



2009 Plan Conformance Grant Program
Module 7.
Municipal Self-Assessment Report

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

October
2009

MODULE 7: MUNICIPAL SELF-ASSESSMENT REPORT

**PLAN CONFORMANCE GRANT PROGRAM
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Introduction

The purpose of this Municipal Self-Assessment (MSA) Report is to provide municipalities with a template for the narrative portion of the MSA Report described in the Module 7 Instructions (Section B. 9). The MSA Report summarizes all draft changes to the municipal planning and regulatory programs to date (based at a minimum on the results of Modules 2 through 6 of the 2009 Plan Conformance Grant Program) and all changes that will remain necessary after Basic Plan Conformance to achieve Full Plan Conformance with the Highlands Regional Master Plan (RMP). The MSA Report should consist of a brief narrative only, with the assessment reliant substantially upon inclusion of completed checklists for the MSA Report and the draft Highlands Implementation Plan and Schedule, which were provided as Appendix A with the Module 7 Instructions.

The MSA Report Checklist provides a list of Basic Plan Conformance submission items for the municipal Petition for Plan Conformance. The MSA Report below follows the sequence of the checklist and provides narrative to assist municipalities in completing this MSA Report and the Checklist. The MSA Report Checklist asks the municipality to indicate if the level of preparation of the submission item addresses Basic or Full Plan Conformance. Items denoted by the checkmark box indicate those required to achieve Basic Plan Conformance unless otherwise noted.

Each item in the MSA Report asks for a Status update, as does the MSA Report Checklist. The status in the MSA Report should indicate for each item, whether it is complete as provided in the petition, or will require additional work under Full Plan Conformance. It should also indicate whether an existing document has been included as a substitution for a Module or section of any Module. This would apply for example, if the municipality provided an existing Environmental Resource Inventory (ERI) with edits to achieve consistency with the RMP instead of the Highlands Module 4 ERI. Another example would be where a municipality provides existing municipal regulations for a specific natural resource, such as steep slopes, as a substitute for the Module 6 model Highlands Land Use Ordinance provisions relative to the natural resource. This should be noted as appropriate in the MSA Report and in the status column of the MSA Report Checklist.

The Highlands Implementation Plan and Schedule Checklist includes all tasks that are not required for Basic Plan Conformance and are not indicated as having been completed in the MSA Report Checklist. For each of these tasks, the Highlands Implementation Plan and Schedule Checklist ask for an “anticipated completion date.” The anticipated completion date shall be calculated based on the date of the Highlands Council’s approval of the Petition for Plan Conformance. For example, if the approval of the Petition for Plan Conformance is granted on April 1, 2010, the anticipated completion date for tasks on the Highlands Implementation Plan and Schedule for the requirements of Full Plan Conformance would begin after April 1, 2010. The anticipated completion date for most of these tasks should fall into the range of six (6) to fifteen (15) months from the approval of the Petition for Plan Conformance. However, some tasks (e.g., Water Use and Conservation Management Plans) may require a longer timeframe. The Highlands Implementation Plan and Schedule submitted with the Petition is considered a draft to be finalized only after discussion between the Highlands Council staff and the municipality prior to the Highlands Council approval of the Petition. The final Implementation Plan and Schedule will not only guide the municipality’s Full Plan Conformance activities, but will identify the need for future Plan Conformance grant funding.

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Borough of Oakland, County of Bergen Municipality, County (*municipality to insert*)



1. Modules 1 and 2: Highlands Municipal Build-Out Report

The final Highlands Municipal Build-Out Report and supporting documents and files were prepared by the Highlands Council, provided to the municipality, and posted on the Highlands Council website. The Report may be incorporated by reference in the petition. The Highlands Council is providing these reports, so the status in the MSA Report Checklist is complete except where this report is still in development. If relevant, provide comments in the narrative to supplement the final Report.

Status: *Municipality to insert narrative Based upon the information supplied by the Oakland Planning Board, the Highlands Council has determined that the Borough RMP Septic System Yield is 15 units. In addition, the Highlands Council has determined there is very little or no wastewater utility capacity in the Borough at the current time. In reviewing environmentally sensitive lands in the Borough, the Highlands Council has determined that of the 218 gross developable acres, the developable land area in the Planning Area is limited to 44 acres and no acres in the Preservation Area. Planning Board members are attempting to assess and apply these limitations on development in an equitable manner in the development review process, rather than simply on a first come, first served basis.*

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2. Module 3: Housing Element and Fair Share Plan

The Highlands Council has developed a timeline for the preparation and submission of petitions for substantive certification based on the COAH deadline extension of June 8, 2010. At minimum, the December 8, 2009 petition must include the following: a. Summary of Housing Obligations, b. Summary and Consistency Review of Proposed Prior Round Sites, and c. Housing Partnership Program narrative (including proposed participation in the Regional Affordable Housing Development Partnership Program or RAHDPP, where applicable). The Module 3 Instructions provide narrative on these submission requirements. The municipality should provide status comments in the narrative to supplement submission items a. through c. as appropriate. [NOTE: Additional submittals are required as of March 1, 2010 (due: draft Housing Element and Fair Share Plan) and June 8, 2010 (due: final versions of each), resulting in submittal of an adopted Housing Element and completed Fair Share Plan by the latter date.]

