

New Jersey Highlands Initial Assessment Grant Report Prepared for the Borough of Oakland

Borough of Oakland,
Bergen County, New Jersey

Prepared For:

Oakland Planning Board and Borough Council
BA#: 2198.02

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**HIGHLANDS COUNCIL INITIAL ASSESSMENT
GRANT REPORT**

**BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY**

PREPARED FOR:

OAKLAND PLANNING BOARD AND BOROUGH COUNCIL

BA# 2198.02

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II. Overview of Highlands Regional Master Plan

a. The Highlands Act

On August 10, 2004, the New Jersey Legislature enacted the Highlands Water Protection and Planning Act in an effort to protect water and other critical natural resources in the Highlands region. The Highlands region is located in northwestern New Jersey, encompassing 88 municipalities in seven counties. It includes 859,358 acres and is divided into two areas: Preservation Area and Planning Area. The Borough of Oakland has land in both the Preservation and Planning Areas. The Borough of Oakland contains in total 5,629 acres. Of these 5,629 acres, 3,007 acres located in the eastern portion of the Borough are within the Highlands Region Planning Area. The balance of the Borough, approximately 2,622 acres areas have been designated as Highlands Area Preservation Area. In general, land west of the Ramapo River and south of Long Hill Road is within the Preservation Area. The Highlands Act sets forth a number of goals for these different Areas, as well as for the Highlands Region as a whole. These goals are as follow, grouped into specific headings as appropriate:

Region-Wide Goals:

- Protect, restore and enhance the quality and quantity of surface and ground waters.
- Preserve farmland and historic sites and other historic resources.
- Preserve outdoor recreation opportunities, including hunting and fishing on publically owned lands.
- Promote conservation of water resources.
- Promote brownfield remediation and redevelopment.

Preservation Area Goals:

- Preserve extensive and, to the maximum extent possible, contiguous areas of land in its natural state, thereby ensuring the continuation of Highlands environment which contains the unique and significant natural, scenic and other resources representative of the Highlands Region.
- Protect the natural, scenic, and other resources of the Highlands Region, including, but not limited to, contiguous forests, wetlands, vegetated stream corridors, steep slopes, and critical habitat for fauna and flora.
- Promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities within the framework of protecting the Highlands environment.
- Prohibit or limit, to the maximum extent possible, construction or development which is incompatible with preservation of this unique area.

Planning Area Goals:

- Preserve to the maximum extent possible any environmentally sensitive lands and other lands needed for recreation and conservation purposes.
- Protect and maintain the essential character of the Highlands environment.
- Promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities.
- Encourage, consistent with 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; 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 the individual and cumulative adverse impacts thereof.
- Promote a sound, balanced transportation system that is consistent with smart growth strategies and principles and which preserves mobility in the Highlands Region.

The Preservation Area, as the name suggests, is the area with the highest resource value that was subject to the immediately effective standards in the Highlands Act, governed by rules and regulations adopted by the New Jersey Department of Environmental Protection (NJDEP). The Planning Area, however, was not subject to the immediately effective standards. Instead, the Highlands Council was required to analyze the protection needs of the Planning Area through preparation of the Regional Master Plan (RMP).

b. Highlands Regional Master Plan.

On July 17, 2008, the Highlands Council adopted the Highlands Regional Master Plan (RMP). This plan is a requirement of the Highlands Act approved in 2004 and endorsed by Governor Corzine on September 5, 2008, with the issuance of Executive Order 114 to further protect the Highlands Region. The RMP provides an outlook on the Region's capacity to provide appropriate economic growth while still sustaining the area's valuable natural and cultural resources. It further establishes capacity limitations, related to both natural systems and the built environment, for municipalities and counties located within this region to use as a tool for directing future development.

The Regional Master Plan offers municipalities and counties a set of guidelines and frameworks to ensure that the Highlands' significant natural and cultural resources are maintained and enhanced. While the majority of land use decisions are typically made with only local considerations, the RMP provides municipalities and counties the opportunity to look at planning and policy issues in a broader, more regional context.

As noted previously, the Preservation Area is subject to detailed and stringent standards through the RMP as well as the Highlands Water Protection and Planning Act Rules. The RMP additionally sets forth goals specific to the Planning Area. It contemplates that development and redevelopment within the Planning Area could incorporate development rights transferred from lands in the Preservation Area in order to mitigate any disproportionate burden imposed on Preservation Area landowners and to protect the most critically sensitive natural and agricultural resources. The RMP also promotes organic development in the Planning Area which respects and reflects historical development practices in individual communities balanced by the preservation of core environmentally sensitive lands.

In order to guide the implementation of the policies contained in the RMP, the Highlands Council developed the Land Use Capability Zone Map. The Land Use Capability Zone Map organizes the region into three primary overlay zones and four sub-zones, each of which is formulated upon a determination of the land’s overall carrying capacity for development. The underlying municipal zoning regulations establishes permitted land uses, while the Highlands Council overlay zones may detail more site specific requirements directed to achieve a certain goal, with the stricter standard applying. Examples of these standards may include best management practices related to preservation of agricultural lands or green building approaches for development initiatives.

The three primary Highlands overlay zones include the Protection Zone, Conservation Zone, and Existing Community Zone. The primary overlay zones relevant to Oakland include the Protection Zone and Existing Community Zone. The four Highlands Sub-Zones include the Wildlife Management Sub-Zone, Conservation Zone – Environmentally Constrained Zone, Existing Community Zone – Environmentally Constrained Sub-Zone, and Lake Community Sub-Zone. The two overlay sub-zones relevant to Oakland include the Existing Community Zone – Environmentally Constrained Sub-Zone, and the Lake Community Sub-Zone. These overlay zones and Sub-Zones are described in the table below:

**Applicable Land Use Capability Zones
Borough of Oakland**

Overlay Zone	Description
Protection Zone	Consists of areas with high natural resource value that are important to maintaining water quality and quantity, and sensitive ecological resources and processes. Land acquisition is a high priority in the Protection Zone and development activities will be extremely limited. Any development will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.
Existing Community Zone	Consists of areas with regionally significant concentrated development signifying existing communities. These areas tend to have limited environmental constraints due to previous development patterns, and may have existing infrastructure that can support development and redevelopment, if

	such development is compatible with the protection and character of the Highlands environment, at levels that are appropriate to maintain the character of established communities.
Existing Community Zone – Environmentally Constrained Sub-Zone	Consists of significant contiguous Critical Habitat, steep slopes and forested lands within the Existing Community Zone that should be protected from further fragmentation. They serve as regional habitat “stepping stones” to larger contiguous Critical Habitat and forested areas. As such, they are not appropriate for significant development, and are best served by land preservation and protection. Development is subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.
Lake Community Sub-Zone	Consists of patterns of community development that are within the Existing Community Zone within 1,000 feet of lakes. The Highlands Council focused on lakes that are 10 acres or greater and delineated lake management areas consisting of an area of up to 1,000 feet (depending on the protection focus) from the lake shoreline in order to protect water quality, resource features, shoreline development recreation, scenic quality and community character. A future management area is planned, encompassing the full lake watershed, for protection of the lake water quality. This sub-zone has unique policies to prevent degradation of water quality, and watershed pollution, harm to lake ecosystems, and promote natural aesthetic values within the Existing Community Zone.

Conformance with the RMP is mandatory for municipalities wholly or partially located in the Preservation Area, whereas it is voluntary for those municipalities in the Planning Area. Therefore, the Borough of Oakland will have to conform to the RMP for the Preservation Area portion of the municipality and can volunteer to conform to the RMP for the Planning Area portion of the municipality. The Borough must submit an affordable housing plan to the Council on Affordable Housing no later than December 8, 2009, regardless if the Borough chooses to conform its planning and development practices in the Planning Area to the RMP or not

II. PROCEDURES NECESSARY TO ACHIEVE BASIC PLAN CONFORMANCE

a. Basic versus Full Plan Conformance

The Highlands Council has created a two-step process for Plan Conformance. Under Full Plan Conformance, a municipality's planning program will reflect all elements of the RMP, as well as the results of specific environmental and planning analyses at the local level. However, in an effort to assist Preservation Area municipalities in achieving mandatory conformance within the 9 to 15 month deadline, the Highlands Council will grant "Basic" Plan Conformance once the municipality has satisfactorily completed all immediate mandatory conformance requirements.

Basic Plan Conformance does not relieve a municipality from the obligation to achieve Full Plan Conformance, but minimizes the upfront requirements and commits the municipality to fulfillment of the remainder in accordance with a Council-approved Action Plan and Implementation Schedule. Basic Plan Conformance will entitle the municipality to all of the rights and benefits of Full Plan Conformance, provided that the Implementation Plan and scheduling requirements included therein are rigorously adhered to.

The process of Basic Plan Conformance is also available to the Planning Area, but is not mandatory and has no statutory deadline. However, municipalities in the Planning Area must adhere to the same December 8, 2009 deadline for Basic Plan Conformance in order to be eligible to receive extensions and adjusted growth projections from the Council on Affordable Housing, as described previously in this document.

b. Key Requirements for Basic Plan Conformance

The following section details each of the key requirements for Basic Plan Conformance, and evaluates the Borough's planning program to determine the level of effort required to complete these key requirements:

1. Build-Out Analysis

The Borough is required to prepare a Build-Out Analysis, on a parcel-by-parcel basis, of the entire municipality. The analysis will involve a two-step process using models provided by the Highlands Council, which will correspond with Highlands Plan Conformance Modules 1 and 2, respectively.

In Module 1, the Highlands Council will provide Oakland with information currently available regarding developable lands, preserved lands, and areas served with potable water and wastewater utilities, which will then be verified for accuracy by the Borough. Once the Highlands Council reviews the municipally-revised data, it will provide an updated Municipal Build-Out Geodatabase and

local build-out Land Use Capability Map series capacity conditions based on existing local conditions.

In Module 2, the Borough will then use the Municipal Build-Out Geodatabase and local build-out Land Use Capability Map series capacity conditions to evaluate the extent to which the build-out for developable lands under current municipal zoning will exceed available capacity for water availability, public water and wastewater utilities, and septic system yield. This information will then be used to perform a “limiting factor” analysis regarding the developable lands and associated constraints. Overall, the exercise is designed to highlight any conflicts between current municipal zoning and the RMP, and assist in establishing appropriate zoning densities.

2. Environmental Resource Inventory

Municipalities are required to create or supplement an existing Environmental or Natural Resources Inventory (ERI/NRI) by adoption of Highlands Resource Area Maps, along with descriptions of Highlands Resource categories as defined in the RMP. Highlands Resource categories include the following, where applicable: Forest Resources, Open Waters and Riparian Areas, Steep Slopes, Critical Habitat, Carbonate Rock Topography, Lakes, Ponds and Reservoirs, Water Resources, Agricultural Resources, Historic and Cultural Resources, Scenic Resources, and Infrastructure.

The Borough of Oakland has never prepared or adopted a Natural Resource Inventory. Thus the Highlands Council is presenting the Borough with an opportunity and funding to create such an Inventory. Clearly, the ERI/NRI prepared, reviewed and adopted by the Borough must be one that is consistent with the standards, policies and requirements as established by the Highlands Council. As part of Plan Conformance Module 4, the Highlands Council will provide municipalities with a model Highlands ERI/NRI, along with tabular data, which can be used by Oakland to create its specifically tailored ERI/NRI.

3. Master Plan

The Borough is required to adopt a “Highlands Element” as a supplement to the municipal Master Plan. The Highlands Element is required to contain the following components: Policies, Goals, and Objectives; Land Use Plan; Housing Plan; Conservation Plan; Utility Services Plan; Circulation Plan; Open Space Plan; Agriculture Retention/Farmland Preservation Plan; Community Facilities Plan; Sustainable Economic Development; Historic Preservation Plan; Relationship of Master Plan to State/Regional/Local Plans; and an optional Development Transfer Plan.

As part of Plan Conformance Module 5, the Highlands Council will provide municipalities with a model Highlands Element for Basic Plan Conformance, which the Borough may adopt as a supplement to its existing Master Plan. The Borough may either retain the Highlands Element as a single document in the Master Plan, with the understanding that all portions of previously adopted plan components inconsistent therewith would be repealed, or the Borough may individually amend each plan component to reflect the contents of the Highlands Element.

What follows is a more detailed discussion of the Basic Plan Conformance requirements for each individual component of the Highlands Element:

(a) Policies, Goals, and Objectives

The Borough is required to adopt all broad-based, municipally-relevant Goals, Policies, and Objectives contained in the RMP, modified to apply at the local level. In all cases where the Goals, Policies, and Objectives are modified to apply to the local level, the resulting policies and objectives must be no less stringent than those of the RMP. Where the Goals, Policies, and Objectives in the RMP are discretionary, the Borough may choose which to incorporate, if any.

(b) Land Use Plan

For the Land Use Plan component, the Borough is required to adopt all applicable Highlands Land Use categories, including Areas, Zones, and Sub-Zones. The Borough is also required to adopt the complete Land Use Capability Map (LUCM) series, which includes the Land Use Capability Zone Map, Land Use Capability Water Availability Map, Land Use Capability Public Community Water Systems Map, Land Use Capability Domestic Sewerage Facilities Map, and Land Use Capability Septic System Yield Map. Additionally, the Borough must adopt, by reference, Highlands water and wastewater management provisions as the major criteria for assessing proposed density/intensity of development. The Borough is also required to incorporate the basis for cluster development standards into the municipal Land Use Plan. Lastly, the Borough is required to prepare an up-to-date developed land use map, or amend an existing map, if applicable.

(c) Housing Plan

For the Housing Plan component, the Borough is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Housing, modified to apply to the local level. Additionally, the Borough must recognize and cross-reference to the existing housing plan, adopting a statement of commitment to: a) satisfying the municipality's constitutional

obligation to provide for affordable housing; and b) doing so in accordance with the revised policies, goals and objectives.

As part of Highlands Plan Conformance Module 3, the Borough will be required to prepare a new Housing Element and Fair Share Plan addressing its 3rd Round affordable housing obligation. This plan must incorporate the results of the Build-Out Analysis prepared as part of Plan Conformance Modules 1 and 2 in the determination of housing and employment projections for the Borough through 2018.

(d) Conservation Plan

For the Conservation Plan component, the Borough is required to adopt Highlands Resource Area Maps, as applicable, as well as Highlands Resource categories as defined in the RMP. The Borough is also required to adopt specific applicable RMP Goals, Policies, and Objectives, as they relate to each of the Highlands Resource categories, modified to apply at the local level. Additionally, the Borough will need to recognize and provide cross-reference to any applicable municipal resource maps, data, studies, environmental inventories, etc., that supplement, enhance, or refine Highlands resource information. Lastly, the Borough is required to incorporate the basis for requiring Low Impact Development and use of Best Management Practices throughout resource areas.

Since the Conservation Plan is intended to be based on the Highlands Environmental Resource Inventory (ERI), much of the required information set forth above will be based upon the ERI/NRI that the Borough is required to adopt.

(e) Utility Services Plan

For the Utility Services Plan, the Borough is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Utilities, modified to apply at the local level. The Borough is also required to recognize adherence to adopted Highlands water and wastewater technical guidance documents, and emphasize that existing water and sewer service will not be extended: a) in the Preservation Area, unless approved through a Highlands Preservation Area Approval (HPAA) pursuant to N.J.A.C. 7:38 or deemed exempt from the Highlands Act, or b) in the Protection and Conservation Zones, unless in conformance with the RMP requirements. Lastly, the Borough is required to incorporate into the Utility Services Plan the basis for preparation and adoption of a water deficit management plan, wellhead protection plan, septic system management/maintenance plan, and stormwater management plan, to the extent that these do not exist or require amendment to gain consistency with the RMP.

(f) Circulation Plan

For the Circulation Plan, the Borough is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Circulation, modified to apply to the local level. In addition, the Borough must ensure coordination with the Land Use Plan and incorporation of smart growth principles.

(g) Open Space Plan

For the Open Space Plan, the Borough is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Recreation and Open Space, modified to apply to the local level. In addition, the Borough must cross-reference to its existing Open Space Plan. Lastly, the Borough is required to adopt an up-to-date, mapped Recreation and Open Space Inventory, unless an existing inventory remains current. The identification of these properties has already been completed as part of Oakland Borough's Highlands Plan Conformance Module 1; they will simply need to be incorporated as part of the overall inventory.

(h) Agriculture Retention/Farmland Preservation Plan (if applicable)

An Agriculture Retention/Farmland Preservation Plan element is required to be adopted where applicable. In such cases, the municipality is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Agricultural Resources, modified to apply to the local level. In addition, the municipality must cross-reference to any existing Farmland Preservation Plan, incorporate a commitment to the Right to Farm Act, and, if applicable and desired, incorporate a commitment to the protection and promotion of farm labor housing. Lastly, the municipality must also adopt an up-to-date, mapped inventory of preserved farmland, unless an existing inventory map remains current.

The Borough needs to determine whether an Agriculture Retention/Farmland Preservation Plan element would be appropriate for Oakland. It does not appear that such an element would be required for Oakland to achieve Plan Conformance, given that no areas of the Borough are designated as an Agricultural Resource Area or Agricultural Priority Area in the RMP. However, the Borough may elect to prepare a Farmland Preservation Plan, given that it does have several non-preserved farms within its borders, even if they are rather dispersed throughout the Borough. Although the identification of these properties will be included as part of the ERI updates, efforts to preserve additional farmland in the Borough will require the creation of this plan element. Opportunities to secure future funding commitments for

preservation might be greater if there is some recognition concerning the value of agriculture in the revised master plan.

(i) Community Facilities Plan

For the Community Facilities Plan, the Borough is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Community Facilities, modified to apply at the local level. In addition, the Borough must incorporate energy efficiency goals and consideration of shared services.

(j) Sustainable Economic Development Plan

For the Sustainable Economic Development Plan, the Borough is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Sustainable Economic Development, modified to apply to the local level. In addition, the Borough must provide for coordination with Highlands Council eco-, agri- and heritage tourism programs, where applicable.

(k) Historic Preservation Plan (if applicable)

A Historic Preservation Plan element is required to be adopted where applicable. In such cases, the municipality is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Historic, Cultural, Archeological, and Scenic Resources, modified to apply to the local level. In addition, the municipality must include listing and discussion of any historic, cultural, archaeological, and scenic resources listed in Highlands Historic, Cultural, Archeological, and Scenic Resources Inventories.

A review of the RMP indicates that a Historic Preservation Plan element is indeed required for Oakland Borough, given that the Borough contains a number of properties listed on the Highlands Historic, Cultural, Archeological, and Scenic Resources Inventories.

(l) Relationship of Master Plan to Other Plans, Including RMP

The Borough is also required to provide a policy statement indicating that proposed development and/or redevelopment in the municipality, as set forth in the municipal Master Plan, is consistent with the RMP.

(m) Development Transfer Plan (optional)

At the Borough's discretion, it may also prepare and adopt a Development Transfer Plan element. Creation of a Development Transfer Plan element would be the first step towards voluntary participation in the Highlands TDR Program, which is intended to preserve sensitive resources by permitting the

transfer of development rights from areas identified for preservation (Sending Zones) to areas more appropriate for increased growth (Receiving Zones). The Borough should consider the potential benefits and drawbacks of Oakland's voluntary participation in the Highlands TDR Program. If the Borough decides to pursue voluntary participation, the Development Transfer Plan element would need to incorporate all applicable RMP Goals, Policies, and Objectives as they relate to Landowner Equity, modified to apply to the local level.

4. Land Use Ordinances/Development Regulations

The Borough is required to adopt a "Highlands Regulations" section as a supplement to the municipal Zoning/Land Development Ordinances. The Highlands Regulations are required to include the following sections: Definitions; Zone Districts and District Regulations; Application Submission Checklists; Notice Requirements; Highlands Council Review; Resource Area and Supporting Regulations; and Application Procedures.

As part of Plan Conformance Module 6, the Highlands Council will provide municipalities with sample Highlands Regulations, which the Borough may adjust as needed for municipal applicability. Alternatively, the Borough may propose specific revisions to existing regulations to achieve conformance with the RMP.

What follows is a more detailed discussion of the Basic Plan Conformance requirements for each individual section of the Highlands Regulations:

(a) Definitions

The Borough is required to adopt definitions of general terms specific to the RMP, including "Highlands Council", "areas", "zones" and "sub-zones". The Highlands Council will provide the Borough with these definitions so as to avoid interference with existing municipal zoning definitions. Where follow-up ordinances applicable only to non-exempt development require specific terms such as "impervious coverage", Highlands definitions will be incorporated therein along with clear indication that they pertain only to the ordinance in question.

(b) Zone Districts and District Regulations

The Borough is required to adopt a caveat applicable to existing municipal zone districts and district regulations, indicating that NJDEP Preservation Area Rules and Highlands RMP Provisions will apply with respect to non-exempt development. Also, water and/or wastewater treatment availability and limitations on utility extensions may affect lot size and lot coverage requirements.

(c) Application Submission Checklists

The Borough is required to amend its application submission checklist ordinance to require that any application for development include the following items: 1) For applicants in the Preservation Area claiming an exemption from the Highlands Act, a Highlands Applicability Determination from the NJDEP; 2) For applicants in the Planning Area claiming an exemption from the Highlands Act, a Highlands Planning Area Exemption Determination from the Highlands Council; 3) For non-exempt development applications in the Preservation Area, a Highlands Preservation Area Approval (HPAA) or HPAA with waiver from the NJDEP; 4) For all non-exempt development applications, a Highlands Consistency Determination from the Highlands Council indicating that the proposal is consistent with the RMP or can be revised to achieve consistency via specific changes outlined therein; and 5) For non-exempt development applications having received a Consistency Determination indicating that specific revisions are required to achieve consistency, a certification from the applicant's professional(s) affirming that the plans have been revised to specifically address the inconsistencies identified by the Highlands Council and that to the best of his/her knowledge, they have achieved consistency.

(d) Notice Requirements

The Borough is required to amend its notice requirements to require the following: 1) that, for any non-exempt development applications, the applicant shall provide notice to the Highlands Council at least 10 days prior to the date on which the application is scheduled for consideration by the Planning or Zoning Board; 2) that such applications be deemed complete prior to scheduling, and that a copy of the complete application be sent to the Highlands Council along with such notice; and 3) that the applicant provide copies of any subsequent revisions to such applications to Highlands Council at the same time these are provided to the reviewing board.

(e) Highlands Council Review

The Borough is required to include a requirement that, in the case of any non-exempt development applications, the reviewing board shall provide a certified copy of the fully-executed resolution memorializing its final decision in the matter to the Highlands Council within 10 days of its adoption.

(f) Resource Area and Supporting Regulations

The Borough is required to adopt, at minimum, Highlands ordinance requirements regulating water and wastewater, Highlands resources, and all

Highland Resource Areas located within the municipality. These will apply to all non-exempt development. Resource regulations will require that development applications include maps and plans identifying and delineating Highlands resources, and that application approvals be conditioned upon imposition of conservation easements to protect them, to the extent that the reviewing board's final decision does not approve their disturbance. Resource area regulations will ultimately cover the following, where applicable: steep slopes, forest areas, open waters and riparian areas, ground water recharge management, wellhead protection, stormwater management, Right to Farm, critical habitat, carbonate rock areas, agricultural resources, lake management, Low Impact Development, and historic, cultural, and scenic resources.

(g) Application Procedures

The Borough is required to adopt procedural requirements applicable to resource area applications and review thereof. Also, the Borough must prepare municipal application forms (as needed) and fee/escrow ordinance amendments (as appropriate), and determine and assign responsibility for review of application packages pertinent to these areas by the qualified individual(s).

5. RMP Updates

The Highlands Council recognizes that the various maps, data and technical information contained in the RMP was created at a regional scale and that new, updated or additional information may be available at the county or municipal level. Therefore, the RMP Updates Program was designed to allow counties and municipalities to submit factual revisions, corrections or updates to the RMP. For Basic Plan Conformance, the Borough is required to prepare a list of proposed RMP Updates, along with the justification for each.

Examples of RMP Updates would be development or other lands use changes that have occurred since preparation of the LUCM Series, updates and corrections to Existing Areas Served for water and wastewater utilities, additional preserved lands, topographic mapping enabling a more precise delineation of steep slopes, modifications to Highlands resource boundaries, and updates regarding transportation facilities. Proposed RMP Updates will be reviewed by the Highlands Council for accuracy and used to determine whether changes to the LUCM Series are appropriate.

6. Map Adjustments

The Map Adjustment Program was designed to allow for the exchange of additional planning information between the Highlands Council and counties/municipalities in order to ensure sound regional planning in support of

the RMP and the Highlands Act. More specifically, a Map Adjustment is a Council-approved adjustment of the Land Use Capability Zone Map designations and shall only be undertaken after other means, such as RMP Updates and Highlands Act waivers and exemptions, have proven inadequate to address the underlying planning issue. For Basic Plan Conformance, the Borough is required to submit requests for Map Adjustments, if applicable, along with the justification for each.

An example of a Map Adjustment might include modification of a Conservation Zone immediately adjacent to an Existing Community Zone (ECZ), where utilities and water availability could support extension of the ECZ to accommodate a fully conforming TDR Receiving Zone.

7. Municipal Self-Assessment and Implementation Schedule

At the time the Borough submits its Petition for Basic Plan Conformance, it is required to include a Municipal Self-Assessment (MSA) Report. The MSA Report must list and discuss all changes to the Borough's planning program that will remain necessary after Basic Plan Conformance in order to achieve Full Plan Conformance. The MSA Report must also include a proposed Implementation Schedule, which indicates the timeframe for anticipated completion of each outstanding item leading to Full Plan Conformance.

As part of Plan Conformance Module 7, the Highlands Council will provide municipalities with a sample resolution (required for the Preservation Area) and a sample ordinance (required for the Planning Area) for municipal adoption, which, when accompanied by the rest of the aforementioned key requirements, will constitute a complete Petition to the Highlands Council for Plan Conformance.

