHESTER, N.J. – Today, at its sixth anniversary meeting, the New Jersey Highlands Water Protection and Planning Council continued its implementation of the Highlands Regional Master Plan by unanimously approving Petitions for Plan Conformance from four more municipalities. In addition, the Council approved a Conformance petition from Passaic County, the first Highlands County to be approved. The municipalities approved today are Mahwah Township in Bergen County, and Bethlehem Township, Califon Borough and Glen Gardner Borough in Hunterdon County.

In addition to these four, the Highlands Council previously approved Byram Township in Sussex County, Chester Township in Morris County, and Hampton Borough and Lebanon Borough in Hunterdon County.

“The Highlands Council and our partner municipalities are moving forward with more speed and efficiency,” Highlands Council Acting Chairman Jack Schrier said. “With each meeting we streamline the process, and are ready to move even more swiftly in 2011. In fact, we anticipate approving several additional towns at our January meeting.”

Fifty-nine of the 88 Highlands municipalities have submitted conformance petitions to the Highlands Council. These petitions include a great amount of detailed analysis of critical planning data and model ordinances and Master Plan elements to implement future planning. As of today, eight of these petitioning municipalities have been approved as “conforming” by the Highlands Council, with several more municipalities expected to be voted on at next month’s meeting.

Mahwah Township has 9,478 acres in the Preservation Area, where conformance to the Regional Master Plan is mandatory, and 7,067 acres in the Planning Area, where conformance is voluntary. The municipality petitioned to conform to the Regional Master Plan for both areas. Bethlehem

December 16, 2010

Page 2

Township also opted to conform for its 1,141-acre Planning Area in addition to its 12,147 acres in the Preservation Area. Califon Borough, with 629 acres, and Glen Gardner Borough, 991 acres, are entirely in the Preservation Area. The eight conforming municipalities total 66,180 acres, with 54,118 acres in the Preservation Area and 12,063 acres in the Planning Area.

“It is critical to note that the Highlands Council has developed a model partnership with municipalities so that the data gathered for capacity-based planning has been verified by the municipality’s professionals,” Highlands Council Executive Director Eileen Swan said. “The success of the implementation to date is a reflection of the relationships forged between the municipalities and the regional planning agency.”

More information about the municipal petitions approved today can be found on the Highlands Council website:

Bethlehem Township:

http://www.highlands.state.nj.us/njhighlands/planconformance/bethlehem_twp.html

Califon Borough:

http://www.highlands.state.nj.us/njhighlands/planconformance/califon_boro.html

Glen Gardner Borough:

<http://www.highlands.state.nj.us/njhighlands/planconformance/glengardner.html>

Mahwah Township:

<http://www.highlands.state.nj.us/njhighlands/planconformance/mahwah.html>

Passaic County’s Petition for Plan Conformance was the first County Petition to be considered by the Highlands Council. All seven Highlands counties are required by law to conform to the Regional Master Plan for their Preservation Area lands. The Passaic Petition was for its Preservation Area portion (Passaic County, which has 126,940 acres in total, has 83,852 acres in the Highlands Region; 78,789 acres, or 94 percent, are in the Preservation Area). Under the Highlands Act, counties are required to conform to the Regional Master Plan primarily concerning the development of county-owned lands and facilities. Passaic County has been a leader in county Plan Conformance and the Highlands Council today praised them for their work in preservation and comprehensive planning, which led to a streamlined process to conformance.

More information about Passaic County’s Petition for Plan Conformance can be found on the Highlands Council website at:

http://www.highlands.state.nj.us/njhighlands/planconformance/passaic_county.html

Today’s actions by the Highlands Council do not take effect until 10 business days after a copy of the minutes of the meeting have been delivered to the Governor to allow time for his review and consideration.