Status: *On May 13, 2010, the Planning Board adopted an amended Housing Plan. In early June, the Mayor and Council endorsed this plan. The Borough has petitioned COAH for substantive certification. The Borough awaits COAH's grant of substantive certification. Municipality to insert narrative (complete or requires additional work)*



3. Module 4: Highlands Environmental Resource Inventory (ERI)

The requirements for Basic Plan Conformance include supplementing a municipality's existing ERI to include all Highlands resource information (or adopting a new ERI if none exists). The Highlands Council provided a model Highlands ERI along with tabular data, which may be used as either a supplement to an existing municipal ERI or as a stand-alone ERI, where the municipality has not previously adopted one. Please indicate in the narrative below whether the Highlands Model will be incorporated into an existing ERI or Natural Resource Inventory, or will be used as a stand-alone document. For municipalities that have already submitted a draft ERI, please indicate whether Highlands Council staff comments and edits have been addressed in the final draft ERI or if outstanding issues need consideration.

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Status: Prior to the adoption of the Highlands Water Protection and Planning Act, the Borough did not have a current comprehensive Environmental Resource Inventory. The Planning Board has reviewed and submitted to the Highlands Council a draft Environmental Resource Inventory. Upon receipt of comments the necessary revisions and changes will be made, a noticed public hearing held and the updated document will be formerly adopted. As this is written, comments have not yet been received from the Council staff. *Municipality to insert narrative (complete or requires additional work)*



4. Module 5: Highlands Element of Municipal Master Plan

The requirements for Basic Plan Conformance include revisions to municipal master plans that will bring them into alignment with the Highlands RMP. The Highlands Council provided a Model Municipal Master Plan “Highlands Element” to assist municipalities in addressing the mandatory master plan requirements necessary to achieve Basic Plan Conformance. The Highlands Element is intended to be used as a supplement to existing municipal master plans for application to land use and development in that portion of the municipality for which Plan Conformance is sought. Each section of the Highlands Element is referenced below, and it is noted in the narrative if requirements are for Basic or Full Plan Conformance. For municipalities that have already submitted a draft Highlands Element, please indicate whether Highlands Council staff comments and edits have been addressed in the final draft Highlands Element or if outstanding issues need consideration. **[NOTE: Under 4.a through 4.l below, where an item is listed as a “Basic Plan Conformance requirement” all of the necessary information has already been provided to the municipality as part of the Model Highlands Element prepared by the Highlands Council. Inclusion of the text in the draft municipal Highlands Element submitted with the petition constitutes completion of the requirement.]**

- a. **Statement of Policies, Goals and Objectives:** Basic Plan Conformance requirement.
- b. **Land Use Plan Element:** Basic Plan Conformance requirement. However, an up-to-date Land Use Inventory (inventory) is not a requirement for Basic Plan Conformance. The municipality should submit their most current inventory. If the inventory requires updates it will be a Full Plan Conformance requirement. If an up-to-date inventory has been completed and submitted with the petition; it should be noted as “Full” in the level of preparation column in the MSA Report Checklist.
- c. **Housing Plan Element:** Included in the Module 3 submission.
- d. **Conservation Plan Element:** Basic Plan Conformance requirement.
- e. **Utility Services Plan Element:** Basic Plan Conformance requirement.
- f. **Circulation Plan Element:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task.
- g. **Land Preservation and Land Stewardship Plan Element including updated preserved land inventory and map:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task. The updated preserved land inventory and map is a Full Plan Conformance task.
- h. **Agriculture Retention/Farmland Preservation Plan Element (if applicable) including updated preserved land inventory and map:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task. The updated preserved farmland inventory and map is a Full Plan Conformance task.

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- i. **Community Facilities Plan Element:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task.
- j. **Sustainable Economic Development Plan Element:** Basic Plan Conformance requirement.
- k. **Historic Preservation Plan Element:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task.
- l. **Relationship of Master Plan to State/Regional/Local Plans:** Basic Plan Conformance requirement.
- m. **Development Transfer Plan Element:** Optional

Status: On July 30, 2009 our office forwarded to the staff of the Highlands Council the Planning Board's draft Module 5 document. As with the Highland Environmental Resource Inventory, the Board declined to adopt the Module 5 document, believing it likely that Highland Council staff would recommend changes and revisions. Upon six months of receipt of Highlands Council comments, the Planning Board is anticipated to conduct an advertised public hearing and then adopt a revised Module 5 document. Upon adoption, copies will be forwarded to the Highlands Council and Bergen County Planning Board. *Municipality to insert narrative (complete or requires additional work)*