The Goals, Policies and Objectives of the RMP provide the substantive standards and directions for implementing the goals and requirements of the Highlands Act. Goals are broad statements of intent. Policies provide a more detailed statement of direction. Objectives provide the specific, substantives requirements that will be used to measure implementation progress and plan conformance.

PART 1 NATURAL RESOURCES

SUBPART A FOREST RESOURCES

Goal 1A PROTECTION OF LARGE AREAS OF CONTIGUOUS FORESTED LANDS OF THE HIGHLANDS REGION TO THE MAXIMUM EXTENT POSSIBLE.

Policy 1A1: To meet the goal for the Preservation Area of “preserve extensive and, to the maximum extent possible, contiguous areas of land in its natural state,” and to “protect the natural, scenic, and other resources of the Highlands Region, including but not limited to contiguous forests.”

Borough of Oakland Planning Response:

The 1988 Master Plan begins to address the concerns addressed in and by Policy 1A1 with the following Goal Statement:

TO PRESERVE THE ENVIRONMENTALLY SENSITIVE AREAS WITHIN THE BOROUGH BY DISCOURAGING DEVELOPMENT OF STEEP SLOPED AREA, FLOODPLAIN AREAS AND WETLAND AREAS BY ENCOURAGING LAND FORM PRESERVATION THROUGH THE USE OF SPECIAL ZONING PROVISIONS ALLOWED IN THE BOROUGH ORDINANCES.

The Conservation Element of the 1988 Master Plan includes Objective 1 which reads as follows:

PRESERVE ENVIRONMENTALLY SENSITIVE AREAS FROM DEVELOPMENT THROUGH APPROPRIATE MEASURES

Oakland’s Master Plan Goal is not as detailed or specific as policy 1A1. It does though express a need to preserve environmentally sensitive areas in the Borough by discouraging development in specific areas.

The recommendations contained within the 1988 Master Plan have been strengthened by the passage of time and adoption of additional planning documents. The Oakland 2008 master plan periodic reexamination report recommends modifications to the existing zoning limitations in certain specific geographic locations constrained by environmental resources, such as Preakness Mountain.

Policy 1A2: To limit human development in the Forest Resource Area in the Preservation Areas in order to protect and enhance forest resources, forest ecosystem integrity, Critical Habitat, and the quantity and quality of water resources.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not specifically address limiting human development in the Forest Resource Area. It does

however make reference to preserving the quantity and quality of water resources. More recent planning documents adopted by the Borough continue to recommend preservation and often purchase of environmentally sensitive land forms, areas of steep slope and large expanses of open space without specifically making reference to Forest Resource Areas, even though many of these areas are in fact forested. One of the basic objectives of the Conservation Plan included in the 1988 Master Plan is to preserve and protect the vast areas of virgin forest.

Policy 1A3: To promote the priority use of available funding to acquire forested lands within the Forest Resource Area.

Borough of Oakland Planning Response: Although the 1988 Oakland Master Plan does not specifically address acquiring lands within the Forest Resource Area it does contain a Goal which is reproduced below:

TO ENCOURAGE THE DEDICATION OF ENVIRONMENTALLY SENSITIVE AREAS, NAMELY THOSE LANDS ADJACENT TO THE RAMAPO RIVER AND THE MOUNTAINS, FOR OPEN SPACE IN ORDER TO PRESERVE THEM.

Objective 3 in the 1988 Recreation Element Plan reads as follows:

TO ACQUIRE LANDS WEST OF THE RAMAPO RIVER PRESENTLY OWNED BY THE BOY SCOUTS FOR PRESERVATION AS PASSIVE RECREATIONAL/OPEN SPACE.

The Conservation Element of the 1988 Master Plan includes Objective 1 which reads as follows:

PRESERVE ENVIRONMENTALLY SENSITIVE AREAS FROM DEVELOPMENT THROUGH APPROPRIATE MEASURES

More recent planning documents adopted by the Borough continue to recommend preservation and often purchase of environmentally sensitive land forms, areas of steep slope and large expanses of open space without specifically making reference to Forest Resource Areas, even though many of these areas are in fact forested. The 2006 Open Space and Recreation Plan as adopted by the planning board did include recommendations concerning the need to partner with other funding organizations, both public and private, to secure adequate money in order to make the recommended investments in forested areas throughout the Borough.

Policy 1A4: To assign land within the Forest Resource Area a high priority for fee simple and easement acquisition.

Borough of Oakland Planning Response: Although Borough planning documents do not specifically discuss or target Forest Resource Area as a high priority, these planning documents do recommend acquisition targets as detailed below:

Objective 3 in the 1988 Recreation Element Plan reads as follows:

TO ACQUIRE LANDS WEST OF THE RAMAPO RIVER PRESENTLY OWNED BY THE BOY SCOUTS FOR PRESERVATION AS PASSIVE RECREATIONAL/OPEN SPACE.

The 2006 Open Space Plan focuses attention and recommends acquisition of land on Preakness Mountain. This area of the Borough is identified as being a forested area although outside the core forest area.

Policy 1A5: To prohibit through local development review and Highlands Project Review forest clear-cutting within the Forest Resource Area except in accordance with a Forest Management Plan approved by the State Forester.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any recommendations concerning the need to prohibit forest clear-cutting. More recent planning documents are consistent with the 1988 Master Plan in their treatment of this subject matter. The Borough zoning ordinance does not contain specific restrictions pertaining to clear cutting forests. However, it should be noted that in an effort to protect and preserve its forest resources, the Borough has adopted a tree preservation ordinance.

Goal 1B: PROTECTION AND ENHANCEMENT OF FORESTS IN THE HIGHLANDS REGION.

Policy 1B1: To provide resource management guidance to encourage sustainable forest management, restoration, improved ecological health, carbon sequestration, and stewardship practices on public and private lands in the Forest Resource Areas within the Protection Zone and the Conservation Zone in the Planning Area.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any recommendations concerning the need to encourage sustainable forest management and to restore and improve the ecological health of forests. In addition, the Oakland master plan does not specifically address carbon sequestration and stewardship practices in the Planning Area. More recent planning documents have not altered the status of Oakland's planning response to this issue. This issue is not addressed in or by the Oakland Zoning Ordinance.

Policy 1B2: To limit, through local development review and Highlands Project Review, human development of forests to low-impact residential development in the Protection Zone and the Conservation Zone in the Planning Area.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any recommendations concerning the need to limit human development in the Protection Zone and Conservation Zone of the RMP to low-impact residential development. More recent planning documents have not altered the status of Oakland's planning response to this issue. This issue is not directly addressed in or by the Oakland Zoning Ordinance although the ordinance does contain limitations on the amount of steep slopes that can be disturbed, limitations on flood plain development, restricts the number of trees that can be removed, and seeks to protect the soil environment during construction activities. All of these individual measures combined to reduce the impact of

development on the Borough's natural resource base and might be considered as ways the Borough seeks to encourage low-impact development in various specific ways.

Policy 1B3: To limit through local development review and Highlands Project Review deforestation in the Forest Resource Area and forested lands within High Integrity Forest Subwatersheds within the Existing Community Zone (ECZ) to maximum extent practical.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any recommendations concerning High Integrity Forest Subwatersheds within the Existing Community Zone. The Oakland Master Plan does not address concerns over deforestation. More recent planning documents have not altered the status of Oakland's planning response to this issue. This issue is not addressed in or by the Oakland Zoning Ordinance although the Borough does enforce a tree preservation ordinance which is intended to protect and preserve the Borough's tree resources.

Policy 1B4: To encourage the restoration of forest resources through forest management and stewardship practices.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any recommendations concerning restoration of forest resources. More recent planning documents have not altered the status of Oakland's planning response to this issue. This issue is not addressed in or by the Oakland Zoning Ordinance.

Policy 1B5: To ensure that forest resources are protected on a site specific basis during local development review and Highlands Project Review.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain specific recommendations concerning the need to protect forest resources. Further, the master plan does not contemplate the establishment of a Highlands Project Review process. More recent planning documents have not altered the status of Oakland's planning response to protection of forest resources. The Oakland Zoning Ordinance does not contain specific regulations or requirements that mandate preservation of forest resources during development review. Instead the Borough approach has been to focus efforts on limiting development on steep slopes, enforcing soil erosion control plans and enforcing the Borough's tree protection ordinance. Taken as a whole this measures are intended to preserve and protect forest resources within the Borough.

Policy 1B6: To encourage conformance with standards and criteria for sustainable forestry activities in order to conserve and enhance the Forest Resource Areas and forested lands within High Integrity Forest Subwatersheds within the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain specific recommendations relating to conserving and enhancing Forest Resource Areas or forested land within High Integrity Forest Subwatersheds. More recent planning documents have not altered the status of Oakland's planning response to High Integrity Forest Subwatersheds This issue is not addressed in or by the Oakland Zoning Ordinance.

Policy 1B7: To prohibit clear-cutting of forest lands except pursuant to an approved Forest Management Plan approved by the State Forester.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to prohibit forest clear-cutting. More recent planning documents have not altered the status of Oakland's planning response to this issue. This issue is not addressed in or by the Oakland Zoning Ordinance.

Policy 1B8: To encourage the development of forest management strategies and programs that improve the ecological health, water resources benefits, and scenic quality of Highlands forests.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to improve the ecological health, water resources and/ or scenic quality of Highlands Region forests. More recent planning documents have not altered the status of Oakland's planning response toward the health and ecological benefits conferred by high quality Highland Regions forests. This issue is not addressed in or by the Oakland Zoning Ordinance.

Goal 1C: CONFORMING MUNICIPALITIES AND COUNTIES INCLUDE FOREST PROTECTION PROGRAMS IN THEIR MASTER PLANS AND DEVELOPMENT REGULATIONS.

Policy 1C1: To require that conforming municipalities and counties address the protection of forested portions of Forest Resource Areas and High Integrity Forest Subwatersheds in their master plans and development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the protection of forested portions of the Forest Resource Areas or High Integrity Forest Subwatersheds. More recent planning documents have not altered the status of Oakland's planning response toward Forest Resource Areas. This issue is not addressed in or by the Oakland Zoning Ordinance.

Policy 1C2: To provide technical guidelines and procedures to assist municipalities and counties in the development of forest protection, mitigation, and community forestry plans for inclusion in municipal and county master plans and development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not address the issues in Policy 1C2. More recent planning documents have not altered the status of Oakland's planning response to this issue. This issue is not addressed in or by the Oakland Zoning Ordinance.

Policy 1C3: To require that conforming municipalities adopt a tree clearing ordinance consistent with an approved community forestry plan under the New Jersey Forest Service Community Forestry Program as part of the municipal master plan and local development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to adopt a local land use regulation concerning community forestry plans. More recent planning documents have not altered the status of Oakland's planning response to this issue. This issue is not addressed in or by the Oakland Zoning Ordinance, although the Borough has adopted and enforces a tree preservation ordinance.

SUBPART B HIGHLANDS OPEN WATERS AND RIPARIAN AREAS

GOAL 1D1: PROTECTION, RESTORATION, AND ENHANCEMENT OF HIGHLANDS OPEN WATERS AND RIPARIAN AREAS.

Policy 1D1: To establish and maintain an inventory of Highlands Open Waters and their integrity. Highlands Open Waters area all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the highlands Region, but shall not mean swimming pools.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish and maintain an inventory of Highlands Open Waters. More recent planning documents have not altered the status of Oakland's planning response to the need or desire to create an inventory of Highlands Open Waters. This issue is not addressed in or by the Oakland Zoning Ordinance.

Policy 1D2: To establish and maintain an inventory of Highlands Riparian Areas and their integrity.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish and maintain an inventory of Highlands Riparian Areas. More recent planning documents have not altered the status of Oakland's planning response concerning Highlands Region Riparian Areas. This issue is not addressed in or by the Oakland Zoning Ordinance.

Policy 1D3: To periodically review and updates, as necessary, the Watershed Resource Value and Riparian Area Integrity Values.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish and maintain an inventory of Highlands Riparian Areas. More recent planning documents have not altered the status of Oakland's planning response to Watershed Resource and Riparian Area Integrity Values. This issue is not addressed in or by the Oakland Zoning Ordinance.

Policy 1D4: Highlands Open Waters shall include a protection buffer of 300 feet from the edge of the discernable bank of Highlands Open Waters feature, or from the centerline where no discernable bank exists. With respect to wetlands and other Highlands Open Water features (e.g., seeps, springs, etc.), the feature shall include a protection buffer of 300 feet from the delineated Letter of Interpretation (LOI) line issued by NJDEP for

wetlands, or from a field-delineated boundary for other features. In areas where existing development or land uses within the protection buffers have reduced or impaired the functional values of the buffers, the Council will seek opportunities to restore the buffer and its functions. Any proposed disturbance shall, through local development review and Highlands Project Review, comply with Highlands Open Waters buffer standards. The protection buffer width for Category 2 streams in the Planning Areas may be modified through a Stream Corridor Protection/ Restoration Plan, as specified in Objective 1D4i. In approved Redevelopment Areas, the Council may, at its discretion, modify the required buffer, upon a showing of no alternatives, no impact to the functional value of the buffer, and provision of alternative approaches to enhancing or protecting Highlands Open Waters and resources of the buffer area.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the establishment of 300 foot wide protective buffers surrounding Highlands Open Waters features. More recent planning documents have not altered the status of Oakland's planning response to this issue of buffers surrounding Highlands Region Open Waters features. This issue is not addressed in or by the Oakland Zoning Ordinance.

Policy 1D5: Protect the integrity of the Riparian Areas through the application of RMP standards during local development review and Highlands Project Review.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning protection of Riparian Areas through the application of RMP standards during the local development review process. More recent planning documents have not altered the status of Oakland's planning response to the concern over the integrity of Riparian Areas in the Highlands Region issue. This issue is not addressed in or by the Oakland Zoning Ordinance.

Policy 1G6: To establish priorities for preservation of Riparian Areas.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish priorities for preservation of Riparian Areas. More recent planning documents have not altered the status of Oakland's planning response establishing priorities for the preservation of Riparian Areas. This issue is not addressed in or by the Oakland Zoning Ordinance.

SUBPART C STEEP SLOPES

GOAL 1E: PROTECTION AND ENHANCEMENT OF THE NATURAL, SCENIC, AND OTHER RESOURCES OF THE HIGHLANDS REGION BY PROTECTION OF STEEP SLOPES FROM INAPPROPRIATE DEVELOPMENT AND DISTURBANCE.

Policy 1E1: To develop, maintain, and improve a mapped inventory of steep slope areas in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to develop, maintain and

improve a mapped inventory of steep slope areas in the Borough. More recent planning documents have not altered the status of Oakland's planning response to this issue. This issue is not addressed in or by the Oakland Zoning Ordinance.

Policy 1E2: All lands with slopes of 20% or greater and lands within Riparian Areas with slopes of 10% and greater shall be considered as Severely Constrained Slopes.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish a classification of Severely Constrained Slopes. More recent planning documents have not altered the status of Oakland's planning response to the issue of steep slopes in Riparian Areas. The Borough governing body has adopted a steep slopes ordinance, however this ordinance is not as detailed or specific as RMP Policy 1E2.

Policy 1E3: All non-Riparian Area lands having a slope of 15% to less than 20% which are forested shall be considered Moderately Constrained Slopes.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish a classification of Moderately Constrained Slopes. More recent planning documents have not altered the status of Oakland's planning response to creating a category of Moderately Constrained Slopes. The Borough governing body has adopted an ordinance to control and regulate and limit the disturbance and regarding of steep slope land forms, however this ordinance does not specifically classify certain steep slopes as Moderately Steep Slopes.

Policy 1E4: All non-Riparian Area lands having a slope of 15% to less than 20% which are non-forested with one or more of the following characteristics shall be considered Constrained Slopes: a) highly susceptible to erosion; b) shallow depth to bedrock; or c) a Soil Capability Class indicative of wet or stony soils.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish a classification of Constrained Slopes. More recent planning documents have not altered the status of Oakland's planning response to this issue. This matter of classifying slopes based on physical characteristics is not addressed in or by the Oakland zoning ordinance, which does contain provisions regulating and restricting the disturbance of steeply sloping land forms.

Policy 1E5: All non-Riparian Area lands having a slope of 15% to less than 20%, which are non-forested, are not highly susceptible to erosion, and do not have a shallow depth to bedrock or a Soil Capability Class indicative of wet or stony soils, shall be considered Limited Constrained Slopes.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish a classification of Limited Constrained Slopes. More recent planning documents have not altered the status of Oakland's planning response to this issue. This concept of classifying slopes based on the physical characteristics present on the slope is not addressed in or by the Oakland Zoning Ordinance.

Policy 1E6: To require through local development review and Highlands Project review that applications for development include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does contain a section entitled STATEMENT OF GOALS AND OBJECTIVES. One of these goals does seek to preserve steep slopes and is reproduced below:

TO PRESERVE THE ENVIRONMENTALLY SENSITIVE AREAS WITHIN THE BOROUGH BY DISCOURAGING DEVELOPMENT OF STEEP SLOPED AREA, FLOODPLAIN AREAS AND WETLAND AREAS BY ENCOURAGING LAND FORM PRESERVATION THROUGH THE USE OF SPECIAL ZONING PROVISIONS ALLOWED IN THE BOROUGH ORDINANCES.

In addition, the 1988 Land Use Element of the Master Plan contains a heading of “Basic Objectives for Land Use Plan” which includes the following:

TO ENCOURAGE LAND FORM PRESERVATION IN THOSE AREAS REMAINING LARGELY IN THEIR NATURAL STATE, REGARDLESS OF THE INTENDED USE.

In addition, the 1988 Conservation Plan of the Master Plan contains a heading of “Basic Objectives of the Conservation Plan” which includes the following:

PRESERVE ENVIRONMENTALLY SENSITIVE AREAS FROM DEVELOPMENT THROUGH APPROPRIATE MEASURES.

Applicants seeking to develop property in areas characterized by steep slopes are required to provide topographic information consistent with the requirements of the Borough adopted checklists in order to demonstrate compliance with the substantive requirements of the ordinance.

Policy 1E7: To require through local development review and Highlands Project review that applications for development involving parcels of land with slopes of 10% or greater include identification of forested lands, areas which are highly susceptible to erosion, depth to bedrock, and Soil Capability Classes.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does contain a section entitled STATEMENT OF GOALS AND OBJECTIVES. One of these goals does seek to preserve steep slopes and is reproduced below:

TO PRESERVE THE ENVIRONMENTALLY SENSITIVE AREAS WITHIN THE BOROUGH BY DISCOURAGING DEVELOPMENT OF STEEP SLOPED AREA, FLOODPLAIN AREAS AND WETLAND AREAS BY ENCOURAGING LAND FORM PRESERVATION THROUGH THE USE OF SPECIAL ZONING PROVISIONS ALLOWED IN THE BOROUGH ORDINANCES.

In addition, the 1988 Land Use Element of the Master Plan contains a heading of “Basic Objectives for Land Use Plan” which includes the following:

TO ENCOURAGE LAND FORM PRESERVATION IN THOSE AREAS REMAINING LARGELY IN THEIR NATURAL STATE, REGARDLESS OF THE INTENDED USE.

Furthermore, the 1988 Conservation Plan of the Master Plan contains a heading of “Basic Objectives of the Conservation Plan” which includes the following:

PRESERVE ENVIRONMENTALLY SENSITIVE AREAS FROM DEVELOPMENT THROUGH APPROPRIATE MEASURES.

Applicants seeking to develop property characterized by steep slopes are required to provide all the information as required on the Borough adopted checklist in order to demonstrate compliance with the substantive requirements contained within the steep slope ordinance.

Policy 1E8: To prohibit through local development review and Highlands project Review land disturbance within areas which are Severely Constrained Slopes and Moderately Constrained Slopes, except for linear development in both the Preservation and Planning Areas that meets the requirements of N.J.A.C. 7:38-3.89 (c)1-4.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does contain a section entitled STATEMENT OF GOALS AND OBJECTIVES. One of these goals does seek to preserve steep slopes and is reproduced below:

TO PRESERVE THE ENVIRONMENTALLY SENSITIVE AREAS WITHIN THE BOROUGH BY DISCOURAGING DEVELOPMENT OF STEEP SLOPED AREA, FLOODPLAIN AREAS AND WETLAND AREAS BY ENCOURAGING LAND FORM PRESERVATION THROUGH THE USE OF SPECIAL ZONING PROVISIONS ALLOWED IN THE BOROUGH ORDINANCES.

Furthermore, the 1988 Land Use Element of the Master Plan contains a heading of “Basic Objectives for Land Use Plan” which includes the following:

TO ENCOURAGE LAND FORM PRESERVATION IN THOSE AREAS REMAINING LARGELY IN THEIR NATURAL STATE, REGARDLESS OF THE INTENDED USE.

In addition, the 1988 Conservation Plan of the Master Plan contains a heading of “Basic Objectives of the Conservation Plan” which includes the following:

PRESERVE ENVIRONMENTALLY SENSITIVE AREAS FROM DEVELOPMENT THROUGH APPROPRIATE MEASURES.

The Borough has adopted a steep slopes ordinance which is applicable to all non-exempt proposed developments if the land exhibits slopes above a certain specified range.

Policy 1E9: To require through local development review and Highlands Project Review the use of Low Impact Best Development Practices for any land disturbance or human development within areas which are Constrained or Limited Constrained Slopes, or that involves an approved disturbance of a Severely Constrained or Moderately Constrained Slope.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish Low Impact Best Development Practices for any land disturbances in steep slope areas. More recent planning documents have not altered the status of Oakland's planning response to the concern over establishing Low Impact Best Management Practices for all disturbances in steep slope areas. The Borough ordinance regulating the development of steep slopes does not require use of Low Impact Best Management Practices.

Policy 1E10: To required that conforming municipalities and counties implement the steep slope protection provisions of Policies 1E2 through 1E9 through master plan and development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does contain a section entitled STATEMENT OF GOALS AND OBJECTIVES. One of these goals does seek to preserve steep slopes and is reproduced below:

TO PRESERVE THE ENVIRONMENTALLY SENSITIVE AREAS WITHIN THE BOROUGH BY DISCOURAGING DEVELOPMENT OF STEEP SLOPED AREA, FLOODPLAIN AREAS AND WETLAND AREAS BY ENCOURAGING LAND FORM PRESERVATION THROUGH THE USE OF SPECIAL ZONING PROVISIONS ALLOWED IN THE BOROUGH ORDINANCES.

Furthermore, the 1988 Land Use Element of the Master Plan contains a heading of "Basic Objectives for Land Use Plan" which includes the following:

TO ENCOURAGE LAND FORM PRESERVATION IN THOSE AREAS REMAINING LARGELY IN THEIR NATURAL STATE, REGARDLESS OF THE INTENDED USE.

In addition, the 1988 Conservation Plan of the Master Plan contains a heading of "Basic Objectives of the Conservation Plan" which includes the following:

PRESERVE ENVIRONMENTALLY SENSITIVE AREAS FROM DEVELOPMENT THROUGH APPROPRIATE MEASURES.

The Borough has adopted an ordinance to control and regulate development proposed for steep slopes. This ordinance requires careful review of all development applications proposed on steep slopes.

Policy 1E11: To provide technical guidelines and assistance in support of Plan Conformance activities.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to receive technical guidance and assistance from the Highlands Council in support of Plan Conformance activities. More recent planning documents have not altered the status of Oakland's planning response to the perceived need for technical guidance. The Oakland Zoning Ordinance does not contain provisions requiring applicants to seek technical guidance from the Highlands Council in order to support Plan Conformance activities.

SUBPART D CRITICAL HABITAT

GOAL1F PROTECTION AND ENHANCEMENT OF CRITICAL WILDLIFE HABITATS, SIGNIFICANT NATURAL AREAS, AND VERNAL POOLS.

Policy 1F1: Critical Habitat shall be:

1. Critical Wildlife Habitat, defined as those areas within the NJDEP's Landscape Project Version 3 that are Landscape Rank 3 through 5 and Landscape Rank 2 with Highlands Conservation Rank of Critically Significant or Significant.
 - a. Landscape Rank 5: Habitat supporting a federally listed threatened or endangered species;
 - b. Landscape Rank 4: Habitat supporting a species designated as State Endangered;
 - c. Landscape Rank 3: Habitat supporting a species designated as Stated Threatened ; and
 - d. Landscape Rank 2: Habitat supporting a species designated as Special Concern. The Highlands Conservation Rank index for each species occurrence based upon how critical the Highlands Region is to the continued existence of the species within New Jersey. Following are the Highlands Conservation Ranks that were used:
 - i. Critically Significant (Rank 3)- If habitats in the Highlands Region were lost, that species would not exist in the State;
 - ii. Significant (Rank 2)- Highlands Region habitat play a significant role for that species' existence in the State;
2. Significant Natural Areas, defined as the 95 NJDEP Natural Heritage Priority Sites, including habitat for documented threatened and endangered plant species, and lands that include unique or regionally significant ecological communities and other significant natural sites or features; and
3. Vernal pools, defined as NJDEP-certified vernal pools plus a 1,000 foot protection buffer.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish a Critical Habitat classification. More recent planning documents have not altered the status of Oakland's planning response to Critical Habitat classification matters. The zoning ordinance does not contain any specific requirements that would designate or further restrict development or use of land based upon habitat classification. As detailed in earlier sections of this report, the Borough has identified and sought to either regulate development or purchase property when certain environmental features are present. This strategy is given voice in the most recent periodic reexamination report wherein the recommendation to acquire Preakness Mountain, a Natural Heritage Priority Site is made.

Policy 1F2: To prohibit through Plan Conformance, local development review and Highlands Project Review the direct impact of new human development or expansion or increased intensity of existing development within Critical Habitat.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish regulations concerning direct impacts of human development on Critical Habitats.

