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MEMORANDUM

To: Natural Resources Committee
Highlands Water Protection and Planning Council

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

Date: September 14, 2007

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|--------------------------|---|
| Re: Application Type: | <i>Proposed Amendment to Upper Raritan and Northeast WQMP</i> |
| Name: | <i>Heritage Village 55</i> |
| Municipality: | <i>Randolph Twp.</i> |
| County: | <i>Morris</i> |
| Highlands Act Area: | <i>Planning Area</i> |
| LUCM Location: | <i>Protection Zone</i> |
| Property: | <i>Block 49, former Lots 4 & 6</i> |
| Proposed Use: | <i>Age-restricted housing</i> |
| Nearest Waterway (Name): | <i>India Brook</i> |
| Wastewater: | <i>Proposed new discharge to ground water</i> |
| Water: | <i>Municipal Water Utility: Randolph Twp. Municipal Utility Authority Water Supply: MCMUA</i> |

1.0 PROJECT DESCRIPTION

This is a proposed amendment to the Upper Raritan and Northeast Water Quality Management Plan (WQMP) through the Rockaway Valley Regional Sewerage Authority Wastewater Management Plan (WMP) to allow for construction of the proposed Heritage Village 55, an age-restricted residential development on Block 49, former Lots 4 & 6 (subdivided into numerous lots) within Randolph Township, Morris County. The project was granted final site plan and subdivision approval by the local planning board on April 7, 2003. The development is proposing a dedicated onsite wastewater treatment system that will discharge to ground water via sub-surface disposal fields. The projected wastewater flow for this facility is 5,270 gallons per day.

The proposed project site encompasses 19.2 acres and is situated at the intersection of Calais Road and Edgewood Road, bounded to the north by Calais Road and to the east by India Brook. The proposed development consists of 31 two-bedroom units, local roads and associated infrastructure. The proposed amendment would designate 8.35 acres of the project property to accommodate wastewater treatment facilities for Heritage Village 55 sewer service area.

The Heritage Village 55 wastewater management plan review is the result of an analysis of infrastructure capacity and the extent of environmentally sensitive resources. This review is based upon the standards and policies set forth in the draft Highland Regional Master Plan (draft RMP).

2.0 ANALYSIS AND RECOMMENDATIONS

Analysis

The Highlands Council staff has identified instances where the Heritage Village 55 proposed development and sewer service area are inconsistent with the goals, requirements, and provisions of the draft RMP. These conflicts are discussed below:

Environmentally Sensitive Lands within the Proposed Development Footprint

The Highlands Council staff identified the presence of environmentally sensitive lands in the proposed service area whose development or alteration is inconsistent with the draft RMP. The project includes the proposed disturbance of Highlands Open Water Protection Areas within 300 ft of the India Brook and associated on-site wetlands. The Highlands Council staff also identified the proposed disturbance of riparian areas, specifically, the wildlife corridor adjacent to the India Brook, and hydric soil complexes throughout the site. Although the India Brook is a C1 stream, the NJDEP did not apply the 300-ft buffer associated with the Special Water Protection Area because the project was determined to be exempt from the Stormwater Rules as its approval date preceded the rules. The Council staff recommends that the application be modified to exclude these areas from the sewer service area.

In addition, the Council staff identified potential inconsistencies with the draft RMP relating to the protection of Critical Habitat Resource Areas. Currently, the policy for the Protection Zone is “Prohibit new land uses or modification to existing land uses within the Critical Habitat Resource Area or within any critical habitat feature unless approved by the Highlands Council.” Review of the proposed WMP amendment identified a Critical Habitat Resource Area on the site; however, the Critical Habitat Resource Area did not include any actual critical habitat features. This occurs because the Critical Habitat Resource Area is a density mapping tool that is used to map the Highlands Region’s most dense critical habitat areas. The mapping methodology does include partial areas in which actual critical habitat features do not occur. Therefore, staff recommends that no action is needed regarding this issue because the proposed development footprint does not encroach on any actual critical habitat features, despite being mapped within a Critical Habitat Resource Area.

Capacity Limitations for the Proposed Development

The proposed WMP amendment includes extension of an adjacent public water utility owned by the Randolph Township Municipal Utilities Authority (MUA). The draft RMP has a policy that would prohibit the extension or expansion of public water systems in the Protection Zone unless approved by the Council for public health and safety. Additionally, the Randolph Township MUA is solely supplied by water from the Morris County Municipal Utilities Authority (MCMUA). The

MCMUA's wells are located in two HUC14s with deficits of net water availability. (Note: MCMUA has sufficient water allocation permits for this project, based on local aquifer studies approved by NJDEP.) The draft RMP addresses this constraint by preventing increased consumptive and depletive uses in deficit HUC14s.

In its deliberations, the Committee should first decide whether the proposed extension of public water into the Protection Zone is consistent with the RMP. If so, the Committee should recommend that measures should be incorporated to demonstrate that the net water availability deficit will not be exacerbated by this project. Given that the project is not attempting to address public health concerns, the proposed utility extension and water deficits appear inconsistent with the policies of the RMP.

Recommendations

The review of the proposed WQMP/WMP amendment reveals several inconsistencies with the draft RMP, including the disturbance of environmentally sensitive lands (Highlands Open Water protection areas and riparian areas), the extension of utility service into the Protection Zone, and water availability deficits. Based on these conflicts, the Committee should recommend that NJDEP deny the WQMP/WMP amendment until the applicant modifies the proposed development to avoid these conflicts.

Prior to final adoption of the RMP, the Highlands Council's purview is to provide recommendations to NJDEP on WQMP amendments. Given that the NJDEP may ultimately approve the amendment despite the Council's findings and recommendations, it would be prudent to include suggestions that could mitigate the project's impact if NJDEP would include them as conditions in their approval. Specifically, the disturbance of the open water buffers and riparian areas should be reduced to the maximum extent possible and a conservation easement should be instituted around the remaining environmentally sensitive lands. Water availability deficits should be minimized by the use of water conservation measures, water reclamation for beneficial reuse, or implementation of a Water Management Plan by Randolph Township MUA.