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5. Module 6: Highlands Land Use Ordinance

The requirements of Basic Plan Conformance include the regulation of new development through a Highlands Land Use Ordinance. The Highlands Council developed a model Highlands Land Use Ordinance, including language addressing all requirements applicable to Basic Plan Conformance. In accordance with instructions provided for Module 6; the municipality should submit an edited version of the model Highlands Land Use Ordinance and if applicable, may submit existing municipal ordinances that are more restrictive or more comprehensive with respect to certain resources. [Note: Development of additional municipal regulations concerning the prevention of pollution and public health threats from existing land uses will be required as a component of Full Plan Conformance in the years 2010 and beyond. As such, these are not included in the MSA Report Checklist, but do appear in the Highlands Implementation Plan and Schedule.]

Status: Pursuant to the MLUL, municipal land use ordinances must either implement the municipal master plan or be adopted the same time the governing body adopts a resolution explaining on the record why the municipal ordinance is not designed to implement the land use and housing element of the master plan. Until the Planning Board has adopted these important elements of the master plan and they are consistent and further the RMP, it seems premature to adopt a Highlands Land Use Ordinance. The Planning Board will offer the Governing Body its advice and consent on the Highlands Land Use Ordinance at the appropriate time. *Municipality to insert narrative (complete or requires additional work)*

6. Redevelopment and Rehabilitation Plans (Adopted or Proposed)

Redevelopment and Rehabilitation Plans are not a requirement of Basic Plan Conformance. The municipality may choose to incorporate narrative on adopted or proposed redevelopment and rehabilitation plans to supplement the Petition for Plan Conformance.

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Status: As this is being prepared the Planning Board does not anticipate adopting redevelopment or rehabilitation plans. However, if community level infrastructure becomes more widely available in the Borough, then opportunities may develop to utilize redevelopment and/or rehabilitation plans. One location in the Borough these plans might be useful is with certain select properties in the Ramapo Valley Road corridor, especially south and west of Franklin Avenue. If community level infrastructure is not available, then there is little likelihood that the Borough will adopt redevelopment or rehabilitation plans. *Municipality to insert narrative*

7. Management Plans and Ordinances

Management plans and ordinances are not a requirement for Basic Plan Conformance. The municipality may wish to supplement their Petition for Plan Conformance with available draft plans or ordinances, such as a Wastewater Management Plan or a Stormwater Management Plan.

Status: The Borough is very much interested in adopting a Wastewater Management Plan that will provide for the extension of sanitary sewer service in selected sections of downtown Oakland. Toward this end, the Borough has retained an engineering consultant to prepare the necessary documents for NJDEP review. At this stage a dialogue has begun between the Borough, the Highlands Council and NJDEP. Once additional direction is provided to the Borough, a Wastewater Management Plan is likely to be submitted for approval to the appropriate state agencies. Once approved, the Wastewater Management Plan is likely to result in modifications and revisions to the Land Use Plan. In addition, once the likely downtown build-out is estimated, then a circulation plan can be prepared to service this level of development for this critically important section of the Borough. *Municipality to insert narrative*

8. Discretionary Items, List (Optional)

Discretionary items are not a requirement of Basic Plan Conformance. These are additional materials beyond those required for a Petition for Plan Conformance that the municipality believes will support the petition. For example, a draft or adopted municipal ordinance that supports the Petition for Plan Conformance.

Status: The Borough has not determined what additional documents might be submitted in furtherance and support of its Petition for Plan Conformance. These decisions will most likely be based on Highlands Council reaction to modules submitted on behalf of the Borough, and the results of state reviews of both the Housing Element and Fair Share Plan and Wastewater Management Plan. *Municipality to insert narrative*

Draft Highlands Implementation Plan and Schedule Checklist – Full Plan Conformance Tasks

Municipalities shall also include a draft Highlands Implementation Plan and Schedule Checklist, which provides a listing of items from the MSA Report Checklist that are not required for Basic Plan Conformance and are not indicated by the municipality as having been completed. To the extent known, the municipality should insert a brief narrative below indicating the anticipated approach (not including budget estimates) to achieving the tasks listed in the draft Highlands Implementation Plan and Schedule Checklist. For example: preparation of incomplete portions of the Highlands Element will be developed by the municipality's professional planner; conservation management plans will be developed following receipt of guidance from the Highlands Council, with assistance from professionals having specialized expertise in each area. The municipality may prioritize Full Plan Conformance tasks based upon municipal interest and the Highlands Council will work to assist in addressing those priorities.

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The actual schedule for Full Plan Conformance will be developed by the municipality and the Highlands Council during the review of the Petition for Basic Plan Conformance.

Status: *Municipality to insert narrative*