More recent planning documents have not altered the status of Oakland's planning response to Critical Habitats. The zoning ordinance does not contain any specific requirements that would designate or further restrict development or use of property based on a habitat classification.

Policy 1F3: To assign land within Critical Habitat a high priority for fee simple and / or easement acquisition with periodic monitoring of easement restrictions protecting Critical Habitat, species, and ecological communities from any changes in land use or management practices that would impair these resources.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does contain a section entitled STATEMENT OF GOALS AND OBJECTIVES. One of these goals does seek to preserve steep slopes and is reproduced below:

TO PRESERVE THE ENVIRONMENTALLY SENSITIVE AREAS WITHIN THE BOROUGH BY DISCOURAGING DEVELOPMENT OF STEEP SLOPED AREA, FLOODPLAIN AREAS AND WETLAND AREAS BY ENCOURAGING LAND FORM PRESERVATION THROUGH THE USE OF SPECIAL ZONING PROVISIONS ALLOWED IN THE BOROUGH ORDINANCES.

In addition, the 1988 Land Use Element of the Master Plan contains a heading of "Basic Objectives for Land Use Plan" which includes the following:

TO ENCOURAGE LAND FORM PRESERVATION IN THOSE AREAS REMAINING LARGELY IN THEIR NATURAL STATE, REGARDLESS OF THE INTENDED USE.

Furthermore, the 1988 Conservation Plan of the Master Plan contains a heading of "Basic Objectives of the Conservation Plan" which includes the following:

PRESERVE ENVIRONMENTALLY SENSITIVE AREAS FROM DEVELOPMENT THROUGH APPROPRIATE MEASURES.

Borough policy remains to acquire sensitive land forms on Ramapo Mountain and property along the Ramapo River. In addition, more recent planning documents adopted by the Borough call for the preservation of Preakness Mountain by acquiring undeveloped properties. The zoning ordinance does not contain any specific requirements that would require the acquisition of land designated as Critical Habitat from a developer who is presenting an application to one of the review boards.

Policy 1F4: To promote the restoration and enhancement of impaired lands in Critical Habitat.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to promote the restoration and enhancement of impaired Critical Habitat lands and waterbodies. More recent planning documents have not altered the status of Oakland's planning response toward Critical Habitats. The Borough zoning ordinance does not contain any specific standards that require the restoration and enhancement of impaired property that is the subject of a development application.

Policy 1F5: To establish a Habitat Conservation and Management Program, including minimum performance standards and criteria for the protection, enhancement, and restoration of lands within Critical Habitat.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish a Habitat Conservation and Management Program for the protection, enhancement and restoration of lands with Critical Habitat. More recent planning documents have not altered the status of Oakland's planning response concerning the desirability of creating specific minimum performance standards for the protection and enhancement of Critical Habitats. The zoning ordinance does not contain any specific standards that would require the enhancement or restoration of lands classified as Critical Habitat.

Policy 1F6: To required that applications for any local development review and Highlands Project Review for Critical Habitat be subject to minimum standards and criteria outlined in the Habitat Conservation and Management Plan.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish minimum review standards and criteria as outlined in a Habitat Conservation and Management Program Plan. More recent planning documents have not altered the status of Oakland's planning response toward establishing minimum development standards as contained in a Habitat Conservation and Management Plan. The zoning ordinance does not contain any specific standards that would allow the planning board to impose additional or specific requirements on applicants seeking to develop or use property designated as Critical Habitat.

Policy 1F7: To require through local development review and Highlands Project Review that projects qualifying as major Highlands Developments, affecting or potentially affecting Critical Habitat in the Preservation Area, comply with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.11 and with the minimum standards and criteria outlined in the Critical Habitat Conservation and Management Plan. All projects in the Preservation Area that are not major Highlands Developments shall comply with Policies 1F1 through 1F6.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need for development applications to comply with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.11 and with the minimum standards and criteria outlined in the Critical Habitat Conservation and Management Plan for the protection, enhancement and restoration of lands with Critical Habitat. More recent planning documents have not altered the status of Oakland's

planning response land development activities in or potentially affecting a Critical Habitat. The zoning ordinance does not contain any specific standards that would designate development proposals as major Highlands Developments. There are no provisions in the Oakland Zoning Ordinance that would authorize the board to require an applicant prepare and conform to a Critical Habitat Conservation and Management Plan.

Policy 1F8: To establish standards and procedures, in coordination with the NJDEP's Endangered and Nongame Species Program or Natural Heritage Program, for the identification of lands where it is necessary that Critical Wildlife Habitat, Significant Natural Areas, or vernal pool buffers be expanded in order to protect an individual species or ecological community in the event that it is determined that a larger area is required to protect the functional integrity of the habitat.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish procedures and standards for the identification of lands where expanded buffers might be necessary around vernal pools or other Critical Habitats in order to protect an individual species or ecological community. More recent planning documents have not altered the status of Oakland's planning response to this issue of expanded buffers surrounding vernal pools or other Critical Habitats. The zoning ordinance does not contain any specific standards that further regulate or limit intensity of development due to the presence of Critical Habitat, Significant Natural Areas, vernal pools or other Highlands Region resources. There is no mechanism in the zoning ordinance to expand the width of buffers surrounding vernal pools.

Policy 1F9: To establish standards and criteria for the identification of Critical Habitat features in coordination with the NJDEP's Endangered and Nongame Species Program or Natural Heritage Program.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish standards and criteria for the identification of Critical Habitat. More recent planning documents have not altered the status of Oakland's planning response to Critical Habitats. The zoning ordinance does not contain any specific standards establishing requirements and criteria, such as reliance upon the NJDEP's Endangered and Nongame Species Program or Natural Heritage Program, for the identification and preservation of Critical Habitats. The zoning ordinance does not provide a basis to limit the intensity of allowable development due to the existence of Critical Habitat.

Goal 1G INCLUSION OF CRITICAL HABITAT AREA MANAGEMENT PROGRAMS IN THE MASTER PLANS AND DEVELOPMENT REGULATIONS OF CONFORMING MUNICIPALITIES AND COUNTIES.

Policy 1G1: To require that conforming municipalities and counties identify Critical Habitat and management programs in their master plans and development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to identify Critical Habitat or

plan for management of Critical Habitat. More recent planning documents have not altered the status of Oakland's planning response towards Critical Habitat issues. The zoning ordinance does not contain any specific requirements establishing standards and criteria for the identification, preservation and management of Critical Habitats. Further, there is no basis in the zoning ordinance whereby the reviewing agencies can modify or reduce the level of permitted intensity of development due to the presence of Critical Habitats.

Policy 1G2: To require that conforming municipalities and counties include approved Habitat Conservation and Management Plans in master plans and development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to include Habitat Conservation and Management Plans in the Borough's master plan or development regulations. More recent planning documents have not altered the status of Oakland's planning response to the issue of creating and implementing approved Critical Habitat Conservation and Management Plans. The zoning ordinance does not contain any specific requirements establishing standards, criteria or management requirements pertaining to the restoration, preservation and enhancement of Critical Habitats or how such a Habitat Conservation and Management Plan would further regulate and impact upon development applications.

SUBPART E LAND PRESERVATION AND STEWARDSHIP

Goal 1H; PROTECTION OF CRITICAL RESOURCES THROUGH LAND PRESERVATION AND STEWARDSHIP OF OPEN SPACE THROUGHOUT THE HIGHLANDS REGION.

Policy 1H1: To identify and maintain an inventory of private and public open space land holdings and conservation easements in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to identify and maintain an inventory of private and public open space holdings and conservation easements. More recent planning documents have not altered the status of Oakland's planning response to this issue. The zoning ordinance does not contain any specific requirements establishing standards and criteria for the identification and maintenance of an inventory of public and private open space and/or conservation easements.

Policy 1H2: To serve as a regional clearinghouse for information regarding preservation programs and funding sources for land acquisition, restoration and enhancement; technical assistance; and long-term stewardship of preserved lands, for public and private organizations in order to maximize land preservation efforts in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to serve as a regional clearinghouse for information regarding preservation programs and funding sources for land acquisition, restoration and enhancement; technical assistance; and long-term

stewardship of preserved lands. More recent planning documents have not altered the status of Oakland's planning response to the concept of establishing a regional clearinghouse for information relating to preservation programs and the funding necessary to operate same. The zoning ordinance does not impose any specific regulations onto either the Borough or would be developers pertaining to the establishment of a clearinghouse for information regarding preservation programs and potential funding sources that might be utilized to acquire, preserve, restore or enhance preserved lands.

Policy 1H3: To develop and maintain a confidential inventory of open space lands and farmland within Conservation Priority Areas and Agricultural Priority Areas which should be preserved.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to develop and maintain a confidential inventory of open space lands and farmland within Conservation Priority Areas and Agricultural Priority Areas which should be preserved. More recent planning documents have not altered the status of Oakland's planning response to the creation of a confidential inventory of open space and farmland worthy of preservation. The zoning ordinance does not contain any specific requirements designed to create and maintain a confidential inventory of open space and farmland with the Conservation Priority Areas and Agricultural Priority Areas that should be preserved. The Oakland zoning ordinance does not create or include such priority areas within its zone districts. Instead of creating confidential inventories and working in secret, the Borough and its reviewing agencies strive for transparency and working in open session so that all can review their activities and participate if so inclined.

Policy 1H4: To advocate for the establishment of dedicated sources of funding for the preservation and stewardship of open space lands in the Highlands Region including, but not limit to:

1. Dedicated sources of State revenue to be used for open space preservation in the Highlands Region, such as coordination with the NJDEP Green Acres Program for re-authorization of the Garden State Preservation Trust (GSPT) Fund, including a dedicated fund for the anticipated land acquisition needs of the Highlands Region, and enactment of a water user fee.
2. Dedicated sources of State revenue for a reserve fund to capitalize the Highlands Development Credit Bank.
3. An ongoing program to secure significant federal funding in support of land acquisition and stewardship efforts in the Highland Region including, but not limited to, additional appropriations under the Federal Highlands Conservation Act (HCA).
4. An ongoing program to seek funding for land acquisition and stewardship from unique sources of funding such as gifts, endowments and donations, and federal and state court-imposed fines for natural resource damages.
5. A dedicated source of revenue for the preservation and stewardship of open space through a surcharge on public water supply system rates for any system that directly or indirectly relies on Highlands water resources for more than 5% of their annual needs.

6. A Highlands Conservation Trust to secure monies from alternate sources of funding to assist in land acquisition and stewardship.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to advocate for the establishment of dedicated sources of funding for the preservation and stewardship of open space lands in the Highlands Region. Oakland's more recent planning documents discuss the need to create partnership to acquire environmentally important Highlands Region resources. The zoning ordinance does not establish any programs that would lead to additional funding of Highlands preservation efforts relating to open space preservation and stewardship.

Policy 1H5: To encourage municipalities and counties to establish and fund local open space acquisition and stewardship programs or to expand existing open space and stewardship programs.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to establish and fund open space acquisition and stewardship programs. More recent planning documents, such as the 2006 Open Space Plan adopted by the Borough discuss the importance of voter approval of the 2003 open space tax referendum. As a result of Borough voters agreeing to a dedicated open space tax, Oakland is now granted access to additional open space and recreational funding from both the County of Bergen and the NJDEP. This ability to leverage outside funds is significant as Borough tax payers will have funding partners to assist in the acquisition and preservation of open space resources and the enhancement of recreational sites, fields and facilities. The zoning ordinance is silent with regard to establishing and funding a local open space acquisition and stewardship program.

Policy 1H6: To support legislation to extend the dual appraisal methodology used by the GSPT for lands in the Highlands Region beyond the June 30, 2009 expiration date to a minimum of five years beyond adoption of the RMP.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to advocate for legislation to extend the dual appraisal methodology used by the GSPT for lands in the Highlands Region beyond the June 30, 2009 expiration date to a minimum of five years beyond adoption of the RMP. More recent planning documents have maintained the status of Oakland's planning response to this appraisal issue. The zoning ordinance makes no requirements on applicants to support legislation concerning use of appraisals when the state is seeking to acquire property.

Policy 1H7: To identify and designate a Special Environmental Zone in the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools including, but not limited to, fee simple acquisition, easement acquisition, transfer of development program, and development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain any specific recommendations concerning the need to identify and designate a

Special Environmental Zone in the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools including, but not limited to, fee simple acquisition, easement acquisition, transfer of development program, and development regulations. More recent planning documents have not altered the status of Oakland's planning response to environmentally sensitive resources within the boundaries of the Preservation Area. The Borough land use ordinance does not designate a Special Environmental Zone, not does it yet recognize the Highlands Act designation of the Preservation Area.

GOAL II CONFORMING MUNICIPALITIES AND COUNTIES INCLUDE OPEN SPACE PRESERVATION AND LAND STEWARDSHIP PROGRAMS IN THEIR MASTER PLANS AND DEVELOPMENT REGULATIONS.

Policy 111: To require conforming municipalities and counties to include an open space preservation and land stewardship element in their master plans.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does contain both a Recreation Plan and a Conservation Plan. Since 1988, the Borough has updated the plan with a new plan which was prepared in 2006. This most recent Open Space plan does not contain as a separate element a land stewardship element, but does include many of the features one would expect to be included in such an element. The zoning ordinance does not address open space preservation or land stewardship needs.

Policy 112: To require conforming municipalities and counties to: identify and delineate existing preserved open space, including fee simple and easements; maintain current Recreation and Open Space Inventory (ROSI) where required by the NJDEP Green Acres Program; and identify lands subject to stewardship programs in their master plans and provide that information to the Highlands Council.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain recommendations to identify and delineate existing preserved open space or lands subject to stewardship programs. The more recently adopted 2006 Open Space Plan does include an inventory of preserved open spaces. Neither the master plan, nor the 2006 Open Space Plan recommends such information be provided to the Highlands Council. The Borough Administration also maintains a list of preserved open spaces. Such information can be made available to the Highlands Council, if requested. The Borough Zoning Ordinance does not address this issue of identifying and delineating existing publically owned preserved open spaces.

Policy 113: To require confirming municipalities and counties to require conservation or land stewardship easements, enforceable by the Highlands Council and at least one of the following: The appropriate municipality, the County Agriculture Development Board, the SADC, Green Acres, or a non-profit land trust organized pursuant to §501(c)(3) of the federal tax code and engaged in the protection of land for the purpose of providing long term stewardship of important resources as a condition of development approval for lands

within parcels proposed for development that are identified for preservation on a proposed site plan or subdivision plat.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations that conservation or land stewardship easements be enforceable by the Highlands Council and at least one additional entity. This continues to be the status concerning Borough planning documents. The 2006 Open Space and Recreation Plan focused on needed recreation improvements and land acquisition efforts. It does not direct its attention to the details of which entities should have an enforceable proprietary interest with regard to easements or other property rights. The zoning ordinance contains no provisions that deal with land stewardship and monitoring programs.

Policy 1I4: To require conforming municipalities and counties to establish stewardship and monitoring programs for preserved lands owned by the municipality or county by fee acquisition or easement acquisition. Such programs can be administered by the municipality or county, or a non-profit land trust organized pursuant to §501 (c)(3) of the federal tax code and engaged in the protection of land for the purpose of providing long-term stewardship of important resources.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the creation of stewardship and monitoring programs for preserved open space lands. The more recent 2006 Open Space plan does not establish a monitoring program for preserved lands. The 2006 plan does not focus on stewardship programs. The zoning ordinance does not contain provisions which require or establish land stewardship or monitoring programs.

Goal 1J PRESERVATION OF FORESTS IN PRIVATE OWNERSHIP THROUGH CREATION OF A FOREST PRESERVATION EASEMENT PROGRAM

Policy 1J: To promote the creation of a Forest Preservation Easement Program for the Highlands Region, eligible for use through the SADC or the Green Acres Program.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include any specific recommendations concerning the creation of a Forest Preservation Easement Program. Borough planning documents have remained consistent with regard to the potential creation of a Forest Preservation Easement Program. The Borough Zoning Ordinance does not establish any procedures or requirements upon applicants relating to such a program.

SUBPART F CARBONATE ROCK (KARST) TOPOGRAPHY

GOAL 1K PROTECTION OF GROUND WATER QUALITY AND PUBLIC SAFETY REGARDING KARST FEATURES IN THE HIGHLANDS.

Policy1K1: To map and make readily available to the public areas of the Highlands Region that are underlain by carbonate rocks to define a Carbonate Rock Area.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does include recommendations concerning the mapping of carbonate rock features. As this is not a Highlands Region feature located within the Borough, Borough planning documents have been consistent in not addressing carbonate rocks as a land use or environmental issue. The Borough zoning ordinance contains no provisions concerning imposing special requirements pertaining to carbonate rocks.

Policy 1K2: To identify and delineate through local development review and Highlands Project Review land areas that drain surface water into the Carbonate Rock Area.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the mapping of carbonate rock features. As this is not a Highlands Region feature located in the Borough, Borough planning documents have been consistent in not addressing this as a land use or environmental issue. The Borough zoning ordinance contains no provisions establishing any special requirements concerning carbonate rocks or the stormwater that flows to such special environmental features.

Policy 1K3: To establish and maintain inventories of karst features and subwatersheds that drain directly to Carbonate Rock Areas in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning creating and maintaining an inventory of karst features and the subwatersheds that drain to such features. As this is not a Highlands Region feature located in the Borough, Borough planning documents have been consistent in not addressing this as an issue. The Borough zoning ordinance contains no provisions concerning creation of an inventory of carbonate rocks.

Policy 1K4: To ensure through Plan Conformance that municipalities in, or within subwatersheds draining directly to, the Carbonate Rock Areas protect public health and safety and the quality of ground waters from inappropriate land uses and pollutant discharges.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning protection of public safety and health with regard to karst features and the stormwater flows directed to them. As this is not a Highlands Region feature located in the Borough, Borough planning documents have been consistent in not addressing this as a land use or development issue. The Borough zoning ordinance contains no provisions concerning carbonate rocks.

SUBPART G LAKE MANAGEMENT

GOAL 1L: PROTECTION OF HIGHLANDS REGION LAKES FROM THE IMPACTS OF PRESENT AND FUTURE DEVELOPMENT.

Policy1L1: To establish a Lake Management Area around all Highlands Region lakes of greater than 10 acres in size.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the establishment of Lake Management Areas around all Highlands Region lakes of 10 acres or larger in size. Borough planning documents adopted since the 1988 Master Plan have been consistent in not addressing this as a specific environmental or land use issue that needs attention. The Borough zoning ordinance contains no provisions concerning establishment of a Lake Management Area around all lakes greater than 10 acres in surface area.

Policy 1L2: To establish tiers of lake management appropriate to management strategies that help protect lake water quality and community value from the impacts of present and future development.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning establishment of lake management tier strategies. Borough planning documents that have been adopted since the 1988 Master Plan have been consistent in not addressing this as an issue that needs attention. The Borough zoning ordinance contains no provisions concerning establishment of a Lake Management Area around all lakes located in the Borough. Consistent with the adopted Stormwater Management Plan, Oakland has adopted a stormwater management ordinance that is designed to address water quality issues resulting from development activities. These actions on behalf of the Borough will improve lake water quality.

Policy 1L3: To establish unique standards (as compared to lakes within the Protection and Conservation Zones) for the Lake Community Sub-Zone within the ECZ within 1,000 feet of lakes, particularly with respect to the Shoreline Protection Tier, to prevent degradation of water quality, harm to lake ecosystems, and promotion of aesthetic values within the ECZ.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the creation of unique development standards for lakes within the Lake Community Sub-Zone within the ECZ. Nor did the 1988 Master Plan propose the establishment of a Shoreline Protection Tier in an effort to protect lakes and the quality of the water contained within various lakes. Borough planning documents adopted in the intervening years have been consistent in not addressing this as an environmental or land use issue requiring attention by the Borough or its boards. The Borough zoning ordinance contains no specific provisions or requirements concerning the establishment of a specialized shoreline protection tier or special requirements applicable to lakes within the Lake Community Sub-Zone of the ECZ.

Policy 1L4: To establish and implement management strategies to help protect lake water quality and ecosystem values from the impacts of present and future development for all lakes.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning management strategies to protect lake water quality and the ecosystem values. Since this time the Borough has adopted a Stormwater Management Plan as an effort in addressing on a Borough-wide basis stormwater quality and quantity concerns. In addition, the Borough has also adopted a Draft Wastewater Management Plan as a further way to address the various concerns over the proper

treatment and disposal of domestic waste generated within the Borough. Successful implementation of these plans should affirmatively address water quality concerns in the Borough's waterways and water bodies. Furthermore, the 2006 Open Space and Recreation Plan proposed the acquisition and protection of environmentally critical land forms such as wetlands, floodplains and steep slopes. The absence or severe curtailment of land development activities in these sensitive environments will also positively impact water quality in the Borough's streams, rivers and lakes. There is no specific provision in the Oakland zoning ordinance that specifically addresses additional zoning protection of lake water quality and lake ecosystem values from lake shore development.

Policy 1L5: To required that conforming municipalities adopt and implement for all lakes the standards applicable to the Shoreline Protection and Water Quality Management Tiers; the standards applicable to the scenic resources tier shall be adopted and implemented for all public lakes (e.g., with shorelines that are not entirely privately-held and managed through a lake association), and for privately-held lakes to the extent feasible under law, recognizing the existence of previously approved lake community development plans.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning adoption and implementation of Shoreline Protection and Management Tiers or Water Quality Management Tiers. There has been no intervening modifications or amendments to Oakland's planning documents specific to lake water quality and shoreline protection concerns. There are no provisions in the Oakland zoning ordinance that specifically addresses protection of shorelines, lake water quality and lake ecosystem values regardless if they are publicly owned lakes or not. Scenic resources are not specifically addressed or regulated by the Oakland ordinance.

Policy 1L6: To require that conforming municipalities develop and adopt lake restoration plans, with sufficient input from lake community residents and landowners, for each of the municipality's developed lakes that has been identified as water quality impaired, to include watershed delineation, description of point and nonpoint sources of pollution in the watershed, lake monitoring schedules, existing and proposed in-lake management techniques, and recommended watershed best management practices. TMDLs adopted by the NJDEP to address known pollution problems may be used as lake restoration plans. For lakes that are privately-held and managed by a single homeowners or lake community association, the municipality may require that the association share in or assume the costs of developing such plans.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the development and adoption of lake restoration plans. There has been no modification in the manner in which lake water quality concerns and or the potential need for restoration are addressed by Oakland's planning documents. Watershed management is not the basis upon which Oakland's planning documents address lake issues. There is no provision in the Oakland zoning ordinance that specifically addresses protection of lake water quality and lake restoration. More specifically, TMDL's have not been established nor are there specific requirements concerning limitation of same in the Oakland land use ordinance.

Goal1M: PROTECT THE UNIQUE CHARACTER OF HIGHLANDS LAKE COMMUNITIES.

Policy 1M1: To provide guidance regarding evaluation of and standards for lake character and aesthetics that shall be adopted by municipal ordinance for application to public lakes, or that may be voluntarily adopted by privately-owned lake communities within their by-laws and regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the evaluation and standards for lake character and aesthetics that would be adopted by municipal ordinance. More recent planning documents have not waived in the way lake standards, character and aesthetics are treated. To date, the Borough zoning ordinance has not adopted any such standards for lake character or aesthetics for publicly owned lakes. To the best of our knowledge, lake communities in Oakland have not adopted any such provision within their by-laws and regulations.

Policy 1M2: To encourage increased public access to publicly-owned lakes, within the lake's carrying capacity and while maintaining the lake character.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations encouraging increased access by the public to publicly-owned lakes with the single exception being the recommendation concerning increased access to Potash Lake for passive recreational purposes. The more recent Oakland planning documents continue to advocate for access to Potash Lake. The zoning ordinance does not affirmatively address this matter.

Policy 1M3: To discourage or control teardowns that result in altered lake community character, and the potential loss of historic and cultural values, and to encourage community-supported limitations in lot coverage and building height for new construction.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations discouraging or controlling teardowns of existing dwellings in lake communities and the resulting potential impacts on community character by the replacement of a typically smaller residence with a much larger dwelling built during a different period. The more recent planning documents are likewise silent on this issue. The zoning ordinance does contain standards and requirements relating to building setback, coverage and number of stories. These standards are not tailored specifically to the individual lake communities however, but have a zone wide applicability.

Policy 1M4: To establish and implement performance and development standard through local development review and Highlands Project Review for shoreline uses which achieve compatibility among shoreline activities and nearby neighborhoods.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include performance and development standards for shoreline uses. There has been no modification in the treatment of shoreline development standards by subsequent planning documents adopted by the Borough. The Borough zoning ordinance does not specifically address this issue either.

Policy 1M5: To encourage municipalities to utilize recreational sites as opportunities to educate the public regarding the ecological value of lake environs.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the utilization of recreational sites as opportunities to educate the public regarding the ecological value of lake environs. The 2006 Open Space Plan is silent on this matter as are other Borough adopted planning documents. The zoning ordinance does not contain provisions that require the utilization of recreational sites as opportunities to educate the public about the ecological value of lake environs.

Policy 1M6: To encourage municipalities to explore appropriate means to provide public recreation at the shoreline and on the water while ensuring retention of opportunities for passive recreation (e.g., natural areas, open space).

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning exploring appropriate public recreation on lake shores while still maintaining retention of passive recreation opportunities. The 2006 Open Space plan advocates the acquisition of land along the Ramapo River for a variety of uses, some land-based, others water-based. This same plan recommends improvements along and in the river so opportunities to use the river are maximized. Oakland planning documents have also advocated increased public access to Potash Lake. There are no provisions in the zoning ordinance to require property owners along water bodies to provide for public recreation at the shoreline.

Goal 1N MAINTAIN PUBLIC AND PRIVATE LAKES, OR RESTORE LAKE BEDS AND DOWNSTREAM AREAS WHEN LAKES ARE DRAINED.

Policy 1N1: To develop innovative financing and administrative mechanisms for the maintenance and operation of public and private dams and lakes, where those dams and lakes provide a continuing public or private purpose.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the creation of innovative financing and administrative tools for the maintenance of dams and lakes. Although the Open Space Plan does address the need to form funding partnerships and Borough voters did adopt an open space tax, the focus of these efforts is admittedly broader than one that just addresses the maintenance and operation of public and private dams and lakes.

Policy 1N2: To restore appropriate habitats in the lake beds and to prevent, mitigate, or restore downstream habitats from damages due to lake drainage, when dams are allowed to fail or are deliberately breached or removed.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning appropriate lake bed and downstream habitats remediation when dams have been removed or destroyed and ecosystems adversely affected. This issue is one that has not been affirmatively addressed in more recent planning documents adopted by the Borough. The Oakland zoning ordinance does not

provide specific standards or controls to be applied to restoration of appropriate habitats in lake beds or downstream environments after the removal or destruction of dams.

PART 2: WATER RESOURCES AND WATER UTILITIES

SUBPART A WATER RESOURCES AVAILABILITY

Goal 2A: PROTECTION OF THE VALUE OF THE HIGHLANDS REGION AS AN “ESSENTIAL SOURCE OF DRINKING WATER, PROVIDING CLEAN AND PLENTIFUL DRINKING WATER FOR ONE-HALF OF THE STATE’S POPULATION” (HIGHLAND ACT, SECTION 2), ALONG WITH THE ECOLOGICAL VALUES OF CLEAN WATER, THROUGH THE PROTECTION, ENHANCEMENT AND RESTORATION OF WATER RESOURCES QUANTITY, FLOW CHARACTERISTICS AND QUALITY AS FUNDAMENTAL TO ENSURING THAT THERE ARE ADEQUATE WATER SUPPLIES TO SUPPORT THESE NEEDS.

Policy 2A: To identify and periodically update net water availability and water deficits as a factor in the Land Use Capability Water Availability Map.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning identification and periodic updates to net water availability and water deficits as a factor in the Land Use Capability Water Availability Map. More recent planning documents adopted by the Borough are consistent in not addressing net water availability as a local planning issue. There are no provisions in the Oakland zoning code that require applicants to address this matter through the production of environmental studies or monitoring of ground water availability.

Policy 2A2: To ensure that increasing water demands do not exceed Net Water Availability or exacerbate existing deficits of subwatersheds. Net Water Availability is affected at a subwatershed level by location and extent of Land Use Capability Zone Map and its status as Current Deficit Area or Existing Constrained Areas.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning water demand draw downs on subwatersheds. More recent planning documents adopted by the Borough are consistent in not addressing water availability. There are no provisions in the Oakland zoning code that require applicants to address growth in ground water demands through the production of environmental studies or monitoring of ground water availability.

Goal 2B: PROTECTION, RESTORATION AND ENHANCEMENT OF WATER QUALITY AND QUANTITY OF SURFACE AND GROUND WATERS (SECTION 10.B(1) AND 10.C(1)), AND TO DETERMINE “THE AMOUNT AND TYPE OF HUMAN DEVELOPMENT AND ACTIVITY WHICH THE ECOSYSTEM OF THE HIGHLANDS REGION CAN SUSTAIN WHILE STILL MAINTAINING THE OVERALL ECOLOGICAL VALUES THEREOF, WITH SPECIAL REFERENCE TO SURFACE AND GROUND WATER QUALITY AND SUPPLY...” (SECTION 11.A(1)(A)).

Policy 2B1: To track and consider water availability in local development review and Highlands Project Review.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning tracking of water availability through the review of development applications. More recent planning documents adopted by the Borough continue to treat this matter in a similar fashion. There are no provisions in the Oakland zoning code that require applicants to address this matter through the production of environmental studies or monitoring of ground water availability.

Policy 2B2: To estimate Net Water Availability on a HUC 14 subwatershed basis.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning Net Water Availability on a HUC 14 subwatershed basis. More recent planning documents adopted by the Borough continue to treat this matter in a similar fashion. There are no provisions in the Oakland Zoning Ordinance requiring applicants to generate environmental studies or prepare monitoring reports examining net water availability on a HUC 14 subwatershed basis.

Policy 2B3: To conditionally provide water availability (Conditional Water Availability) within a Current Deficit Areas with appropriate standards regarding its use.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning water availability within Current Deficit Areas. More recent planning documents adopted by the Borough continue to treat this matter in a similar fashion. There are no provisions in the Oakland Zoning Ordinance addressing specific ways in which current water deficit areas are to be treated in the event a development application is filed in such an area. There are no provisions in the Oakland zoning code that require applicants to address water availability through the production of environmental studies or monitoring of ground water availability so there is little opportunity that information concerning water availability will be one of the factors that is considered during the review of development applications.

Policy 2B4: To strictly limit consumptive and depletive water uses to the water availability in each HUC 14 subwatershed and to establish priorities for water uses that implement the policies and objectives of the RMP.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning limitations on consumptive and depletive water uses. More recent planning documents adopted by the Borough continue to treat this matter in a similar fashion. There are no provisions in the Oakland Zoning Ordinance that specifically limit and match water usage with water availability. The Oakland zoning ordinance does not contain restrictions on water usage that are intended to implement the policies and objectives of the RMP.

Policy 2B5: To require, through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review, the use of water conservation, recycling and reuse methods (where appropriate) and devices for any redevelopment or development activity, including renovations to existing residential, institutional, commercial or industrial buildings, to minimize consumptive water use tailored to meet the resource protection

and other goals for each Zone and considering subwatershed-specific conditions and Net Water Availability status.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning Plan Conformance. Furthermore, the 1988 Master Plan is silent on the use of water conservation, recycling and reuse methods that might be implemented to reduce water consumption. More recent planning documents adopted by the Borough continue to treat this matter in a similar fashion. There are no provisions in the Oakland Zoning Ordinance addressing specific ways in which applicants are required or even encouraged to implement water conservation, recycling or reuse devices.

Policy 2B6: To require through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, Highlands Project Review, and interagency coordination that proposed public water supply and wastewater service areas, new or increased water allocations and bulk water purchases will not directly or indirectly cause or contribute to a Net Water Availability deficit, and where feasible will help mitigate any existing deficit.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not address issues such as Net Water Availability deficits or include a Water Use and Conservation Plan consistent with Objective 2B8c of the RMP. More recent planning documents adopted by the Borough are consistent in this regard. The Oakland Zoning Ordinance contains no provisions that implement a Water Use and Conservation Element. In addition, currently there are no standards or restrictions that are uniquely applicable in Net Water Availability deficits areas of the Borough. Oakland's Zoning Ordinance does not impose upon applicants any requirement for study, monitoring or information concerning Net Water Availability deficits so this issue will likely not be considered during the development review process.

Policy 2B7: To ensure through Plan Conformance (include through a Water Use and Conservation Plan developed under Objective 2B8c), local development review and Highlands Project Review that the use of Net Water Availability and Conditional Water Availability within each subwatershed supports development patterns that are in conformance with RMP policies and objectives.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning water availability on a subwatershed basis. In addition, the 1988 Master Plan does not offer recommendations concerning the consistency of development patterns with RMP policies and objectives. More recent planning documents adopted by the Borough are consistent in this regard. The Oakland Zoning Ordinance contains no provisions that support or require development patterns that are in conformance with RMP policies and objectives.

Policy 2B8: To require through Plan Conformance, local development review, and Highlands Project Review the efficient and effective use of water availability, the planning for future water needs, the reduction and elimination of water deficits, and the mitigation of new consumptive or depletive use in any Current Deficit Areas or subwatersheds that could become deficit areas based on projected development and water

uses, to ensure sustainable water supply, water resources, and ecological values in conformance with RMP policies and objectives.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the efficient and effective use of potable water supply. There is nearly no attention paid to planning for future water needs. There is no water supply planning based on water availability of subwatersheds. Lastly, there is no discussion on the need to align Oakland policies and objectives with the RMP. More recent planning documents adopted by the Borough are consistent in this regard. The Oakland Zoning Ordinance contains no provisions that attempt to mitigate new consumptive and depletive uses of water. There are no provisions that specifically address concerns over subwatersheds that could become deficit areas based on projected development. There are no provisions in the zoning ordinance that demand compliance with RMP policies and objectives. Further, the zoning ordinance contains no provisions that require applicants to perform environmental engineering studies or reports detailing the nature and availability of ground water supplies and the demands being placed on those supplies.

SUBPART B PROTECTION OF WATER RESOURCES QUANTITY

Goal 2C REFINEMENT OF WATER AVAILABILITY METHODS AND ESTIMATES.

Policy 2C1: To improve estimates of Net Water Availability over time, including testing, development and adoption of ecologically-based assessment techniques to evaluate the high and low flow needs of streams necessary to maintain the health of aquatic ecosystems, and the relationship between ground water recharge, ecological flow needs, consumptive water uses and estimates of water availability for both ground and surface water resources.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the need to improve estimates of Net Water Availability. The more recent planning documents adopted by the Borough continue to address this matter in a consistent fashion as there are no provisions or recommendations relating to an ecological-based assessment of aquatic ecosystems. There is also no attempt to explore estimates of water availability of ground or surface waters. Lastly there is no discussion and no recommendations pertaining to potential relationships between ground water recharge and ecological needs for additional ground or surface waters. The zoning ordinance does not require applicants to provide studies, reports or other information concerning ecological based assessments of aquatic habitats or the relationships between ground water recharge and the need of various ecological habitats.

Policy 2C2: To evaluate potable water supply reservoir safe yield and passing flow requirements and examine the effects of upstream consumptive and depletive water uses on safe yields and passing flows on Highlands Open Waters and recommend regulatory changes to the NJDEP as appropriate.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the evaluation of potable water supply reservoirs safe yield. More recent planning documents adopted by the Borough are consistent in this

regard. The Oakland Zoning Ordinance contains no provisions that focus on the concern of safe water yield. Oakland's planning documents do not make any recommendations concerning changes or amendments to NJDEP regulations with regard to Highlands Open Waters. In addition, currently there are no standards or restrictions in the Oakland Zoning Ordinance concerning safe water yield and the consumption of potable water.

Policy 2C3: To develop a more refined Hydrologic Unit Map using LiDAR technology and high resolution digital evaluation modeling to support more detailed geographic estimates of water availability.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning use of LiDAR technology to support more detailed geographic estimates of water availability. This approach is consistent with the approach taken by more recent planning documents. The Oakland Zoning Ordinance is also silent with regard to requiring applicants to supply more precise information and modeling utilizing LiDAR technology.

Policy 2C4: To develop more refined estimates of the effects on Net Water Availability regarding the exportation and importation of water and wastewater.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations on the need to develop more refined estimates of the impact of water transfers. More recent planning documents adopted by the Borough are consistent in this regard. The Oakland Zoning Ordinance contains no provisions that require applicants to estimate water availability and water consumption and insure the two into balance with regard to their specific development proposal.

Goal 2D MAINTENANCE OF HYDROLOGIC INTEGRITY THROUGH THE PROTECTION OF GROUND WATER RECHARGE.

Policy 2D1: To map and maintain an inventory of ground water recharge potential for the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the need to maintain an inventory of ground water recharge potential. More recent planning documents adopted by the Borough are consistent in this regard. The Oakland Zoning Ordinance contains no provisions that encourage or require applicants to maintain and periodically supply an inventory of ground water recharge potential to the Borough for review with pre-agreed, built-in contingencies in place if a water deficit is either created or deepened.

Policy 2D2: To delineate Prime Ground Water Recharge Areas as those lands within a HUC 14 subwatershed that have the highest recharge volumes as of the most recent land use/ land cover data available, relative to other land areas, and in the aggregate provide 40% of total ground water recharge during drought conditions.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the delineation of Prime Ground Water Recharge

Areas. More recent planning documents adopted by the Borough are consistent in this regard. The Oakland Zoning Ordinance contains no provisions requiring applicants to identify and delineate Prime Ground Water Recharge Areas on plans submitted for development approval. In addition, there are no zoning requirements that applicants seeking to increase impervious coverage in Prime Ground Water Recharge Areas maintain or enhance existing rates of ground water recharge.

Policy 2D3: To protect, enhance, and restore the quantity and quality of Prime Ground Water Recharge Areas.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the protection, enhancement or restoration of water quality and quantity of Prime Ground Water Recharge Areas. More recent planning documents adopted by the Borough are consistent in this regard by not seeking to specifically identify, protect, enhance and restore the quantity and quality of Prime Ground Water Recharge Areas. The Oakland Zoning Ordinance contains no provisions requiring applicants to identify, protect, enhance or restore Prime Ground Water Recharge Areas as a condition of development approval. In addition, there are currently no zoning regulations requiring applicants seeking to increase impervious coverage in Prime Ground Water Recharge Areas maintain or enhance existing rates of ground water recharge or the quality of water that recharges ground water supplies.

Policy 2D4: To apply standards through Plan Conformance, local development review and Highlands Project Review to protect, restore, and enhance the functionality and the water resource value of Prime Ground Water Recharge Areas by restricting development and uses of land within a Prime Ground Water Recharge Area that reduces natural ground water recharge volumes or may directly or indirectly contribute to or result in water quality degradation.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the water resource value of Prime Ground Water Recharge Areas. Nor does the 1988 Master Plan recommend restricting development and uses of land within a Prime Ground Water Recharge Area. The Oakland Zoning Ordinance contains no provisions requiring applicants to delineate Prime Ground Water Recharge Areas on plans submitted for development approval or as a condition of approval, require applicants to enhance, restore or protect the water resource value of Prime Ground Water Recharge Areas by restricting development in such areas.

Goal 2E IMPROVEMENT OF GROUND WATER RECHARGE THROUGH REGIONAL MANAGEMENT EFFORTS.

Policy 2E1: To develop regional stormwater plans to promote regional protection, restoration and enhancement of ground water recharge volume and quality where specific watersheds are at risk in the absence of regional analysis and enhanced standards (see N.J.A.C. 7:8, Stormwater Management Rules).

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning protection, restoration and enhancement of ground

water recharge volume in specific watersheds. Although the Borough has adopted a Stormwater Management Plan, the focus of that plan is not on a regional approach to promote and restore ground water recharge volume and quality. No other adopted planning document specifically focuses on this ground water concern. The Oakland Zoning Ordinance does not require applicants to analyze ground water recharge volumes or the potential impact of development activities on ground water quality. There are no special restrictions in the zoning ordinance addressed to specific at-risk watersheds.

Policy 2E2: To coordinate programs, funding, and activities among public and private entities to encourage regional ground water recharge protection and enhancement activities consistent with the Plan.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the encouragement of a regional perspective with regard to ground water recharge protection and enhancement that are consistent with the RMP. More recently adopted planning documents do not include such recommendations. Oakland's Zoning Ordinance contains no provisions that require applicants to coordinate efforts and work with other developers or levels of government to encourage regional ground water protection and enhancement activities.

SUBPART C WATER QUALITY

Goal 2F ASSESSMENT AND RESTORATION OF SURFACE AND GROUND WATER QUALITY OF THE HIGHLANDS REGION

Policy 2F1: To identify surface and ground water resources currently impaired or at risk of impairment, and in need of protection, restoration, or enhancement.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning identification of water resources currently impaired or in need of protection. More recently adopted planning documents do not include recommendations concerning the identification of surface and ground water resources that require protection and restoration. Oakland's Zoning Ordinance contains no provisions that require applicants to identify surface and ground waters that are impaired. In addition, there are no provisions in the Oakland code that specifically require applicants to protect, enhance or restore ground or surface water resources.

Policy 2F2: To coordinate with the NJDEP regarding a unified water quality assessment and the development and implementation of Total Maximum Daily Loads (TMDLs), where necessary, for all surface waters within the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning coordination with NJDEP on the subject matter of TMDL's for all Highlands Region surface waters. More recently adopted planning documents do not include any recommendations concerning the need to establish unified water quality assessment programs. Oakland's Zoning Ordinance contains no provisions that require applicants to coordinate efforts to create a unified water quality assessment program. The Oakland ordinance does not establish parameters requiring comprehensive

water quality testing or, the implementation of a TMDL program in order to protect and restore Highlands Region surface waters.

Policy 2F3: To coordinate with the NJDEP regarding a unified ground water quality assessment, monitoring, and attainment program.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning coordination with NJDEP on the subject matter of establishing a unified ground water quality program. More recently adopted planning documents do not include any recommendations concerning the need to establish unified water quality assessment and monitoring programs. Oakland's Zoning Ordinance contains no provisions that require applicants to coordinate efforts to create a unified water quality assessment, monitoring, and enhancement program.

Policy 2F4: To coordinate with the NJDEP regarding efforts to monitor areas of known contamination to ground water resources within the Highland Region and activities to remediate and restore water quality.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include any recommendations concerning coordination with NJDEP in regards to monitoring areas of known contamination of ground water resources. More recently adopted planning documents do not include any recommendations concerning the need to establish a unified water quality monitoring and assessment program. Oakland's Zoning Ordinance contains no provisions that require applicants to coordinate efforts to monitor areas where there is known contamination of the ground water resource with the understanding that such contaminated ground water would as a condition of any development approval be restored to a pre-polluted condition.

Policy 2F5: To coordinate with the NJDEP and other agencies to identify impairments and implement improved regulatory actions and management practices that will also support the water quality goals of the Highlands Act.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include any recommendations concerning the water quality goals of the Highlands Act. More recently adopted planning documents do not include any recommendations relating to improved regulatory actions and management practices that will support the water quality goals of the Highlands Act. Oakland's Zoning Ordinance contains no recommendations concerning the need to strengthen the regulatory actions or management practices of the Department of Environmental Protection.

Policy 2F6: To remedy the pollutant sources associated with exiting or historical land uses in conjunction with redevelopment.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning remediation of pollution sources associated with existing or historical land uses. More recently adopted planning documents do not specifically address the need to remedy pollution sources that may be located in Oakland. Oakland's Zoning Ordinance contains no provisions that require applicants to remedy past pollution discharges, however when a site is know to be affected by past discharges,

the Oakland reviewing agency typically will require remediation of pollution and the applicant securing a No Further Action Letter from the Department of Environmental Protection to demonstrate that the discharge has been remediated.

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

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include any specific recommendations concerning sustainable density of development or the use of best management practices for the protection and management of critical lands. More recently adopted planning documents do not include any recommendations concerning the need to establish sustainable residential densities or non-residential intensities of use. With the exception of the Stormwater Management Plan, recent planning documents adopted by the Borough do not encourage the use of best management practices to protect, enhance and restore water resources. Oakland's Zoning Ordinance contains no provisions that require applicants to implement best management practices for the purpose of protecting and managing critical lands for water quality purposes. The Borough has, as part of its zoning ordinance, adopted a stormwater management ordinance which mandates the use of best management techniques to protect, enhance and restore water resources.

Policy 2G2: To reduce or avoid water quality impacts using requirements for water quality protection measures for new land uses through local development review and Highlands Project Review.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations addressing water quality protection measures for new land development uses. More recently adopted planning documents do not include any specific recommendations concerning the need to reduce or avoid altogether water quality impacts resulting from land development applications. Oakland's Zoning Ordinance contains no provisions that require applicants to coordinate efforts to create a unified water quality assessment program. The Borough has, as part of its zoning ordinance, adopted a stormwater management ordinance which mandates the use of best management techniques to protect, enhance and restore water resources. All applicants, except for those determined to be exempt, are required to conform to the Borough's stormwater management ordinance.

Policy 2G3: To adopt and implement water quality protections through Plan Conformance, local development review, and Highlands Project Review.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning adoption and implementation of water quality protection measures through Plan Conformance or Highlands Project Review.

More recently adopted planning documents do not include any specific recommendations concerning the need to reduce or avoid altogether water quality impacts resulting from land development applications. The Borough's Stormwater Management Plan does require applicants to provide controls on stormwater runoff leaving their site. These controls are directed both to the quantity as well as quality of the stormwater. The Borough has, as part of its zoning ordinance, adopted a stormwater management ordinance which mandates the use of best management techniques to protect, enhance and restore water resources.

Policy 2G4: To determine where water quality improvements are necessary or beneficial for the improvement of water availability, develop watershed-based plans to achieve such improvements such as restoration techniques including disconnection and reduction of existing impervious surfaces, develop implementation mechanisms, and implement these plans.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning whether water quality improvements are necessary for the improvement of water availability. This 1988 master plan and those that come after it do not make recommendations about the desirability of watershed-based plans to improve water availability. More recently adopted planning documents do not include recommendations concerning needed actions to improve water availability. The Borough Zoning Ordinance does not impose upon applicants requirements or standards that focus on water availability improvements that applicants are then required to implement as a condition of approval.

Policy 2G5: To adopt and implement stormwater management controls through Plan Conformance, local development review and Highland Project Review.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does include in the Statement of Goals and Objectives that the Borough adopt as part of its utility service plan a storm water management plan and implementing ordinances. Subsequent to the adoption of the 1988 Master Plan, the Borough has adopted a Stormwater Management Plan as one of the master plan elements. The Borough Zoning Ordinance contains provisions that require applicants to implement and maintain stormwater management devices in conjunction with land development activities.

Policy 2G6: To establish minimum criteria for municipal water quality management programs.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the establishment of minimum criteria for municipal water quality management programs. Oakland's stormwater management ordinance requires applicants apply specific standards and requirements with regard to stormwater controls. As a result of the adoption of the stormwater control ordinance, applicants are required to submit and then implement a maintenance program so the water quality aspects are managed over the life of the development.

Policy 2G7: To promote the implementation of Low Impact Development Best Management Practices to protect ground and surface water quality.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations relating to the development and adoption of Low Impact Development Best Management Practices to protect ground and surface water quality. The Borough's Stormwater Management Plan does not specifically require the use of Low Impact Development Best Management Practices to protect ground and surface water quality. The adopted stormwater management ordinances are consistent with the Stormwater Management Plan.

Policy 2G8: To develop an educational program to further the understanding of the importance of water quality and methods of protecting water resources in the Highlands.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning creation of an educational program on the importance of water quality and methods of protecting water resources. More recent planning documents adopted by the Borough are consistent in this regard. The zoning ordinance does not require applicants to develop educational programs furthering the public's understanding the importance of water quality and the ways and means of protecting this critical natural feature.

Goal 2H LIMITATIONS ON THE TYPE AND AMOUNT OF HUMAN DEVELOPMENT IN THE WELL PROTECTION AREAS OF PUBLIC WATER SUPPLY WELLS.

Policy 2H1: To identify Wellhead Protection Areas for public community and public non-community non-transient water supply wells in or affecting the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning identification of well head protection areas for water supplies. More recent planning documents are consistent in their treatment of well head protection areas. The Zoning Ordinance has no specific requirements or limitations pertaining to well head protection areas.

Policy 2H2: To develop and implement, through Plan Conformance, local development review and Highland Project Review, resource protection measures to protect and enhance ground water and water supply resources within Wellhead Protection Areas consistent with the source water assessments for each water supply source.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does include some generalized recommendations concerning improvements in the manner in which domestic waste is processed and treated. These recommendations are concentrated in the Utility Plan section of the document. One of these recommendations is to institute a septic system management program. Another recommendation is the creation of municipal authority to plan, construct, finance and administer the Borough's wastewater management program. Specific to wellhead protection, the Borough's plans and ordinances do not contain detailed development standards to be implemented by applicants appearing before the Borough's reviewing agencies.

Policy 2H3: To develop educational materials to further the understanding of the importance of Wellhead Protection Areas to protect ground water supply.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the desirability of creating an educational program to further the public's awareness relating to the importance of well head protection areas. Subsequent planning documents adopted by the Borough are consistent in this regard. The zoning ordinance does not require applicants to develop educational programs furthering the public's understanding the importance of Wellhead Protection Areas and the ways and means of protecting this critical potable water supply in its natural condition.

Policy 2H4: To prepare design standards in order to encourage appropriate conservation-based design.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning establishment of design standards to encourage appropriate conservation based designs. There has been no change with regard to promoting appropriate conservation-based designs. The Zoning Ordinance does not impose requirements upon developers relating to the use of appropriate conservation-based design.

Policy 2H5: To require that conforming municipalities revise master plans and development regulations to address wellhead protection requirements.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the need to prepare a master plan revision and associated development regulations addressing wellhead protection requirements. There has been no change with regard to well head protection requirements in the planning documents adopted since 1988. The Zoning Ordinance does not include regulations specific to well head protection concerns.

SUBPART D SUSTAINABLE DEVELOPMENT AND WATER RESOURCES

GOAL 2I: LIMITATION OF THE EXPANSION OF WATER AND WASTEWATER INFRASTRUCTURE IN THE PRESERVATION AREA.

Policy 2I1: To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and policy 7G1.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does include recommendations concerning creation of the proposed Ramapo River Interceptor and its connection either into a Wayne Township treatment plant or the construction of an Oakland Treatment plant. Further, the Utility Service Plan recommends the construction of a sewage treatment plan to service the residents of the proposed Riverbend housing development. The Riverbend housing development is clearly within the Preservation Area as delineated by the Highlands Act. The potential location of the proposed Ramapo River Interceptor is unclear and might impact or be within the Preservation Area. In

addition, the service area of the proposed Ramapo River Interceptor might also be at least partially within the Preservation Area as established by the Highlands Act. The 1988 Oakland Master Plan makes no reference to procedures included within the RMP or to N.J.A.C. 7:38. The Zoning Ordinance does not prohibit the construction of public water supply infrastructure or wastewater collection and treatment systems in the Preservation Area, nor does it require developers secure a HAD or a HPAA with a waiver in addition to necessary local approvals.

Policy 2I2: To identify through Plan Conformance and Highlands Redevelopment Area designation procedures those lands of the Preservation Area that may be appropriate for the extension or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities for redevelopment that would meet the waiver requirements of N.J.A.C 7:38 and Policy 7G1.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning lands within the Preservation Area of the Highland Region, as the Highland Act had yet been passed by the Legislature. Nor does the Oakland master plan discuss Plan Conformance or Highlands Redevelopment Area designations and their impact on the decision making process to the appropriateness of potentially extending the area served or in the creation of new or upgraded community infrastructure. The Zoning Ordinance does not identify locations where the construction or expansion of existing public water supply infrastructure or wastewater collection and treatment systems in the Preservation Area may be appropriate and desirable in protecting the health, safety and general welfare of the community.

GOAL 2J: ALL EXISTING AND FUTURE DEVELOPMENT IN THE HIGHLANDS REGION THAT USE PUBLIC WATER SUPPLY SYSTEMS ARE SERVED BY ADEQUATE AND APPROPRIATE INFRASTRUCTURE.

Policy 2J1: To establish and maintain an inventory of Highlands Public Community Water System infrastructure, including developed parcels with current connections to existing utility service areas.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning the creation of an inventory of Highland Public Community Water System infrastructure. More recent planning documents, including the Zoning Ordinance do not recommend or require the establishment of an inventory of properties connected to public water supply systems.

Policy 2J2: To ensure, through Plan Conformance and Highlands Project Review, that Highlands Public Community Water Systems conform with Policy 2B6.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include any recommendations that Oakland's public water supply system should conform to RMP Policy 2B6. More recent planning documents, including the Oakland Zoning Ordinance do not contain recommendations or requirements that public community water systems conform with RMP Policy 2B6.

Policy 2J3: To identify, through Plan Conformance, the RMP Water Resources Science Agenda and other means, areas of the Highlands Region with existing or imminent threats to public health and safety from contaminated domestic and other on-site water supplies that are of sufficient scale to potentially justify the extension or creation of a public water supply.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the identification of areas with existing or imminent threats to public health and safety from contaminated domestic and other on-site water supplies. There are recommendations in the Utility Service Element for the construction and implementation of the Ramapo River Interceptor. Further, this element recommends the creation of a septic management agency that would assist property owners with the care and operation of on-site domestic treatment systems. The Zoning Ordinance does not establish specialized standards and requirements where public health is threatened due to contaminated water supplies.

Policy 2J4: To minimize, through Plan Conformance, local development review and Highlands Project Review, the creation or extension of public water supply systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area, and to allow for the creation or extension of public water supply systems where appropriate to the ECZ.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning limitations on the creation or extension of public water supply systems. Certainly there are no references in the Oakland Master Plan with regard to the various Zones created by the RMP which was adopted much later in time than the Oakland Master Plan. The Oakland Zoning Ordinance does not prohibit the extension or creation of public water supply systems in the various RMP OArea zones.

Policy 2J5: To prohibit, through local development review and Highlands Project Review, new or increased water resource transfers between subwatersheds unless it is demonstrated that no other option exists to meet public health, safety and welfare objectives and where such transfers do not result in impairment of resources in the subwatershed from which water is proposed to be transferred.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations relating to potential negative impacts on water resources resulting from water transfers between subwatersheds. More recently adopted Borough planning documents do not address the issue of new or increased water resource transfers either. The Oakland Zoning Ordinance does not prohibit new or increased water resource transfers between subwatersheds.

Policy 2J6: To encourage water recycling/ reuse measures, such as domestic and institutional gray water systems, where appropriate, to minimize water use in existing land uses.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning water recycling/ reuses systems in order to minimize water usage. More recently adopted Borough planning documents do not

address the issue of water recycling, reuse or use of gray water systems either. The Oakland Zoning Ordinance does not prohibit, nor encourage water recycling, reuse or the use of gray water systems in order to minimize water usage rates.

Policy 2J7: To require water resource management for all development in the Highlands Region, through local development review and Highlands Project Review.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning water resource management. More recently adopted Borough planning documents do not address the issue of water resource management. The Oakland Zoning Ordinance does not require water resource management for all new or expand land use operations.

Policy 2J8: To ensure continued refinement and development of the RMP.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the continued refinement of the RMP. More recently adopted Borough planning documents do not recommend the continued refinement and development of the RMP. The Oakland Zoning Ordinance does not include any requirements or regulations that would required the continued refinement and development of the RMP.

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

Policy 2K1: To establish and maintain an inventory of Highlands public wastewater management infrastructure, including developed parcels with current connections to existing utility service areas.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning creation of an inventory of Highlands public wastewater management infrastructure. More recently adopted Borough planning documents do not address the issue of creating an inventory of developed parcels that are connected into a public wastewater management infrastructure. The Oakland Zoning Ordinance does not require or include regulations that establish an inventory of developed properties that are connected to public owned waste water management infrastructure.

Policy 2K2: To base projected demand for current needs, appropriate economic revitalization and opportunities for designed TDR Receiving Zones within Existing Areas Served on existing maximum three months demands plus an estimate of redevelopment needs based on either Highlands Council regional analysis or more detailed local analysis, to assess whether there is adequate treatment capacity to encourage redevelopment.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include projected demand of wastewater facilities except to state the Sheffield sewage treatment plant in Wayne Township has available capacity of 500,000 gallons a day. More recently adopted planning documents do not make recommendations concerning whether there is adequate treatment capacity to provide for appropriate economic development. However it should be noted that the Central Business District Plan, adopted as a master plan element does call for appropriate economic development to be supported by public wastewater treatment infrastructure. There are no provisions in the Oakland Zoning Ordinance to require developers to assess whether there is adequate treatment capacity since most properties depend on individual on-site treatment systems.

Policy 2K3: To provide adequate, appropriate, efficient and cost-effective wastewater management to all developments in the Highlands Region, through Plan Conformance, local development review and Highlands Project Review.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does include recommendations concerning the design, installation and utilization of the Ramapo River Interceptor as an appropriate, efficient and effective means of providing wastewater management services to important sectors of the Borough. The more recently prepared Draft Wastewater Management Plan no longer recommends construction of the Ramapo River Interceptor, although the draft plan continues to advocate the provision of adequate, appropriate, efficient and cost-effective treatment of domestic waste generated in the Borough. The Zoning Ordinance does not contain requirements concerning wastewater management other than requiring each property and development be connected to an approved treatment system.

Policy 2K4: To ensure the efficiency and cost-effectiveness of public wastewater collection and treatment systems, through Plan Conformance, local development review, and Highlands Project Review.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the efficiency and cost-effectiveness of public wastewater collection and treatment systems. It does suggest however that the Ramapo River Interceptor will be financed by developers. To provide sewer service to existing developed areas of the Borough experiencing widespread septic failures, the 1988 Oakland master plan recommends infrastructures would be funded by the New Jersey Wastewater Treatment Financing Program. More recently the Borough is preparing a draft Wastewater Management Plan that does seek efficient and cost effective solutions to the problem of wastewater management. This is consistent with the Borough's recently adopted Central Business Development Plan which calls for the provision of sewer service to the Borough's central business district. Except for regulations that require each development to be connected to an approved treatment system there are no requirements in the Oakland Zoning Ordinance that address the efficient and cost effective provision of wastewater management systems.

GOAL L: ENSURE THAT ON-SITE WASTEWATER SYSTEMS DISCHARGES DO NOT EXCEED THE NATURAL CAPACITY OF GROUND WATER TO ATTENUATE LOADINGS, EXACERBATE EXISTING NITRATE IMPAIRMENT, OR CONTRIBUTE TO

POTENTIAL NITRATE IMPAIRMENT FOR SUBWATERSHEDS OF THE HIGHLAND REGION.

Policy 2L1: To use nitrate concentrations in ground water as an indicator of water quality, and to use nitrate dilution modeling as the primary method for assessing the carrying capacity of lands for development that relies on septic systems for wastewater treatment.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the use of nitrate dilution modeling as the primary method for assessing the carrying capacity of lands utilizing septic systems for wastewater treatment. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not require developers ascertain the nitrate concentrations in ground water. Nor does it require developers monitor nitrate dilution concentrations in ground water. The zoning ordinance lacks regulations relating and restricting density or intensity of use based on the nitrate dilution model.

Policy 2L2: To use the median background nitrate concentrations in ground water in the Highlands Region as a basis for establishing on-site wastewater treatment densities through Plan Conformance, local development review and Highlands Project Review.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning utilizing background nitrate concentrations in ground water as a basis for establishing on-site wastewater treatment densities. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not establish regulations concerning on-site wastewater treatment densities based on the background nitrate concentrations in ground water. The zoning ordinance does not require the monitoring of nitrate concentrations in ground water.

Policy 2L3: To prepare and maintain an inventory of areas where ground water or surface water quality is impaired to such a degree that any increase in nitrate concentration would have an adverse impact on water quality.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning creation of an inventory of areas where ground water or surface water quality is impaired by elevated nitrate concentrations. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not require establishment of an inventory of areas where ground water is impaired due to elevated nitrate concentrations. Applicants are not required to measure or include information concerning nitrate concentrations in environmental reports submitted to the Borough.

Policy 2L4: To establish methods for restoration of ground water for subwatersheds where existing ground water is impaired on a subwatershed by subwatershed basis

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning restoration of impaired ground water on a subwatershed basis. Borough planning documents adopted since 1988 have been

consistent in this regard. The Oakland Zoning Ordinance does not contain regulations requiring the restoration of ground water in those subwatersheds where ground water is presently impaired. The zoning ordinance does not include comprehensive ground water testing requirements.

Policy 2L5: To establish minimum standards for the placement, design, monitoring and maintenance of septic systems necessary to protect, restore, and enhance ground water quality.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the establishment of minimum standards for the operation and maintenance of septic systems in order to protect ground water quality. The 1988 master plan does recommend creating a septic system management program however. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not establish regulations concerning minimum standards for the placement, design, monitoring and maintenance of septic systems as necessary to protect, restore and enhance ground water quality. This responsibility concerning the design, sizing installation and maintenance of septic systems rests with the Borough Health Officer, a licensed sanitarian.

GOAL 2M: REFINEMENT AND IMPROVEMENT OF THE GROUND WATER RESOURCE MANAGEMENT ELEMENT.

Policy 2M1: To monitor and assess nitrate-related impacts and other pollutants enumerated in the Private Well Testing Act to water resources within the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning creation of a ground water monitoring and testing program. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not establish a monitoring program to assess nitrate-related impacts to ground water.

Policy 2M2: To develop appropriate and innovative resource management programs to protect, restore, and enhance subwatersheds where existing ground water quality is impaired.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does include recommendations concerning creation of resource management programs to improve the quality of the ground water resource. This is primarily reflected in the recommendation to create a septic management program. Borough planning documents adopted since 1988 have not stepped away from this recommendation. The Oakland Zoning Ordinance does not contain regulations concerning the establishment and implementation of innovative resource management programs aimed at protecting, restoring, and enhancing water quality in those subwatersheds where the ground water resource has been previously impaired.

PART 3 AGRICULTURAL RESOURCES

GOAL 3A: PROTECTION AND ENHANCEMENT OF AGRICULTURAL RESOURCES AND THE AGRICULTURAL INDUSTRY IN THE HIGHLANDS REGION.

Policy 3A1: To create and maintain an inventory of preserved farms, farmland assessed lands, other lands in agricultural use, and undeveloped vacant lands which contain soils which are highly suitable for agricultural use in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the establishment of an inventory of preserved farms, lands in agricultural use and undeveloped vacant lands which contain soils which are highly suitable for agricultural use. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain regulations concerning the establishment of an inventory of preserved farms, farmland assessed lands and other similar lands.

Policy 3A2: To consider Prime, Statewide Importance, Unique, and Locally Important soils as Important Farmland Soils which are critical agricultural resources of the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning soils. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain regulations that cause different properties to be treated differently as a result of the soils found on the site. The zoning ordinance does not contain any specific provisions or requirements applicable to various classifications of soils.

Policy 3A3: To delineate Agricultural Resource Areas in the Highlands Region as those areas of contiguous and the most concentrated agricultural uses, using Important Farmland Soils as a critical factor.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning Agricultural Resources Areas. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not delineate Agricultural Resource Areas nor treat agricultural uses differently based on soil types.

Policy 3A4: To promote farmland preservation and limit non-agricultural uses within the ARAs and accord priority to the preservation of agricultural lands within Agricultural Priority Areas, through fee simple acquisition, easement acquisition, TDR, and other agricultural land conservation techniques.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the promotion of farmland preservation activities. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not promote farmland preservation as one of its goals. The zoning ordinance does not establish or create Agricultural Priority Areas. Nor does

the zoning ordinance limit non-agricultural uses in Agricultural Priority Areas as such priority areas have not been established to date in Oakland.

Policy 3A5: Where it is not feasible to preserve agricultural lands within the ARA by such methods as fee simple acquisition, easement acquisition, or a TDR Program, require mandatory clustering through Municipal Plan Conformance, local development review and Highlands Project Review for residential development in an ARA. Cluster development within the Planning Area that incorporates public or community on-site wastewater utilities shall meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area shall meet the requirements of Policy 2I1 and Objectives 2I1a and 2I1b, and where reliant on septic systems shall meet the requirements of Objective 6I1a.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning mandatory clustering as a means of farmland preservation. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not establish regulations requiring mandatory clustering for residential development within Agricultural Priority Resource Areas.

Policy 3A6: To permit through local development review and Highlands Project Review limited development, including family and farm labor housing in ARAs which are necessary to support the viability of the agricultural operation, upon demonstration that the proposed development is consistent with the resource management and protection requirements of the RMP.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning imposing development limitations in Agricultural Resource Areas. In fact, the 1988 Oakland Master Plan does not designate any Agricultural Resource Areas. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain regulations concerning farm labor housing in Agricultural Resource Areas.

Policy 3A7: To implement programs which encourage owners and operators of farmlands with woodlots within Agriculture Resource Areas to prepare and implement approved Forest Management Plans that conform to the resource management and protection requirements of the RMP.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the preparation and adoption of approved Forest Management Plans that conform to the standards contained within the RMP. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain regulations designed to require implementation of Forest Management Plans on farmlands with woodlots

Policy 3A8: To serve as a regional clearinghouse for information regarding agricultural preservation and stewardship funding and programs, protection and enhancement of the agricultural industry, and technical assistance for public and private organizations in order to maximize agriculture preservation efforts in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the establishment of a clearinghouse for information concerning agricultural preservation in order to maximize agricultural preservation efforts. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain regulations requiring or establishing regional clearinghouse for information regarding agricultural preservation and stewardship.

GOAL 3B PROTECTION AND ENHANCEMENT OF AGRICULTURAL SUSTAINABILITY AND VIABILITY OF THE AGRICULTURAL INDUSTRY WITHIN THE HIGHLANDS REGION.

Policy 3B1: To encourage private and public owners of lands within an ARA to lease open lands to farmers and / or to manage open space lands in a manner which is compatible with adjoining agricultural uses.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning creation of Agricultural Resource Areas or to encourage landowners of property carrying such a designation to lease said lands for agricultural purposes. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain regulations or incentives designed to encourage property owners of lands within an Agricultural Resource Area to lease undeveloped or underdeveloped lands to farmers.

Policy 3B2: To promote research and study, and support proposals to enhance the long-term viability of the agricultural industry in the Highlands Region through innovative programs including, but not limited to, health care, banking practices, housing, food distribution, education, energy and labor.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning research and study to promote the long-term viability of the agricultural industry. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations promoting research and study intended to enhance the long-term viability of the agricultural industry in the Highlands Region.

Policy 3B3: To seek additional funding from any and all state and federal funding programs to maintain and enhance sustainability and continued viability of the agricultural industry within the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning seeking additional state and federal funding to maintain agricultural viability in the Highlands Region. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations seeking additional public funding in order to promote, maintain and enhance the continued viability of the agricultural industry within the Highlands Region

Policy 3B4: To support incentives and funding opportunities for the control of invasive species, white-tailed deer reduction programs, and the water value of well-managed agricultural lands.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning seeking additional funding to control invasive species and other problems to reduce losses in the agricultural industry. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations or incentives seeking incentives and funding sources for the control of invasive species, white-tailed deer and the water value of well-managed agricultural lands.

Policy 3B5: To promote and enhance innovative agricultural practices and programs that promote long-term viability of the agricultural industry including, but not limited to, direct marketing, organic farming, agri-tourism such as farmers markets and road side stands, niche markets, and community supported agriculture.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the promotion and enhancement of innovative agricultural practices and programs to enhance the long-term viability of the agricultural industry. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations or incentives promoting innovative agricultural practices and programs intended to enhance the long-term viability of the agricultural industry in the Highlands Region

GOAL 3C MINIMIZE CONSTRUCTION OF NON-AGRICULTURAL DEVELOPMENT-INDUCING WATER AND WASTEWATER IN AGRICULTURAL RESOURCE AREAS.

Policy 3C1: To prohibit through Plan Conformance, local development review and Highlands Project Review the development of additional water and wastewater infrastructure in a ARA within the Conservation and Protection Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the preservation of agricultural lands within the ARA.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning limiting additional water supply and wastewater treatment infrastructure in Agricultural Resource Areas within certain zones established by the RMP. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations which would prohibit the extension or construction of additional water and waste water infrastructure in Agricultural Resource Regions as identified and delineated in the RMP.

GOAL 3D PROTECTION AND ENHANCEMENT OF SURFACE AND GROUND WATER QUALITY AND NATURAL RESOURCES IN THE HIGHLANDS REGION AND AGRICULTURAL RESOURCE AREAS.

Policy 3D1: To work with the SADC and the GSPT to establish incentives for any landowner in the Highland Region seeking to preserve land under the farmland preservation program that would be provided in exchange for the landowner agreeing to permanently restrict the amount of impervious surface and agricultural impervious cover on the farm to a maximum of 5% of the total land area of the Farm Management Unit.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning landowner incentives to preserve land for agricultural purposes. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations which would encourage land protection and preservation under the farmland preservation program in exchange for limitations on the amount of impervious material that can be placed on the property.

Policy 3D2: To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agriculture impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of greater than 3% but less than 9%, to develop and implement a Farm Conservation Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning limitations on new agricultural impervious cover or requiring the development and implementation of a Farm Conservation Plan for new agricultural or horticultural development in the Highlands Region. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations which specifically limit or restrict the impervious cover in the Preservation Area that are different than the general zone limitations which have a general applicability. There are no requirements in the Zoning Ordinance that require the preparation and implementation of Farm Conservation Plans.

Policy 3D3: To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land cover of a Farm Management Unit (either individually or cumulatively) of 9% or greater to develop and implement a Resource Management System Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning limitations on new agricultural impervious cover or a recommendation requiring the development and implementation of a Resource Management System for new agricultural or horticultural development in the Highlands Region if impervious cover is greater than 9% in a Farm Management Unit. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations which specifically limit or restrict the impervious cover in the Preservation Area. There are no requirements in the Zoning Ordinance that require the preparation and implementation of Resource Management System Plans.

Policy 3D4: To promote the use of appropriate alternative and innovative wastewater treatment systems to provide enhanced protection of surface and ground water quality in ARAs of the Conservation Zone.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning appropriate alternative and innovative wastewater treatment system for use in Agricultural Resource Areas of the Conservation Zone as created by the RMP. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations which specifically promote or offer incentives for appropriate and innovative wastewater treatment systems to provide enhanced protection of surface and ground water quality.

Policy 3D5: To promote efforts to increase the use of USDA NRCS and Farm Service Agency cost-share programs, Integrated Pest Management, and Integrated Crop Management programs and other innovative techniques, in coordination with the NJDA and Rutgers Cooperative Extension, that reduce pesticide and fertilizer use and promote Best Management Practices in conjunction with agricultural activities.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning reduction of pesticide and fertilizer use in agricultural operations in accordance with Best Management Practices. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations which specifically limit or restrict the use of pesticides and fertilizer use while also promoting Best Management Practices with agricultural activities.

Policy 3D6: To identify subwatersheds with elevated nitrate levels and develop and implement management plans to enhance water quality in these subwatersheds while maintaining and enhancing agricultural viability.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning identification and management of subwatersheds with elevated nitrate levels in order to maintain and enhance agricultural viability. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations which specifically require the identification of subwatersheds with elevated nitrate levels. Nor are management plans required to be developed in those subwatersheds that are characterized with elevated nitrate levels.

Goal 3E: CONFORMING MUNICIPALITIES AND COUNTIES INCLUDE AGRICULTURAL RETENTION/FARMLAND PRESERVATION PLAN ELEMENTS IN THEIR MASTER PLANS AND DEVELOPMENT REGULATIONS.

Policy 3E1: To prepare technical guidelines for the preparation of an Agricultural Retention/Farmland Preservation Plan (AR/FPP) element for inclusion in municipal and county master plans and development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the preparation and adoption of agricultural and farmland preservation plans for inclusion in the master plan. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations which specifically require the implementation of technical guidelines for preparation of Agricultural Retention/Farmland Preservation Plans.

Policy 3E2: To require conforming municipalities and counties to include an AR/ FPP element consistent with the RMP in municipal and county master plans and development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the preparation of an AR/FPP element as an element within and part of the Oakland Master Plan. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations which specifically require the preparation and implementation of technical guidelines for preparation of Agricultural Retention/Farmland Preservation Plans.

Policy 3E3: To require conforming municipalities and counties, with farmland preservation programs or a significant agricultural land base, to incorporate Right to Farm provisions, in accordance with N.J.S.A. 4:1C-1 et seq. and N.J.A.C. 2:76-2, in their master plans and development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning Right to Farm provisions. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically addressing Right to Farm provisions.

Policy 3E4: To address agricultural or horticultural development and agricultural or horticultural use through Plan Conformance in accordance with the Right to Farm Act, N.J.4:1C-1, and in coordination with the NJDA, the SADC, and the CADB.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning agricultural or horticultural development and use. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically addressing Right to Farm provisions.

PART 4 HISTORIC, CULTURAL, ARCHAEOLOGICAL, AND SCENIC RESOURCES.

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

Policy 4A1: To maintain and periodically update the Highlands Region Historic and Cultural Resources Inventory.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include any specific recommendations concerning establishing a Historic and Cultural Resource Inventory. One element of this 1988 master plan was a Historic Preservation Plan. Within the Historic Preservation Plan is an inventory of important and noteworthy historic and cultural sites. The Oakland Zoning Ordinance does not contain any regulations imposed upon applicants specifically requiring the creation and maintenance of a Historic and Cultural Resources Inventory.

Policy 4A2: To provide a process whereby resources may be nominated, considered, and included in the Highland Historic and Cultural Resources Inventory.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include any specific recommendations concerning establishing procedures or standards by which locally significant resources may included in a Regional Historic and Cultural Resource Inventory. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not provisions whereby resources may be considered and included in a Historic and Cultural Resources Inventory.

Policy 4A3: To ensure through local plan development review, where a municipality has adopted an historic preservation ordinance under Policy 4C2, that human development does not adversely affect the character or value of resources which are listed on the Highlands Historic and Cultural Resource Inventory to the maximum extent practical.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan includes a recommendations that site nominated by the proposed Historic Preservation Commission and designated by the governing body would be reviewed to determined what, if any, impact on the site will result from the proposed development. Borough planning documents adopted since 1988 have maintained this recommendation. The Oakland Zoning Ordinance does not contain any regulations specifically addressing potential negative impacts of human development on nearby Historic and Cultural Resource Inventory properties.

Policy 4A4: To require that the impact of proposed human development on the historic and cultural resources of the Highlands Region be addressed during local development review and Highlands Project Review and approval.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan includes a recommendations that site nominated by the proposed Historic Preservation Commission and designated by the governing body would be reviewed to determined what, if any, impact on the site will result from the proposed development. Borough planning documents adopted since 1988 have maintained this recommendation. The Oakland Zoning Ordinance does not contain any regulations specifically addressing potential negative impacts of human development on nearby Historic and Cultural Resource Inventory properties. In addition, the manner in which potential negative impacts could be mitigated is not addressed in the Oakland Zoning Ordinance.

Policy 4A5: To use the US Secretary of the Interior's Standards for the Treatment of Historic Properties as guidance for municipal historic and cultural preservation review and include, at a minimum, the preservation and re-use of historic structures.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning use of the Secretary of the Interior's Standards for the Treatment of Historic Properties in the development review process. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically requiring use of the US Secretary of the Interior's Standards for the Treatment of Historic Properties to ascertain potential impacts of human development on historic and cultural properties on the inventory of same.

Policy 4A6: To coordinate the Highlands Council's activities with regard to the historic sites / districts and cultural resources with the New Jersey Historic Trust and the SHPO.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning coordination of development review adjacent to historic or cultural significant sites with the SHPO and the New Jersey Historic Trust Office. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically requiring coordination of the Highlands Council activities with the activities of the office of New Jersey Historic Trust and the SHPO.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include any recommendations concerning the promotion of historic and cultural heritage tourism. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically promoting historic and cultural heritage tourism in the Highland Region.

Policy 4A8: To encourage municipalities and counties to establish an advisory historic preservation body to review and make recommendations on applications for development or municipal permits which affect historic, cultural, and archaeological resources listed on the Highlands Historic and Cultural Resource Inventory.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan includes a Historic Preservation Plan as one of its elements. Among the numerous recommendations contained within this element is one that calls for the creation of an Oakland Historic Preservation Commission. Borough planning documents adopted since 1988 have not rescinded this recommendation. The Oakland Zoning Ordinance recommends the creation of a historic review process whereby certain specific development applications would be reviewed by the Oakland Historic Preservation Commission.

Policy 4A9: To advocate on the federal and state levels for grants and financial incentives to aid landowners in the preservation and maintenance of historic, cultural, and archaeological resources.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning advocating for federal and state level grants and other financial incentives to preserve and maintain historic, cultural and archaeological resources. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically seeking grants and financial incentives to aid landowners in the preservation and maintenance of historic and cultural resources.

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

Policy 4B1: To maintain and periodically update the Highlands Scenic Resources Inventory.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the creation or maintenance of a Scenic Resources Inventory. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically requiring the updating of the Highlands Scenic Resources Inventory.

Policy 4B2: To provide a process whereby regionally significant resources may be nominated, considered and included in the Highlands Scenic Resource Inventory.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the development of a process whereby regionally significant resources might be nominated and included in a Scenic Resources Inventory. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any incentives or regulations specifically establishing a process whereby regional significant resources may be nominated and considered for inclusion on the Highlands Scenic Resources Inventory.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning regulating and limiting impacts of development on the Scenic Resources Inventory. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any incentives or regulations specifically designed to insure that development activities do not adversely affect the character, nature or value of scenic resources incorporated into the Highlands Scenic Resources Inventory.

Policy 4B4: To establish minimum standards to ensure that Highlands Scenic Resources are not impaired by new human development.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the establishment of minimum standards to ensure the protection of scenic resources from development activities. Borough planning

documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to insure that development activities do not adversely affect the character, nature or value of scenic resources included on the Highlands Scenic Resources Inventory.

Policy 4B5: To require that the impact of proposed human development on the scenic resources of the Highlands Region be addressed during local development review and Highlands Project Review and approval.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning a review of potential impacts of development applications on scenic resources. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any review procedures specifically designed to insure that development activities do not adversely affect the character or value of scenic resources included on the Highlands Scenic Resources Inventory.

Policy 4B6: To advocate on the federal and state levels for grants and financial incentives to aid landowners in the maintenance and protection of scenic resources.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning advocating for federal and state grant money to provide incentives to landowners to maintain and preserve scenic resources. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to advocate for grants and financial incentives from the federal and state level to aid homeowners and other property owners in the protection and maintenance of scenic resources included on the Highlands Scenic Resources Inventory.

GOAL 4C: CONFORMING MUNICIPALITIES AND COUNTIES INCLUDE MINIMUM STANDARDS FOR HISTORIC, CULTURAL, ARCHAEOLOGICAL, AND SCENIC PROTECTION IN MUNICIPAL AND COUNTY MASTER PLANS AND LAND DEVELOPMENT REGULATIONS.

Policy 4C1: To require that conforming municipalities and counties include a Historic, Cultural, and Scenic Resource Protection Element in municipal and county master plans and development regulations and update the Historic and Cultural Resource Inventory through local development reviews.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan includes a Historic Preservation Plan as one of its elements. The master plan does not contain a recommendation concerning the establishment of a Historic, Cultural and Scenic Protection Element. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to insure that the Historic and Cultural Resource Inventory is updated periodically.

Policy 4C2: To encourage that conforming municipalities and counties adopt a local historic preservation ordinance with minimum standards for the protection and enhancement of historic, cultural, and archaeological resources listed in the Highlands Historic and Cultural Resources Inventory in their development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan includes a Historic Preservation Plan as one of its elements. This element of the master plan recommends the creation of a Historic Presentation Commission and the establishment of a review process when historic features of the Borough might be impacted by development activities. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance has not yet been amended to include an historic preservation ordinance.

Policy 4C3: To require that conforming municipalities and counties include minimum standards for the protection and enhancement of scenic resources listed in the Highlands Scenic Resources Inventory in their development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning adoption by the Governing Body of minimum standards for the protection and enhancement of scenic resources listed in the Scenic Resources Inventory. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain specific minimum standards for the protection and enhancement of scenic resources listed in the Highlands Scenic Resources Inventory.

PART 5 TRANSPORTATION

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

Policy 5A1: To ensure that the Highlands transportation system provides safe and efficient intra-regional and inter-regional mobility and that critical safety road improvements use design and engineering controls to minimize induced demand and maximize resource protection.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations that critical safety and road improvement use design and engineering controls to minimize induced demand while simultaneously maximize resource protection. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to insure that roadway improvements necessitated by development applications utilize design and engineering controls to minimize induced demand while simultaneously maximizing resource protection.

Policy 5A2: To ensure that the Highlands transportation system affords the Highlands private economic sector, including agriculture, cost-effective transportation for raw materials, products and employees.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning the transportation of raw materials or products. It does recommend the construction of a park and ride adjacent to the railroad and West Oakland Avenue in the central business district. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to ensure cost-effective transportation of raw materials, products and employees.

Policy 5A3: To improve public safety through implementation of traffic calming measures in areas with high pedestrian activity.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the need for traffic calming devices in high pedestrian activity areas. The Central Business District Plan adopted as a component of the Land Use Plan calls for the use of traffic calming strategies, designs, devices and implementation mechanisms, such as decorative pavement, specialized pedestrian surfaces, curb bump-outs and others. The Oakland Zoning Ordinance does not contain any regulations specifically intended to improve public safety by the use and implementation of traffic calming measures.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning safe and efficient pedestrian connections consistent with NJDOT's Pedestrian Safety Initiative. The Central Business District Plan adopted as a component of the Land Use Plan calls for the introduction of pedestrian safety oriented design within the traditional retail corridor along Ramapo Valley Road. The amendments to the Oakland Zoning Ordinance have been prepared and await further public input and improvement.

Policy 5A5: To promote safe routes for children to travel to and from school in support of the NJDOT's Safe Routes to School Program.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning safe routes to travel to and from school in support of the NJDOT's Safe Routes to School Program. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to insure that development activities are consistent with the NJDOT's Safe Routes to School Program.

Goal 5B: MAINTENANCE OF A SAFE AND EFFICIENT LEVEL OF SERVICE ON THE EXISTING HIGHLANDS ROAD SYSTEM WITHOUT THE USE OF CAPACITY IMPROVEMENTS THAT COULD TRIGGER ADDITIONAL DEVELOPMENT IN AREAS THAT ARE NOT APPROPRIATE FOR "GROWTH INDUCING" LAND USES.

Policy 5B1: To promote more efficient use of existing road capacity by appropriate means, including but not limited to increased bus, van, jitney, and car pooling ridership.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does include recommendations concerning the safe and efficient movement of traffic, although it does not specifically recommend improving the existing street capacity by the use of increased bus, van, jitney and car pooling rates. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to promote more efficient use of existing road capacity by various mechanisms.

Policy 5B2: To require through Plan Conformance and Highland Project Review an evaluation of potential growth inducing effects such as substantial new land use, new residents, or new employment that could occur as a result of road improvements for increased motorized vehicle traffic capacity.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning an evaluation of potential growth inducing effects that might be generated by road improvements such as the several by-pass roadways recommended in the Circulation Plan Element of the 1988 Master Plan. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to evaluate potential growth inducing effects that could occur as a result of road improvements that increase highway capacity or the means that developers could employ to reduce this growth induce effects of road improvements.

Policy 5B3: To prohibit through Plan Conformance and Highlands Project Review road improvements in the Highlands Region in areas for which a Growth Inducing Study, conducted in consultation with agencies including but not limited to the NJDOT, demonstrates that proposed improvements do not support the RMP resource protection and smart growth policies and are likely to be growth-inducing for lands with limited or no capacity to support human development without a significant adverse impact on the Highlands ecosystem.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning prohibiting road improvement if said improvements do not support the RMP resource protection and smart growth policies. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to insure that developers do not undertake roadway improvements that are likely to induce additional growth that results in loss of resource values.

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

Policy 5C1: To ensure, to the extent practical, that proposed transportation improvements which are not consistent with the RMP be modified to be consistent or be re-evaluated in the context of state and regional planning goals.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the need for consistency between transportation improvements and RMP goals and policies. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to insure all proposed traffic improvements proposed by developers are consistent with the Highlands Council RMP.

Policy 5C2: To coordinate with NJDOT, NJ Transit, NJTPA, counties and municipalities with regard to transportation planning and strategies within both the Highlands Region and the larger 13-county metropolitan planning region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning coordination of transportation improvements with outside regional and state wide planning organizations such as NJTPA or the Highlands Council. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to insure that transportation improvements associated with land development activities are coordinated with transportation planning agencies and stakeholders.

Policy 5C3: To limit road improvements through local development review and Highlands Project Review where roads are constrained by topography, forested lands, or the community character of land uses fronting on the road.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning limiting road improvements in those locations where they are constrained by natural or community resources. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to insure that roadway improvements associated with development approvals do not adversely affect Highlands Region resources or community character.

Policy 5C4: To support economic development by ensuring that transportation planning and improvements support regional development, redevelopment, and tourism opportunities.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations linking transportation planning and regional development, redevelopment and tourism opportunities. The Central Business District Plan adopted as a component of the Land Use Plan calls for the development of appropriate center-based, mixed-use development in the traditional retail corridor of the Borough. The Oakland Zoning Ordinance does not contain any regulations specifically designed to support economic development by insuring that transportation improvements support the RMP.

Policy 5C5: To recognize and support the unique needs of the agricultural industry to move farm vehicles and goods along transportation corridors, and establish safe travel routes for farmers and agi-tourism in order to ensure the safety and viability of farming as an occupation in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the desirability to move farm vehicles and goods along transportation corridors. Nor does the 1988 Circulation Element discuss the need to establish safe travel routes for farmers and agi-tourism. Rather it states the need for a safe and efficient transportation system for all users regardless of their occupation or reason for utilizing the transportation infrastructure in Oakland. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain specific provisions addressing transportation needs of farmers.

Policy 5C6: To require conforming municipalities to adopt a Circulation Plan Element that coordinates with the Land Use Plan and demonstrates consistency with the RMP.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan contains a Circulation Element, however it does not demonstrate consistency with the RMP. Since this element was adopted many years prior to the preparation of the RMP, this lack of consistency is not terribly unexpected. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to insure the circulation improvements required of applicants demonstrate consistency with the RMP.

Policy 5C7: To require conforming counties to adopt a transportation plan that supports local and regional land use planning that promotes connectivity, shared service opportunities, long-term transportation network needs and demonstrates consistency with the RMP.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan contains a Circulation Plan Element. This element however is one that does not necessarily support regional land use planning in order to promote connectivity, shared service opportunities, nor does it necessarily demonstrate consistency with the RMP. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to promote connectivity, shared service opportunities or insure the circulation improvements required of applicants demonstrate consistency with the RMP.

Policy 5C8: To evaluate the existing and proposed Residential Site Improvement Standards (RSIS) in the context of the RMP and develop recommendations for amendments that would minimize detrimental environmental impacts resulting from new residential developments while maximizing utility efficiency in a manner that addresses community and landscape character.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does include a Circulation Plan Element however it does not address RSIS requirements, as these improvement standards were promulgated much later in time. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to insure consistency of purpose between RSIS and RMP requirement, especially with regard to utility efficiency.

Goal 5D: A MULTI-MODAL TRANSPORTATION SYSTEM WHICH FACILITATES THE MOVEMENT OF PEOPLE AND GOODS WITHIN AND THROUGH THE HIGHLANDS REGION WITHOUT ADVERSELY AFFECTING ECOSYSTEM INTEGRITY AND COMMUNITY CHARACTER

Policy 5D1: To promote the use of mass transit and other alternative modes of transportation within the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan Circulation Element does include recommendations concerning the development a park and ride facility to promote the use of mass transportation. The Borough has also supported the reactivation of passenger service on the Western and New York Railroad line, with a passenger station in Oakland. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to promote the use of mass transit or alternate modes of transportation.

Policy 5D2: To promote transit improvements within the Highlands Region which primarily support intra-regionally mobility.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning intra-regionally mobility, however the proposed park and ride facility could conceivable support intra-regionally mobility. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to promote intra-regional mobility or the use of mass transit.

Policy 5D3: To promote priority for transportation improvements which primarily improve intra-regional mobility.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning intra-regionally mobility improvements are provided a higher priority. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to promote a priority for transportation improvements intended to improve intra-regional mobility.

Policy 5D4: To promote transit improvements that will increase capacity for inter-regional mobility.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does include specific recommendations pertaining to transit improvements concerning intra-regionally mobility, such as the previously acknowledged recommendation concerning construction of a park and ride facility. The Borough has also supported the reactivation of passenger service on the Western and New York Railroad line, with a passenger station in Oakland. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to promote a priority for transit improvements intended to improve intra-regional mobility.

Policy 5D5: To encourage and promote recreation and tourism through appropriate transportation measures, accessible transit schedules, and enhanced street furnishings and information and directional signage.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include recommendations concerning the issues addressed by RMP Policy 5D5. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to encourage and promote recreation and tourism through appropriate transportation measures.

Goal 5E: MINIMIZATION OF TRAVEL DEMANDS AND VEHICLE MILES OF TRAVEL.

Policy 5E1: To promote land use patterns that support a balance of jobs to housing as a means of reducing average trip lengths.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations linking and relating balanced growth between residential and non-residential growth as a means to reduce average automobile trip lengths. However, this master plan does call for a balance land use pattern, including significant amounts of industrial and warehouse space as well as substantial levels of office development. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to promote a balance in land use patterns as a means to reduce average trip lengths.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations developing mixed land uses in order to reduce automobile trip lengths or to increase community and regional connectivity. The adopted Central Business District Plan, adopted as a supplement to the Land Use Plan does recommend shared parking in support of center-based, mixed use development and redevelopment for properties in the central business district. One of the hallmarks of this Central Business District Plan is its emphasis on pedestrian connections and the creation of a safe pedestrian environment. The Oakland Zoning Ordinance does not contain any regulations specifically designed to facilitate development of mixed-use developments in order to increase community and regional connectivity or reduce auto trip lengths.

Policy 5E3: To promote land use patterns which facilities use of alternative modes of transportation including walking and the use of bicycles.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning alternative modes of transportation. The adopted Central Business District Plan, adopted as a supplement to the Land Use Plan does recommend shared parking in support of center-based, mixed use development and

redevelopment for properties in the central business district. One of the hallmarks of this Central Business District Plan is its emphasis on pedestrian connections and the creation of a safe pedestrian environment. The Oakland Zoning Ordinance does not contain any regulations specifically designed to promote alternative modes of transportation.

Policy 5E4: To promote shared parking programs in support of mixed use development and redevelopment.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning shared parking programs to support mixed-use developments. The adopted Central Business District Plan, adopted as a supplement to the Land Use Plan does recommend shared parking in support of mixed use development and redevelopment for properties in the central business district. An additional hallmark of this particular plan is its focus on pedestrian connectivity and the creation of a safe pedestrian environment. The implementing zoning ordinance amendments are still awaiting adoption by the governing body.

PART 6 Future Land Use

Subpart A LAND USE CAPABILITY ZONES

Goal 6A: USE THE HIGHLANDS LAND USE CAPABILITY MAP SERIES AS A FRAMEWORK FOR DETERMINING THE CHARACTER, LOCATION, AND MAGNITUDE OF NEW GROWTH AND DEVELOPMENT IN THE HIGHLANDS REGION.

Policy 6A1: To use the LUCM Series as a geographic framework for land use planning and management within the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations with regard to the LUCM Series. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to use or implement the Land Use Capability Map series as a basis for the Zoning Map.

Policy 6A2: To develop a program for RMP Updates for all substantive components of the RMP based upon the receipt of new, corrected or updated factual information and verification by the Highlands Council, when and where necessary to improve the accuracy of the RMP.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning methodologies necessary to update the RMP which was drafted and adopted much later in time than the Oakland Master Plan. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to promote a program of RMP Updates.

GOAL 6B: PRESERVATION OF THE LAND AND WATER RESOURCES AND ECOLOGICAL FUNCTION OF HIGHLANDS AREAS IN THE PROTECTION ZONE.

Policy 6B1: To preserve high quality land and water resources and ecological function within the Protection Zone.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan contains a Conservation Plan Element that seeks to preserve environmentally sensitive areas, limit development within the floodplain and preserve valuable wetland areas. In addition, within the Statement of Goals and Objectives portion of the Master Plan are other goals statements directed at preserving the environmentally sensitive areas within the Borough as well as an additional goal which is directed towards encouraging the dedication of environmentally sensitive areas while encouraging growth that will minimize impacts on water quality. So in this regard the Oakland Master Plan and the above stated Policy of the RMP are consistent and compatible. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to preserve high quality land and water resources within the Protection Zone as established by the RMP.

Policy 6B2: To limit use and development of land in Protection Zone through appropriate policies regarding resource protection, septic system densities, water supply and wastewater utilities and water availability.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan contains a Conservation Plan Element that seeks to preserve environmentally sensitive areas, limit development within the floodplain and preserve valuable wetland areas. In addition, within the Statement of Goals and Objectives portion of the Master Plan are other goals statements directed at preserving the environmentally sensitive areas within the Borough as well as an additional goal which is directed towards encouraging the dedication of environmentally sensitive areas while encouraging growth that will minimize impacts on water quality. So in this regard the Oakland Master Plan and the above stated Policy of the RMP are consistent and compatible. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to limit land use and development activities within the Protection Zone as established by the RMP.

Policy 6B3: To give the highest land acquisition priority to non-preserved, undeveloped lands within the Protection Zone in the Preservation Area.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not assign the highest land acquisition priority to undeveloped lands with the Protection Zone in the Preservation Area. However, the Borough has been successful in acquiring land forms both west of the Ramapo River and south of Long Hill Road in the Preservation Area. The Borough has also been successful in petitioning higher level governmental agencies to also either directly acquire lands in these areas or provide funding so the Borough has the financial means to acquire these important resources. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to preserve and or acquire land within the Protection Zone of the Preservation Area.

Policy 6B4: To define a Sub-Zone of the Land Use Capability Zone Map that reflect areas managed by the United States Fish and Wildlife Service as part of the National Wildlife Refuge System and Wildlife Management Area System administered by the NJDEP Division of Fish and Wildlife's Bureau of Land Management.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning the creation or definition of Sub-Zones of the LUCM Series. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to reflect the Sub-Zones of the Land Use Capability Zone Map or to create any new Sub-Zones.

GOAL 6C: LIMITATION OF DEVELOPMENT IN THE PROTECTION ZONE TO DEVELOPMENT AND REDEVELOPMENT WHICH DOES NOT ADVERSELY AFFECT THE NATURAL RESOURCES OF THE HIGHLANDS REGION ECOSYSTEM.

Policy 6C1: To limit new human development in the Protection Zone to redevelopment, exempt activities, and environmentally-compatible low density new land uses, in accordance with RMP resource protection needs and water quality and quantity capacity constraints and to ensure that the impacts of development using exemptions under the Highlands Act (See Policy 7F1) are considered in regional protection measures.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning limitations on human development in the recently created Protection Zone of the Highlands Region as created and established by the RMP. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to limit new human development in the Protection Zone to redevelopment or environmentally-compatible low density intensity of use.

Policy 6C2: To ensure through Plan Conformance, local development review and Highlands Project Review that any future development or redevelopment which does occur in a Protection Zone is subject to standards and criteria which protect the land and water resources of the Protection Zone from any potential adverse impact to the maximum extent possible.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations concerning those developments proposed in the Protection Zone and that these developments should be reviewed according to specific standards and criteria established by the Highlands Council. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to preserve land and water resources of the Protection Zone to the maximum extent possible.

Policy 6C3: To encourage owners of lands which are eligible for exemptions under the Highlands Act (see Policy 7F1) to voluntarily offer their land for acquisition, participate in the TDR program, or use cluster or conservation design development in cooperation

with other exempt landowners, and comply with standards and criteria which protect the land and water resources of the Highlands Region from any adverse impacts.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not include specific recommendations encouraging property owners eligible for exemptions to voluntarily offer their land for acquisition or to develop the land in a cluster or conservation design so that compliance can be achieved with the standards and criteria developed by the Highlands Council. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to encourage owners of lands which are eligible for exemptions to voluntarily offer their land for preservation or low impact development practices in order to preserve and protect the land and water resources of the Highlands Region.

Policy 6C4: To establish voluntary programs whereby owners of land who are eligible for exemptions under the Highlands Act (see Policy 7F1) have an incentive to develop or use such exemptions in a manner which limits or mitigates any potential adverse impacts on the land and water resources of the Protection Zone.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan is silent concerning the establishment of programs whereby owners of land eligible for exemptions voluntarily pursue development in a manner which limits or mitigates potential impact on land and water resources of the Protection Area. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any incentives or regulations specifically designed to encourage owners of lands which are eligible for exemptions to voluntarily offer their land for preservation or low impact development practices in order to preserve and protect the land and water resources of the Highlands Region.

GOAL 6D: PROTECTION AND ENHANCEMENT OF AGRICULTURAL USES AND PRESERVATION OF ASSOCIATED LAND AND WATER RESOURCES IN HIGHLANDS AREAS IN THE CONSERVATION ZONE.

Policy 6D1: To protect existing agricultural uses in the Conservation Zone from incompatible development.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not seek to protect existing agricultural uses in the Conservation Zone from incompatible development. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to protect existing agricultural uses in the Conservation Zone of the RMP from incompatible development.

Policy 6D2: To promote the expansion of sustainable and economically viable agricultural activities in the Conservation Zone where not constrained by existing environmentally sensitive resources.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not seek to promote the expansion of sustainable and economically viable existing agricultural uses in the Conservation Zone. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to promote the expansion of sustainable and economically viable agricultural activities in the Conservation Zone of the RMP.

Policy 6D3: To limit through Plan Conformance, local development review and Highlands Project Review the use and development of lands within the Conservation Zone to agriculture use and development, including ancillary and support uses, redevelopment of existing developed areas, and environmentally-compatible low density land uses that are to the maximum extent possible achieved in compact development patterns, to be designed and developed in a manner which is compatible with the long term use of adjacent land for agricultural purposes.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not seek to limit use and development of lands within the Conservation Zone to agricultural use and development. Nor does the Oakland Master Plan seek to ensure that non-agricultural development is designed and developed in a compact pattern that is compatible with the long term use of adjacent land for agricultural purposes. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to limit land use and development activities in the Conservation Zone of the RMP to agricultural use.

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

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan seeks to ensure compatible development and redevelopment within the Existing Community Zone. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance contains any number of regulations specifically designed to promote compatible economic development and redevelopment within the Existing Community Zone of the RMP.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan seeks to promote the restoration and redevelopment of brownfields. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance is designed to encourage owners of brownfield sites to restore and redevelop such sites.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan seeks to ensure that development activities within the ECZ zone employ and incorporate smart growth principles while preserving natural resources. Borough planning documents adopted since 1988 have been consistent in this regard. An excellent example of this approach is the Central Business District Plan. This plan incorporates a center-based, mixed-use smart growth approach to development and redevelopment. Oakland Zoning Ordinance amendments to embrace regulations specifically designed to encourage this style development and redevelopment in the ECZ incorporate smart growth principles while preserving and or restoring Highlands Region resources has been prepared but awaits further public input.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does contain a Statement of Goals and Objectives which seek to provide improved circulation patterns, maintain a safe and adequate water supply system and provide for and plan the construction of the Ramapo River Interceptor. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance contains regulations specifically designed to insure that development and redevelopment within the ECZ are served by adequate public facilities and infrastructure.

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

Borough of Oakland Planning Response: The 1988 Oakland Master within its Statement of Goals and Objectives seeks to preserve the existing residential character of the community, preserve historic sites and provide for both sufficient active and passive recreation areas and sites. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance contains any regulations specifically designed to encourage that all future development and redevelopment within the ECZ is compatible with existing community character.

Policy 6F6: To encourage new population growth, where desired by the municipality, and development in the ECZ is in the form of center based and mixed use development.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not specifically recommend center based and mixed use development. The Central Business District Plan adopted as an element of the Land Use Plan does however recommend center-based, smart growth, mixed-use development and redevelopment. The governing body has not as of yet adopted the implementing zoning amendments.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does envision future development and redevelopment in the ECZ as a means to relieve development pressures in more environmentally sensitive areas of the community. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to encourage land development activities in one part of the Borough in order to reduce or relieve development pressure from more environmentally sensitive portions of the Borough.

SUBPART B RMP UPDATES, MAP ADJUSTMENTS, AND LOCAL BUILD OUT ANALYSES

GOAL 6G: CONTINUALLY UPDATE AND IMPROVE THE HIGHLANDS LAND USE CAPABILITY MAP SERIES.

Policy 6G1: To develop a program for RMP Updates for all substantive components of the RMP, based upon the receipt of new, corrected or updated factual information and verification by the Highlands Council, when and where necessary to improve the accuracy of the RMP.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not contain a mechanism for RMP Updates based upon the receipt of new, corrected or updated information. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to establish a program of RMP Updates. Since the RMP is the most recently adopted of all these documents, there is no surprise that the Borough's documents did not envision the preparation and adoption of the RMP.

Policy 6G2: To develop a program allowing for petitions by municipalities and counties (with accompanying municipal support by resolution) for a Map Adjustment to the Land Use Capability Zone Map in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer recommendations concerning a Map Adjustment to the Land Use Capability Zone Map program. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to allow petitions for Map Adjustments filed by local governments with the Highlands Council. Since the RMP is the most recently adopted of all these documents, there is no surprise that the Borough's documents did not envision the preparation, adoption or adjustments to the RMP.

Policy 6G3: To require conforming counties and municipalities to review the parcel based Developed Land Inventory, and identify additional developed properties appropriate for the inventory, and track development activities in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer recommendations for creating a parcel based Developed Land Inventory. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland

Zoning Ordinance does not contain any regulations specifically designed to require development of a Developed Land Inventory or to identify additional developed properties appropriate for the inventory. The Zoning Ordinance contains no mechanism for tracking development in the Borough. Since the RMP is the most recently adopted of all these documents, there is no surprise that the Borough's documents did not provide for the inclusion of additional properties in the Developed Land Inventory.

Policy 6G4: To evaluate land use capability and support planning for development, redevelopment and infill that meets RMP policies and objectives.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not seek or offer recommendations concerning potential development activities that are consistent and compatible with RMP policies and objectives. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to evaluate land use capability consistent with the policies and objectives of the RMP.

SUBPART C REGIONAL GUIDANCE FOR DEVELOPMENT AND REDEVELOPMENT

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

Policy 6H1: to protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and ARAs.

Borough of Oakland Planning Response: As previously discussed in this report, the Borough's 1988 Master Plan does seek to protect, restore, or enhance sensitive environmental resources located in the Borough. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does contain regulations specifically designed to protect and preserve steep slopes.

Policy 6H2: To protect and promote agriculture by protecting and enhancing lands within the Highlands Region currently or capable of being used for agricultural purposes and ensuring that lands associated with or adjacent to agricultural lands are not developed in a manner that conflicts with the ongoing agricultural uses.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not seek to promote agriculture in the Borough. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to encourage the protection and promotion of agricultural activities located in the Borough.

Policy 6H3: To require conforming municipalities and counties to include site development programs, such as clustering, to preserve land in perpetuity for environmental protection or agricultural purposes.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not recommend the use of cluster as a means to preserve land for either environmental protection or agricultural purposes. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to encourage clustering to preserve land in perpetuity for environmental protection or agricultural purposes.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning in-fill redevelopment, adaptive re-use or brownfields redevelopment. The Central Business District Plan actively promotes the development and redevelopment of the central business district organized along both sides of Ramapo Valley Road into a center-based, mixed- use district. The Oakland Zoning Ordinance does not contain any regulations specifically designed to encourage promotion of compatible growth opportunities that include in-fill development, adaptive re-use, redevelopment and the like in existing developed areas of the Borough, as the amendments have been prepared but await additional public input and review.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does seek to create a community of place with both passive and active recreational opportunities in close proximity. The Central Business District Plan, adopted as one component of the Land Use Plan utilizes a number of strategies, goals, policies and objectives to create a center-based, mixed-use district in order to create a sense of place in the Borough's central business district. The amendments to the Zoning Ordinance necessary to implement this smart growth future of the Oakland business district has been prepared but is awaiting additional public input prior to adoption.

Policy 6H6: To integrate public parks and green spaces into development and redevelopment projects and ensure restoration of impaired natural resources to the extent required by law, at a minimum, and where feasible to a greater extent to maximize long term value of the project.

Borough of Oakland Planning Response: The land forms the 1988 Oakland Master Plan seeks to preserve are generally along the banks of the Ramapo River or in the mountains. The master plan offers no specific recommendations concerning integrating public parks and green spaces into development projects. Neither does the plan offer specific recommendations concerning the restoration of impaired natural resources. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to integrate public parks and public green spaces into development or redevelopment projects. The Zoning Ordinance does not explicitly require restoration of impaired natural resources.

Policy 6H7: Provisions and standards relating to regional growth activities which increase the intensity of development shall be discretionary for conforming municipalities and counties.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not address the issues and concerns raised in Policy 6H7 of the RMP. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance is consistent with the master plan in this regard and the ordinance does not specifically allow for discretionary growth. Developments that adhere to the standards and requirements of the Zoning Ordinance generally are viewed as worthy of approval.

Policy 6H8: Regional growth, where accepted through local planning and regulations, should identify opportunities to maximize land use intensity while protecting natural features and community character.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan is consistent and compatible with this policy of the RMP. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does seek to protect and preserve natural features such as steep slopes and flood plain areas, and allow greater intensity of use where these natural features are not located.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the use of green building design technology or smart growth principles in development and redevelopment initiatives. The 2008 reexamination report of the master plan recommended use of green building design and smart growth principles. The Oakland Zoning Ordinance does not contain any regulations specifically designed to encourage owners of lands to incorporate smart growth principles and green building design and technology in individual development applications.

GOAL 6I: CONFORMING MUNICIPALITIES AND COUNTIES INCORPORATE REGIONAL AND LOCAL LAND AND WATER RESOURCE PLANNING AND MANAGEMENT PROGRAMS IN THEIR MASTER PLANS AND DEVELOPMENT REGULATIONS

Policy 6I1: To require that conforming municipalities and counties include land and water resource planning and management programs in their master plans and development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer any specific recommendations concerning water resource planning and management. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to encourage owners of lands to adopt water resource planning and management programs as a condition of approval.

Policy 6I2: To encourage conforming municipalities and counties to include voluntary programs with incentives for the development or use of Highlands Act exemptions (see Policy 7F1) in a manner which limits or mitigates any potential adverse impacts on the land and water resources of the Protection Zone.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer any recommendations with regard to Highlands Act exemptions as the Oakland master plan was adopted prior to when the Highlands Act was signed into law. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to encourage owners of lands which are eligible for exemptions to voluntarily limit or mitigate in other fashion potential adverse impact of the exempt development on Highlands Resources in the Protection Zone of the RMP

Policy 6I3: To require conforming municipalities and counties to incorporate land and water resource planning and management programs for the Conservation Zone which protect natural resources from adverse impacts and support agricultural sustainability.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not seek to protect existing agricultural uses in the Conservation Zone from incompatible development activities. Borough planning documents adopted since 1988 have been consistent in this regard. The Oakland Zoning Ordinance does not contain any regulations specifically designed to encourage property owners to adopt water resource planning and management programs in the Conservation Zone in order to protect Highlands Region natural resources from the adverse impacts of development. There are no provisions within the Zoning Ordinance which are specifically intended to support agricultural sustainability here in Oakland.

SUBPART D REDEVELOPMENT

GOAL 6J1: ACCOMADATION OF REGIONAL GROWTH AND DEVELOPMENT NEEDS THROUGH THE REUSE AND REDEVELOPMENT OF PREVIOUSLY DEVELOPED AREAS, INCLUDING BROWNFIELDS, GRAYFIELDS, AND UNDERUTILIZED SITES.

Policy 6J1: To encourage Preservation Area redevelopment of sites with 70% or greater impervious surfaces or a brownfield in areas designated by the Highlands Council as Highlands Redevelopment Areas in accordance with N.J.A.C. 7:38-6.6 and 6.7

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer recommendations concerning Preservation Area redevelopment. Borough planning documents adopted subsequent to the 1988 master plan have been consistent in their treatment of this subject. The Oakland Zoning Ordinance does not contain specific requirements designed to encourage redevelopment of Preservation Area sites characterized by 70% impervious cover.

Policy 6J2: To encourage redevelopment in the ECZ in the Planning Area of brownfields, grayfields, and other previously developed areas that have adequate water, wastewater,

transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highland Redevelopment Area Designation process.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer recommendations concerning redevelopment activities in the ECZ of the Planning Area. Notable Borough planning documents adopted subsequent to the 1988 master plan such as the Central Business District Plan call for the development and redevelopment of properties comprising the Borough's traditional retail corridor. The Oakland Zoning Ordinance amendments necessary to encourage redevelopment in the ECZ of brownfields, grayfields and other previously developed lands in this area to a center-based, mixed-use community of place have been prepared but await additional public input prior to potential adoption by the governing body.

Policy 6J3: To encourage redevelopment in the Conservation and Protection Zones in the Planning Area that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer recommendations concerning redevelopment activities in the Conservation or Protection Zones of the Planning Area. Borough planning documents adopted subsequent to the 1988 master plan have been consistent in their demand that adequate community infrastructure and services be available prior to the achievement of increased land intensities. The Oakland Zoning Ordinance does include specific requirements designed to encourage redevelopment of properties in the Conservation and Protection Zones in the Planning Area when adequate infrastructure and carrying capacity are available to support increased land use intensity.

GOAL 6K CONCENTRATE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT, REDEVELOPMENT, AND ECONOMIC GROWTH IN EXISTING DEVELOPED AREAS IN LOCATIONS WITH LIMITED ENVIRONMENTAL CONSTRAINTS, ACCESS TO EXISTING UTILITY, AND TRANSPORTATION INFRASTRUCTURE.

Policy 6K1: To promote redevelopment of brownfields, grayfields, and other previously developed areas in a manner consistent with the goals and requirements of the Plan.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the promotion of redevelopment of brownfields, grayfields or other previously development areas. Notable Borough planning documents adopted subsequent to the 1988 master plan such as the Central Business District Plan call for the development and redevelopment of developed properties comprising the Borough's traditional retail corridor. The Oakland Zoning Ordinance amendments necessary to encourage redevelopment in the ECZ of brownfields, grayfields and other previously developed lands in this area to a center-based, mixed-use community of place have been prepared but await additional public input prior to potential adoption by the governing body.

GOAL 6L: CONFORMING MUNICIPALITIES AND COUNTIES CONSIDER DEVELOPMENT, REDEVELOPMENT AND BROWNFIELDS OPPORTUNITIES IN THEIR MASTER PLANS.

Policy 6L1: To require conforming municipalities identify any development, redevelopment, and brownfield opportunities in the local land use plan element of their master plan, as appropriate.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning identification of development, redevelopment, or brownfield opportunities. Notable Borough planning documents adopted subsequent to the 1988 master plan such as the Central Business District Plan call for the development and redevelopment of developed properties comprising the Borough's traditional retail corridor. The Oakland Zoning Ordinance amendments necessary to encourage redevelopment in the ECZ of brownfields, grayfields and other previously developed lands in this area to a center-based, mixed-use community of place have been prepared but await additional public input prior to potential adoption by the governing body.

Policy 6L2: To require that conforming municipalities amend development regulations and zoning to enable project implementation of local redevelopment initiatives that are identified under Policy 6L1 and local endorsed through Plan Conformance.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer recommendations concerning local redevelopment initiatives identified under Policy 6L1 of the RMP. Notable Borough planning documents adopted subsequent to the 1988 master plan such as the Central Business District Plan call for the development and redevelopment of developed properties comprising the Borough's traditional retail corridor. The Oakland Zoning Ordinance amendments necessary to encourage redevelopment in the ECZ of brownfields, grayfields and other previously developed lands in this retail dominated corridor to a center-based, mixed-use community of place have been prepared but await additional public input prior to potential adoption by the governing body.

Policy 6L3: To require that conforming municipalities identify existing and planned community facilities and encourage shared service opportunities as part of the local Community Facility Plan element.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not identify opportunities for shared services with other governmental agencies, with the exception of having the domestic sewage transmitted by the Ramapo River Interceptor treated at a sewage treatment plant located in Wayne Township. Borough planning documents adopted subsequent to the 1988 master plan have been consistent in their treatment of this subject. The Oakland Zoning Ordinance does not contain specific requirements designed to identify existing and planned community facilities and encourage shared service opportunities.

GOAL 6M: PROTECTION AND ENHANCEMENT OF HIGHLANDS RESOURCES THROUGH THE REMEDIATION OF CONTAMINATED SITES IN REGION.

Policy 6M1: Encourage and support the restoration and redevelopment or open space use of contaminated areas.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer recommendations concerning the restoration and redevelopment of contaminated sites. Notable Borough planning documents adopted subsequent to the 1988 master plan such as the Central Business District Plan call for the development and redevelopment of developed properties comprising the Borough's traditional retail corridor. In general, the open space parcels the Borough seeks to acquire with the assistance of other levels of government are large, mostly undeveloped, environmentally sensitive parcels that do not exhibit elevated levels of pollution. The Oakland Zoning Ordinance amendments necessary to encourage redevelopment in the ECZ of brownfields, grayfields and other previously developed lands in the traditional retail corridor to a center-based, mixed-use community of place have been prepared but await additional public input prior to potential adoption by the governing body.

SUBPART E SMART GROWTH

GOAL 6N: USE OF SMART GROWTH PRINCIPLES, INCLUDING LOW IMPACT DEVELOPMENT, TO GUIDE DEVELOPMENT AND REDEVELOPMENT IN THE HIGHLANDS REGION

Policy 6N1: To establish growth programs and Low Impact Development principles for use within the Highlands Region to guide and control development and redevelopment throughout the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning Low Impact Development principles. Borough planning documents adopted subsequent to the 1988 master plan have been consistent in their treatment of this subject. The Oakland Zoning Ordinance does not contain specific requirements designed to encourage Low Impact Development principles.

Policy 6N2: To require municipalities and counties to adopt stormwater management Low Impact Development standards to preserve or mimic the natural hydrologic features and characteristics of the land.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning Low Impact Development stormwater management standards. Borough planning documents adopted subsequent to the 1988 master plan include the Stormwater Management Plan. The Oakland Zoning Ordinance contains specific provisions designed to implement the Borough's stormwater management plan modeled upon a NJDEP prototype. The stormwater management ordinance which is likewise based upon a NJDEP model does not require use of Low Impact Development standards in stormwater management facilities.

Policy 6N3: To require through Plan Conformance that municipalities and counties adopt Low Impact Development practices to minimize land disturbance during construction activities.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning Low Impact Development principles to minimize land disturbance during construction activities. Borough planning documents adopted subsequent to the 1988 master plan have been consistent in their treatment of this subject. The Oakland Zoning Ordinance does not contain specific provisions designed to require use of Low Impact Development practices to minimize land disturbance during construction.

Policy 6N4: To require through Plan Conformance that municipalities and counties adopt Low Impact Development Best Management Practices where disturbance of Highlands Region resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning utilization of Low Impact Development principles to avoid disturbances to the Highlands Region resources as detailed in the Policy. Borough planning documents adopted subsequent to the 1988 master plan have been consistent in their treatment of this subject. The Oakland Zoning Ordinance does not contain specific provisions designed to require use of Low Impact Development Best Management Practices when disturbance to Highlands Region resources is proposed by an applicant.

Policy 6N5: To require through Plan Conformance that municipalities and counties incorporate programs for community and neighborhood design that supports a variety of housing options, mixed uses, redevelopment, adaptive re-use of historic sites and structures, and infill development in their master plans and development regulations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does include in the Statement of Goals and Objectives a specific statement encouraging the development of a variety of housing types for households of all ages and socioeconomic stations, including housing reserved for low and moderate income households. This same master plan includes a Historic Preservation Plan which calls for careful review of development activities when impacts might adversely affect historic and/or cultural resources. The remaining planning issues that Policy 6N5 recommends be included in community and neighborhood design are not specifically recommended in the 1988 Oakland Master Plan. The Central Business District Plan adopted as a component of the Land Use Plan does incorporate programs for center-based, smart growth, mixed-use redevelopment within the Borough's traditional downtown area. The Zoning Ordinance amendments necessary to implement these policies has been prepared and awaits additional public input prior to possible adoption by the governing body.

Policy 6N6: To require through Plan Conformance that municipalities and counties included community outreach, collaboration, and meaningful involvement from the local population in the development of planning and design regulations and programs.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment of a community outreach and collaborative process as a distinct component of the planning program of the community. Borough planning documents adopted subsequent to the 1988 master plan have been consistent in their treatment of this subject. The Oakland Zoning Ordinance does not contain specific provisions designed to encourage community outreach in the development of planning and design regulations. Despite this lack of a formal structure the Borough has encouraged public participation in the development of planning and design regulations. This has proven successful. There is no thought of discontinuing these community outreach efforts.

SUBPART F HOUSING AND COMMUNITY FACILITIES

GOAL 60: MARKET-RATE AND AFFORDABLE HOUSING SUFFICIENT TO MEET THE NEEDS OF THE HIGHLAND REGION WITHIN THE CONTEXT OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS.

Policy 601: To establish a region-wide, comprehensive approach to addressing housing needs in the Highlands Region, serving all age groups, income levels, and mobility options.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does offer specific recommendations concerning the establishment of a region wide comprehensive approach to providing housing serving all age groups and income levels in the Highland Region by crafting a response to the Borough's affordable housing obligation as determined by the Council on Affordable Housing. Borough planning documents adopted subsequent to the 1988 master plan have been consistent in attempting to achieve compliance with the often changing and confusing affordable housing dictates of the Council on Affordable Housing. Within the Highlands Region the Highlands Council has now been delegated the responsibility of designing an affordable housing compliance system only applicable to Highlands Region communities. Oakland intends to produce, adopt and file a housing plan in December 2009. Oakland's Zoning Ordinance does contain specific requirements designed to encourage the production of affordable housing within the Borough but not of the Highlands Region. In fact, recently the Planning Board approved a development consistent with and compatible to a Settlement Agreement that will result in the production of affordable housing units in the Borough for both the senior population as well as dwellings designed for families.

Policy 602: To promote where appropriate and permitted by the Land Use Capability Zone, center-based development approaches that address a mix of housing types, support mixed use, and implement compact development approaches.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment of center based development approaches, not does it offer recommendations concerning mixed-use or compact forms of development. The Central Business District Plan which was adopted as a component of the Land use Plan does recommend center based, mixed-use development in the traditional retail core of the Borough along Ramapo Valley Road. The Central Business

District Plan does include provisions intended to result in the production of both market rate and affordable housing units. The Zoning Ordinance amendments to produce this desired outcome have been prepared and await potential governing body action after further public input.

Policy 603: To promote, where appropriate and permitted by the Land Use Capability Zone, affordable housing, within new residential and mixed use development, redevelopment, or adaptive reuse programs.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning desirable styles or types of development. The plan does call however for creating a more balanced housing supply both with regards to age appropriate housing as well as the access by lower income households to housing. The Central Business District Plan which has been adopted as a component of the Land Use Plan does recommend center based, mixed-use development in the traditional retail core of the Borough along Ramapo Valley Road. The production of affordable housing is included in this plan. The Zoning Ordinance amendments to produce this desired outcome have been prepared and await potential governing body action after additional public input.

Policy 604: To encourage the targeting of new housing to areas within compatible existing densities and within walking distance of schools, employment, transit, and community facilities and services.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does offer specific recommendations concerning provision of alternate housing styles in the historic heart of the community and in close proximity to schools, employment and shopping opportunities. The Central Business District Plan which was adopted as a component of the Land use Plan does recommend center based, smart growth, mixed-use development in the traditional retail core of the Borough along Ramapo Valley Road. This plan includes housing, both market-rate and housing affordable to moderate-and low-income households in close proximity to employment, future transit opportunities and several schools. The Zoning Ordinance amendments to produce this desired outcome have been prepared and await potential governing body action after additional public input is received.

Policy 605: To located and maintain community facilities and services that support compact development patterns, shared services, and produce a high level of service.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the provision of community facilities and services to support compact development patterns. The Master Plan does make recommendations concerning the Ramapo River Interceptor and the creation of septic management districts. The same plan also discusses the need for a water supply system sufficient to meet the likely demands of the anticipated users. The Central Business District Plan which has been adopted as a component of the Land Use Plan does recommend center based, mixed-use development in the traditional retail core of the Borough along Ramapo Valley Road. The Central District Plan is predicated on the provision of sanitary sewer service to this area of the Borough. There are also long standing plans for the construction of a

park'n'ride in the downtown area as well as the re-introduction of passenger service on the rail line that passes through the Borough's central business district. The Zoning Ordinance amendments to produce this desired outcome have been prepared and await potential governing body action after additional public input is received.

Policy 606: To require that conforming municipalities identify existing and planned community facilities and encourage shared services opportunities as part of the local Community Facility Plan element.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment of a shared services arrangement, other than in the field of sewage treatment which the Master Plan suggests should be treated in Wayne Township at an existing plant that has available capacity. The draft Wastewater Management Plan does seek to introduce sanitary sewer service to the central business district of the Borough. Sanitary sewer service might be provided by either the Township of Wayne or the Northwest Bergen Utilities Authority. The draft amendments to the zoning ordinance are predicated on the introduction of sanitary sewer service to the business district. The draft amendments to the Zoning Ordinance have been prepared and are awaiting potential action on the part of the governing body upon receipt of additional public input.

Policy 607: To require that conforming municipalities implement both the resource protection requirements of the RMP along with the New Jersey Supreme Court's doctrine, in its Mount Laurel decisions, that every municipality in a "growth area" has a constitutional obligation to provide through its land use regulations, sound land use, and long range planning, a realistic opportunity for a fair share of its region's present and prospective needs for housing for low and moderate income families.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does contain a Statement of Goals and Objectives that it seeks to provide a wide variety of housing style and choices, especially the provision of low and moderate income housing in order to fulfill its constitutional housing obligation. The Central Business District Plan which was adopted as a component of the Land use Plan does recommend center-based, smart growth, mixed-use development in the traditional retail core of the Borough along Ramapo Valley Road. The plan included the provision of both affordable and market-rate housing. Upon release of Module 3 by the Highlands Council, the Borough will prepare, adopt and implement a Housing Element and Fair Share Plan consistent with the Supreme Court's directives.

Policy 608: To require that conforming municipalities update and adopt a housing element, fair share plan, and implementing ordinance(s) to reflect current conditions and resource protection requirements of the RMP.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does contain a Housing Element and Fair Share Plan designed to comply and fulfill its constitutional obligation to provide a realistic opportunity for the construction of affordable housing. Since preparation of the 1988 Master Plan, the Borough has additionally adopted a number of affordable housing plans which detail the manner in which the Borough would comply with the requirements imposed by the Council on Affordable Housing. The Oakland

governing body did adopt a resolution pledging to prepare a housing plan based on Highlands Council criteria. Oakland is prepared to adopt and then implement yet another housing plan upon release of Module 3 by the Highlands Council.

PART 7 LANDOWNER EQUITY

GOAL 7A: PROTECTION OF LANDS THAT HAVE LIMITED OR NO CAPACITY TO SUPPORT HUMAN DEVELOPMENT WITHOUT COMPROMISING THE ECOLOGICAL INTEGRITY OF THE HIGHLAND REGION, THROUGH MECHANISMS INCLUDING BUT NOT LIMITED TO A REGION-WIDE TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

Policy 7A1: Transferable development rights shall be used by willing municipalities to guide growth and development away from ecologically sensitive lands and towards lands which have the capacity to support additional human development without compromising the ecological integrity of the Highland Region. These rights shall also be used to guide growth towards land outside of the Highlands Region, but within the seven Highland counties, to willing municipalities.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment of a region wide comprehensive transfer of development approach to preserving ecologically sensitive lands and resources. Borough planning documents adopted since 1988 have consistently not addressed the creation of a comprehensive region wide transfer of development approach to protection of the natural resource base. The Oakland Zoning Ordinance does not contain any provisions to permit the transfer of development rights from a sending to a receiving zone in order to protect natural resources.

Policy 7A2: To maximize the preservation of Preservation Area properties outside of the Existing Communities Zone or a Highlands Redevelopment Area, with emphasis on properties with the highest Conservation Priority scores and Agricultural Priority scores, thorough acquisition or donation of fee simple and easement ownership.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the maximum preservation of Preservation Area properties outside the Existing Communities Zone or Highlands Redevelopment Area. Borough planning documents adopted since 1988 have consistently not addressed means of preserving lands within the Preservation Area as all these documents were adopted prior to the passage of the Highlands Act and thus prior to the establishment of the Preservation Area. The 2006 Open Space Plan does make recommendation concerning the continuing need to acquire environmentally sensitive properties, especially those properties along the Ramapo River or on Ramapo Mountain or on Preakness Mountain. The Borough has been aggressive in seeking to acquire lands that are particularly worthy of preservation. Recently the Borough acquired the Camp Todd property as well as the NJ Capital Partners property since both properties were threatened with development. The citizens in Oakland have supported the establishment of an Open Space Tax as the referendum was passed by the voters the first time it was placed on the ballot.

GOAL 7B: PROVISION FOR COMPENSATION THROUGH A REGION-WIDE PROGRAM OF TRANSFERABLE DEVELOPMENT RIGHTS TO LANDOWNERS WHOSE PROPERTIES HAVE LIMITED OR NO CAPACITY TO SUPPORT ADDITIONAL DEVELOPMENT BASED UPON ANALYSES CONDUCTED BY THE HIGHLAND COUNCIL AND WHO ARE DISPROPORTIONATELY BURDENED BY THE PROVISIONS OF THE HIGHLANDS ACT

Policy 7B1: The Highlands TDR Program shall seek to mitigate impacts of the Highlands Act and the Highlands RMP on reasonable landowner development expectations which have been disproportionately affected.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment of a region wide transfer of development rights program intending to mitigate the impacts of the Highlands Act on landowners reasonable expectations. Borough planning documents adopted since 1988 have consistently not addressed the creation of a comprehensive region wide transfer of development approach to mitigate impacts of the RMP on landowners reasonable development expectations. The Oakland Zoning Ordinance does not contain any provisions to permit the transfer of development rights in order to mitigate impacts created by the RMP on reasonable landowner development expectations.

Policy 7B2: The Highlands TDR Program shall establish a transferable development right to be known as the “Highlands Development Credit”.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Development Credit. Borough planning documents adopted since 1988 have consistently not addressed the creation of Highlands Development Credits as a necessary component of a transfer of development rights program. The Oakland Zoning Ordinance does not contain any provisions to permit the transfer of development rights or the creation of necessary Highlands Development Credits.

Policy 7B3: All lands within the Preservation Area, except for those in the Existing Community Zone and approved Highlands Redevelopment Areas, shall be eligible to serve as Sending Zones under the Highlands TDR Program.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development Program. Borough planning documents adopted since 1988 have consistently not addressed the creation of either sending zones or receiving zones in a transfer of development rights program. The Oakland Zoning Ordinance does not contain any provisions to permit the transfer of development rights from a sending to a receiving zone in order to protect and preserve Highlands Region resources in the Preservation Zone.

Policy 7B4: Upon municipal conformance, all lands within the Planning Area, except for those in the Existing Community Zone and approved Highland Redevelopment Areas, shall be eligible to serve as a Sending Zone under the Highlands TDR Program.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. Borough planning documents adopted since 1988 have consistently not addressed the creation of sending or receiving zones in a transfer of development rights program. The Oakland Zoning Ordinance does not contain any provisions to permit the transfer of development rights from a sending zone to a receiving zone in order to protect and preserve Highlands Region resources in the Planning Zone.

Policy 7B5: The Highlands TDR Program shall provide for the allocation of HDC's to eligible Sending Zone parcels where reasonable future development expectations have been disproportionately limited by the provisions of the Highlands Act or implementation of the programs established by the RMP.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program in order to address potential landowner equity issues. Borough planning documents adopted since 1988 have consistently not addressed the creation and then allocation of Highlands Development Credits to sending zone parcels to mitigate the impact of the RMP on landowner equity. The Oakland Zoning Ordinance does not contain any provisions to permit the creation or allocation of HDC's as a means to compensate landowners in sending zones.

Policy 7B6: Lands in the Existing Community Zone and approved Highland Redevelopment Areas shall not be eligible for an allocation of HDC's.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program or the issuance of HDCs as a necessary component of such a program. Borough planning documents adopted since 1988 have consistently not addressed the creation of Highlands Development Credits and which properties might not qualify to be issued HDC's. The Oakland Zoning Ordinance does not contain any provisions to permit or limit the creation of HDC's .

Policy 7B7: Establish a Highlands TRD Program which is sufficiently certain and predictable to allow Sending Zone landowners to sell Highland Development Credits or borrow against the value of such credits.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. Borough planning documents adopted since 1988 have consistently not addressed the creation of a Highland Transfer of Development Program. There is no discussion of establishing the sending or receiving zones necessary in a transfer of development rights program. The Oakland Zoning Ordinance does not contain any provisions to permit the creation of a transfer of development program. There are no provisions in the Oakland Zoning Ordinance to create, buy, or sell or convert HDCs.

Policy 7B8: The determination as to whether a particular parcel of land is disproportionately limited by the provisions of the Highlands Act or implementation of the RMP shall be based upon the development potential as of August 9, 2004, based upon

municipal zoning and land use regulations then in effect; State and federal environmental laws and regulations then in effect; and a determination of whether development is precluded or severely constrained by the restrictions imposed pursuant to the Highland Act.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the mechanism to be established to determine if the development expectations of a particular property has been disproportionately impacted and limited by various provisions of the Highlands Act or through the implementation of the RMP Borough planning documents adopted since 1988 have consistently not addressed the issue and concern relative to disproportionate impacts on particular properties due to the adoption of the Highlands Act or implementation of the Act through by means of the RMP. The Oakland Zoning Ordinance does not contain any provisions to mitigate the impacts to the development potential of specific properties due to the adoption of the Highlands Act or its implementation through the provisions of the RMP.

Policy 7B9: The allocation of HDCs to individual Sending Zone parcels shall be adjusted according to the location of the parcel within the Highlands Region, the comparative development potential of the parcel, and whether a Sending Zone landowner chooses to exercise an applicable Highland Act exemption.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the allocation of HDCs to individual Sending Zone parcels. Borough planning documents adopted since 1988 have consistently not addressed the allocation and distribution of HDCs. The Oakland Zoning Ordinance does not contain any provisions to encourage or permit the allocation of HDC's to individual properties within the Sending Zones based on a variety of factors as detailed in Policy 7B9.

GOAL 7C: CREATION OF A HIGHLANDS DEVELOPMENT CREDIT BANK

Policy 7C1: A Highland Development Credit Bank shall be created and become operational as soon as possible.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Development Credit bank. Borough planning documents adopted since 1988 have consistently not addressed the creation of Highlands Transfer of Development Program or a credit bank as part of any such program. The Oakland Zoning Ordinance does not contain any provisions to permit the transfer of development rights from certain zones to other zones or the establishment of a Highlands Development Credit Bank.

Policy 7C2: The Highland Development Credit Bank shall be authorized to serve and shall serve as a region-wide information clearinghouse.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. Borough planning documents adopted since 1988 have consistently not addressed the creation of Highlands Transfer of Development Program

or a credit bank as part of any such program. There are no provisions concerning the creation of an information clearinghouse. The Oakland Zoning Ordinance does not contain any provisions to permit the transfer of development rights from certain zones to other zones or the establishment of a Highlands Development Credit Bank or a means to function as an information clearinghouse.

Policy 7C3: The Highland Development Credit Bank shall be authorized to buy and sell HDC's.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program authorized to buy and sell Highland Development Credits. Borough planning documents adopted since 1988 have consistently not addressed the creation of Highlands Transfer of Development Program or a credit bank as part of any such program. The Oakland Zoning Ordinance does not contain any provisions to permit the transfer of development rights from sending zones to receiving zones or the establishment of a Highlands Development Credit Bank which would be authorized to buy, sell and trade HDCs.

Policy 7C4: The Highlands Development Credit Bank shall be authorized to serve as the official records keeper of the Highlands TDR Program, including recording and tracking all HDC transactions and use.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. Borough planning documents adopted since 1988 have consistently not addressed the creation of Highlands Transfer of Development Program or a credit bank as part of any such program. The Oakland Zoning Ordinance does not contain any provisions to authorize the Highlands Development Credit Bank to serve as the official record keeper of the Highlands Transfer of Development Program recording the tracking of all HDC transactions.

Policy 7C5: The Highlands Development Credit Bank shall be authorized to enter into any agreement which promotes the transfer and use of HDC's, provided that the substance of the agreement is not in conflict with any express provision of the Highlands Act or the State Transfer of Development Right Act (N.J.S.A. 40:55d-137 ET SEQ.).

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. Borough planning documents adopted since 1988 have consistently not addressed the creation of Highlands Transfer of Development Program or a credit bank as part of any such program. The Oakland Zoning Ordinance does not contain any provisions to authorize the Highlands Development Credit Bank to be authorized to promote the transfer and use of HDCs.

Policy 7C6: The Highlands Development Credit Bank should establish a program for the purchase of HDCs as soon as possible.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. Borough planning documents adopted since 1988 have consistently not addressed the creation of Highlands Transfer of Development Program or a credit bank as part of any such program. The Oakland Zoning Ordinance does not contain any provisions to authorize the formation of a Highlands Development Credit Bank.

Policy 7C7: The Highlands Development Credit Bank should seek to provide an opportunity for Sending Zone landowners to sell their HDCs in advance of the establishment of Receiving Zones.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. Borough planning documents adopted since 1988 have consistently not addressed the creation of Highlands Transfer of Development Program or a credit bank as part of any such program. The Oakland Zoning Ordinance does not contain any provisions to authorize the Highlands Development Credit Bank to sell HDCs.

Policy 7C8: The Highlands Development Credit Bank shall monitor real estate values throughout the Highlands region and shall submit an annual report to the Highlands Council, including a recommendation with regard to the minimum value of a HDc.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. Borough planning documents adopted since 1988 have consistently not addressed the creation of Highlands Transfer of Development Program or a credit bank as part of any such program. The Oakland Zoning Ordinance does not contain any provisions to authorize the Highlands Development Credit Bank to serve as a monitor of real estate values in the Highlands Region or to submit an annual report to the Highlands Council.

Policy 7C9: To secure sufficient capitalization for operation of the Highlands Development Credit Bank.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. Borough planning documents adopted since 1988 have consistently not addressed the creation of Highlands Transfer of Development Program or a credit bank as part of any such program. The Oakland Zoning Ordinance does not contain any provisions to authorize the Highlands Development Credit Bank to secure sufficient capitalization to commence and continue operations.

GOAL 7D ESTABLISHMENT OF SUFFICIENT HIGHLANDS RECEIVING ZONES TO CREATE A POSITIVE MARKET FOR TDR CREDITS.

Policy 7D1: Lands located within the Existing Community Zone or Highland Redevelopment Areas may be designated as Receiving Zones by a Highlands

municipality upon approval by the Highland Council, provided that such Receiving Zones are consistent with the RMP.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. Borough planning documents adopted since 1988 have consistently not addressed the creation of Highlands Transfer of Development Program or a credit bank as part of any such program. The Oakland Zoning Ordinance does not contain any provisions to authorize the Highlands Council to designate Receiving Zones in the Borough of Oakland to effectuate a Transfer of Development Program.

Policy 7D2: Land located within the Conservation Zone may be designated as Receiving Zones by a Highlands municipality upon approval of the Highlands Council, provided that such Receiving Zones are compatible with the RMP and the development does not conflict with the maintenance of viable agriculture.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. Borough planning documents adopted since 1988 have consistently not addressed the creation of Highlands Transfer of Development Program, including the creation of Sending Zones or Receiving Zones as the mechanism by which development credits would be transferred. The Oakland Zoning Ordinance does not contain any provisions to authorize the Highlands Council to designate Receiving Zones in the Borough of Oakland to effectuate a Transfer of Development Program.

Policy 7D3: A municipality located within a Highlands County, but not within the Highlands Region, may also designate Receiving Zones to participate in the Highlands TDR Program upon approval of the Highlands Council, provided that the municipality seeks endorsement by the State Planning Commission as required by subsection 1 of section 13 of the Highlands Act.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. The more recently adopted planning documents consistently do not offer recommendations concerning establishment of a TDR program under the leadership of the Highlands Council. The Oakland Zoning Ordinance does not contain any provisions for the establishment and implementation of a TDR program.

Policy 7D4: A Highlands municipality in the Planning Area may seek designation of Receiving Zones and participate in the Highlands TDR Program without regard to whether such municipality is in conformance with the Highlands RMP upon approval of the Highlands Council, provided that the municipality seeks endorsement by the State Planning Commission as required by the State Transfer of Development Rights Act.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. The more recently adopted planning documents consistently do not offer recommendations concerning establishment of a TDR program under the

leadership of the Highlands Council. The Oakland Zoning Ordinance does not contain any provisions for the establishment and implementation of a TDR program.

Policy 7D5: The Highland Council shall provide technical assistance to Highlands municipalities in support of designating appropriate Receiving Zones.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. The more recently adopted planning documents consistently do not offer recommendations concerning establishment of a TDR program under the leadership of the Highlands Council. The Oakland Zoning Ordinance does not contain any provisions for the establishment and implementation of a TDR program.

Policy 7D6: The Highlands Council shall provide Highlands municipalities with financial grants-in-aid for planning and feasibility studies in support of designating appropriate Receiving Zones.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. The more recently adopted planning documents consistently do not offer recommendations concerning establishment of a TDR program under the leadership of the Highlands Council. The Oakland Zoning Ordinance does not contain any provisions prohibiting the Borough from accepting grants or other financial assistance for planning and feasibility studies in support of establishment of a TDR program.

Policy 7D7: A Highlands municipality may limit the use of HDCs to intra-municipal transfers in designated Receiving Zones if the Highlands Council determines that the goals, policies, and objectives of the Highlands RMP will be best served by a determination of conformance, notwithstanding the limited use of HDCs within the municipality.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program. The more recently adopted planning documents consistently do not offer recommendations concerning establishment of a TDR program under the leadership of the Highlands Council. The Oakland Zoning Ordinance does not contain any provisions for the establishment and implementation of receiving zones to implement a TDR program.

Policy 7D8: The Highlands Council shall seek legislation that permits municipalities outside of the seven counties to designate Receiving Zones that may accept HDCs.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of

Development program. The more recently adopted planning documents consistently do not offer recommendations concerning establishment of a TDR program under the leadership of the Highlands Council. The Oakland Zoning Ordinance does not contain any provisions for the establishment and implementation of a TDR program.

GOAL 7E: MAXIMIZATION OF THE TRANSFERS AND USE OF HDCS.

Policy 7E1: The Highlands Council shall develop and implement incentive mechanisms to create the highest possible demand for HDCs.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program or the transfer and use of Highlands Development Credits. The more recently adopted planning documents consistently do not offer recommendations concerning establishment of Highlands Development Credits necessary to implement a TDR program. The Oakland Zoning Ordinance does not contain any provisions for the establishment, sale transfer and utilization of Highlands Development Credits as a means to implement a TDR program.

Policy 7E2: The Highland Council shall identify ways and means by which the highest possible value of HDCs can be achieved.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program or the transfer and use of Highlands Development Credits. The more recently adopted planning documents consistently do not offer recommendations concerning the pricing and awarding of Highland Development Credits as a means to create a workable TDR program. The Oakland Zoning Ordinance does not contain any provisions for the pricing of Highlands Development Credits as part of a regional TDR program.

Policy 7E3: The Highlands Council shall promote the availability of capital funding for municipal infrastructure which is required to support additional human development achieved using HDCs.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program or the transfer and use of Highlands Development Credits. The more recently adopted planning documents consistently do not offer recommendations concerning the pricing and availability of Highland Development Credits as a means to create a workable TDR program. The Oakland Zoning Ordinance does not contain any provisions for the pricing or availability of Highlands Development Credits.

Policy 7E4: The Highland Council shall seek and support priority allocation of available State and federal funding for Highlands municipalities which have established TDR Receiving Zones for HDCs.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program or the desirability of seeking priority allocation of state and federal dollars for those Highlands Region communities that as part of a TDR program establish receiving zones. The more recently adopted planning documents consistently do not offer recommendations concerning seeking funding for those communities that establish receiving zones as part of an approved TDR program. The Oakland Zoning Ordinance does not contain any provisions encouraging priority allocation of funding to those municipalities that have established receiving zones as part of a regional TDR program.

Policy 7E5: The Highlands Council shall seek legislation that requires the payment of a fee to the Highlands Development Credit Bank for any increases in density or intensity of development beyond the allowable development yield as of the effective date of the act, where that development relies on a potable water source located in the Highlands Region and the development is situated in any municipality other than a conforming municipality.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program or the transfer and use of Highlands Development Credits or the payment of fees to the Highlands Development Credit Bank upon an increase in allowable intensity of development. The more recently adopted planning documents consistently do not offer recommendations concerning the payment to the Highlands Development Credit Bank when increases in intensity of development are permitted. The Oakland Zoning Ordinance does not contain any provisions for the payment of a fee to the Highlands Development Credit Bank whenever an increase in the allowable intensity of development is authorized.

Policy 7E6: After the date of Highlands Council determination of conformance, any municipal action that results in a density increase or change of use with more intense-development will require a project applicant to secure HDCs prior to municipal action.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the establishment a Highlands Transfer of Development program or the transfer and use of Highlands Development Credits and under what circumstances developers might need to seek to purchase HDCs in order to implement their development plans. More recently adopted planning documents do not address this issue either as there are no recommendations to establish a TDR program or under what circumstances developers might be required to acquire HDCs. The Borough Zoning Ordinance does not require applicants to acquire HDCs as a prerequisite to implementing development proposals.

GOAL 7F ENSURE THAT HIGHLANDS ACT EXEMPTIONS ARE PROPERLY ISSUED AND MONITORED.

Policy 7F1: To provide guidance on the activities that are exempt from the provisions of the Highlands Act, the RMP, any rules or regulations adopted by NJDEP pursuant to the Highlands Act, and any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning management of exemptions authorized by the RMP as adopted by the Highlands Council. More recently adopted planning documents also fail to offer recommendations concerning implementation of the Highlands Act, or those activities that are exempt from regulation by the Highlands Act. The Oakland Zoning Ordinance has no regulations or requirements concerning the Highlands Act or any that require compliance with the RMP.

Policy 7F2: To monitor and track activities which are, or may be, deemed to be exempt from the provisions of the Highlands Act.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the monitoring and tracking of exemptions as authorized by the RMP. More recently adopted planning documents also fail to offer recommendations concerning monitoring activities deemed to be exempt from the Highlands Act or the implementing RMP. The Borough's Zoning Ordinance contains no provisions for tracking or monitoring land development proposals which may be exempt from the Highlands Act.

GOAL 7G: ENSURE THAT HIGHLANDS ACT PERMITS AND WAIVERS ARE PROPERLY ISSUED, TRACKED, AND MONITORED.

Policy 7G1: For the Preservation Area, coordinate with NJDEP during Highlands permit review for any major Highlands development including the review of waivers on a case-by-case basis: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the monitoring and tracking of waivers as authorized by the RMP. More recent planning documents adopted by the Borough also fail to address these issues. The Oakland Zoning Ordinance does not contain provisions to coordinate permit review with the Highlands Council or NJDEP. The

Policy 7G2: For both the Preservation Area and the Planning Area, a waiver may be issued by the Highland Council on a case-by-case basis from the requirements of the RMP or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP: 1) if determined to be necessary in order to protect the public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands

Council, or 3) in order to avoid the taking of property without just compensation. Any waiver issued shall be conditioned upon a determination that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the monitoring and tracking of exemptions as authorized by the RMP. More recently adopted planning documents do not address this issue of the Highlands Council granting waivers from standards contained in local master plans or development regulations simply because they are perceived to be no aligned with the RMP. The Oakland Zoning Ordinance does not contain provisions that allow its regulations to be altered because the Highlands Council perceives local standards to be unaligned with the RMP. The Oakland Zoning Ordinance contains procedures and protocol when an applicant seeks relief from a condition or requirement. An applicant can apply for relief from provisions by making application to the Board of Adjustment or Planning Board. There is simply no procedure in place to seek relief from requirements in the Oakland Zoning Ordinance to the Highlands Council.

Policy 7G3: For both Preservation Area and the Planning Area during local development review, any variance or exception issued shall be conditioned upon determination, specifically included in an approved resolution, that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the monitoring and tracking of local development reviews by the Highlands Council. More recently adopted planning documents do not discuss or recommend a new procedure whereby certain local approvals of development applications located in either the Preservation Area or the Planning Area require compliance with certain sections of the Highlands Act. The Oakland Zoning Ordinance does not contain provisions that require applicants comply with standards as contained in the Highlands Act.

GOAL 7H: MITIGATION TO THE MAXIMUM EXTENT POSSIBLE OF THE IMPACTS OF EXEMPT DEVELOPMENT ON THE ECOSYSTEM INTEGRITY OF THE HIGHLAND REGION THROUGH USE OF INNOVATIVE LAND USE PROGRAMS.

Policy 7H1: To encourage municipalities with jurisdiction over lands which are entitled to any exemptions (s) under Section 30 of the Highlands Act to establish voluntary, incentive-based land use programs to avoid impacts to the Highlands ecosystem or to the fiscal integrity of the municipality.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the creation of a voluntary, incentive-based land use program to avoid impacts to Highlands Region resources or the fiscal integrity of the Borough. More recent Borough planning documents are consistent in this regard. The Oakland Zoning Ordinance does not contain provisions that mandate voluntary,

incentive-bases land use programs to avoid impacts to the Highlands Region ecosystem or the fiscal integrity of the Borough.

Policy 7H2: To provide an opportunity for landowners whose property is entitled to an exemption under the Highlands Act to voluntarily apply for and receive an allocation of Highlands Development Credits in lieu of developing on-site under the provisions of Section 30.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning provision of opportunity for landowners to voluntarily apply for and receive Highland Development Credits in lieu of physically developing the property on-site. The issue of Highland Development Credits is not discussed, nor are there any recommendations concerning same in more recently adopted planning documents. The Oakland Zoning Ordinance does not contain provisions concerning allocations of Highlands Development Credits or the establishment of a TDR program.

PART 8: SUSTAINABLE ECONOMIC DEVELOPMENT

GOAL 8 SUSTAINABLE ECONOMIC DEVELOPMENT IN THE HIGHLANDS REGION

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does make recommendations and seeks to expand the existing economic base of the community and therefore expand the local employment base. The Oakland Master Plan however does not focus on the promotion of appropriate, sustainable and environmentally compatible economic development strategies or programs. More recently adopted planning documents, such as the Central Business District Plan, adopted as a component to the Land Use Plan, continue to call for promoting appropriate economic development in the form of center-based, smart growth mixed-use development in appropriate locations supported by adequate levels and types of community infrastructure. The Zoning Ordinance seeks to implement these goals.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does offer specific recommendations and seeks to preserve the high quality of life enjoyed by Borough residents. More recently adopted Borough planning continue the tradition of advocating for a high quality of life for Borough residents and visitors. The Oakland Zoning Ordinance is designed to achieve a high quality of life through the application of its requirements and limiting schedule.

Policy 8A3: To identify and pursue state and federal programs that offer financial and/or technical assistance for sustainable economic development in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does offer specific recommendations or seeks funding from higher levels of government for the creation of sustainable economic development, especially as same pertains to infrastructure improvements. More recently adopted planning documents place an emphasis on seeking state and federal funding on preserving and protecting open space resources, thereby seeking to maintain the environmental resources of the Highlands Region and the high quality of life of Borough residents. The zoning ordinance supports this goal of preserving and protecting environmental, open space and recreational resources.

Policy 8A4: To serve as a clearinghouse for economic development opportunities in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the Highlands Council acting as a clearinghouse for economic development opportunities in the Region. More recent planning documents are consistent with the 1988 master plan in this regard. The Oakland Zoning Ordinance does not contain provisions or requirements that would assist the Highlands Council functioning in a role as a clearinghouse for economic development opportunities in the region.

Policy 8A5: To advocate for appropriate public investment in the Highlands Region though the strategic location of public facilities and institutions that will spur sustainable and appropriate economic activity.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the Highlands Council acting as an advocate for public investment for public facilities and economic development opportunities in the Region. The more recently adopted planning documents do offer recommendations that the Borough continue to seek public investment for the preservation and protection of open space resources. The zoning ordinance does not contain provisions that require appropriate public investment in the Highlands Region, instead focusing on investment by the private sector to insure adequate infrastructure is available to serve the needs and demands of the particular private development.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the adoption of an economic plan element that provides strategies for achieving sustainable and appropriate economic development consistent with local desires and identifies any development, redevelopment, and brownfield opportunities. Instead the 1988 master plan incorporates many of these factors as a component of the Land Use Plan. More recently the Central Business District Plan, adopted as an additional component of the Land Use Plan does recommend strategies for achieving sustainable and appropriate economic development with a focus on the

Borough's traditional retail corridor. The zoning ordinance contains regulations and requirements which allow for a mix of economic development strategies to be implemented. The ordinance calls for a variety of commercial, industrial, office and warehouse uses to provide employment opportunities and tax ratables.

GOAL 8B: PROTECTION AND ENHANCEMENT OF THE AGRICULTURE INDUSTRY IN THE HIGHLAND REGION

Policy 8B1: To enhance the sustainable economic benefits of agricultural industry in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning enhancement of sustainable economic benefits conferred by a viable agricultural industry in the Borough. More recent planning documents are consistent to the 1988 master plan. The Oakland Zoning Ordinance does not discourage investments by the agricultural industry in sustainable economic development.

Policy 8B2: To protect and enhance the agricultural industry in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to protect and enhance the agricultural industry in the Borough. The more recent planning documents are consistent to the 1988 master plan. The Oakland Zoning Ordinance does not discourage sustainable investments by the agricultural industry.

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

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the promotion of recreation and tourism as an economic growth engine for the Borough. More recent planning documents do recommend investment in acquiring, protecting and preserving open space resources for a variety of public purposes. The Oakland Zoning Ordinance does promote a variety of economic efforts to promote employment and ratables.

Policy 8C2: To enhance the Region's tourism infrastructure in order to increase visitors to the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to enhance the tourism infrastructure to increase visits to the Borough. Borough planning documents do recommend the construction of a park'n'ride within the downtown area. They also recommend reinstatement of passenger service on the New York Western and Susquehanna Railroad.

Both of these recommendations may offer some positive benefits to tourism, however slight. More recently adopted master plan documents are consistent with the 1988 master plan. The Oakland Zoning Ordinance contains no provisions providing incentives to improve tourism infrastructure.

Policy 8C3: To promote public and private tourism attractions in the Highland Region through the marketing of natural resources, the arts, cultural, historic, scenic, agricultural, and recreational resources, urban amenities, and accommodations.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to promote public and private tourism through local marketing efforts. More recent planning documents remain consistent with the 1988 master plan. The zoning ordinance does not discourage nor encourage the promotion of public and private tourism attractions, nor does it encourage or discourage the marketing of regional amenities or natural resources.

Policy 8C4: To support local, state, and federal eco-, agri-, and heritage tourism programs.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to support local, state and federal eco-, agri-, and heritage tourism programs in the Borough. More recent planning documents remain consistent with the 1988 master plan. The zoning ordinance does not discourage nor encourage the state and federal funding of tourism efforts.

Policy 8C5: To advocate for state and federal funding of recreation and tourism initiatives in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to advocate for and seek state and federal funding of recreation and tourism initiatives in the Highlands Region. More recently adopted planning documents, specifically the 2006 Open Space and Recreation Plan continue to call for additional state and federal funding of open space and recreational resources. The zoning ordinance does not contain provisions requiring or seeking additional expenditures of state and federal funds for recreational and tourism purposes.

GOAL 8D EXPANSION OF INNOVATIVE TECHNOLOGY AND ENTERPRENERIAL BUSINESSES INCUDING HOME OFFICE, ENEGRY EFFICIENCY, AND RESOURCE CONSERVATION ENTERRSES IN THE HIGHLANDS REGION.

Policy 8D1: To ensure opportunities for home office, entrepreneurial, and other small business activities in the Highlands Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to ensure additional opportunities for home-based employment. The more recently adopted Central Business District Plan does call for and encourage additional small business opportunities in the Borough's

traditional retail corridor. Within residential zones, the Borough does permit home occupations as a permitted accessory use.

GOAL 8E: ESTIMATE AND TRACK OVER TIME THE COSTS AND BENEFITS ASSOCIATED WITH PLAN IMPLEMENTATION AND THE PROTECTION OF CRITICAL RESOURCES OF THE HIGHLANDS REGION.

Policy 8E1: The Cash Flow Timetable shall track the revenues and costs associated with the Highlands Protection Fund, with the exception of the Pinelands Property Tax Stabilization Aid category. Four components that shall be tracked in the Cash Flow Timetable include:

- Planning Grants Program (including Incentive Planning Aid and RMP Compliance Aid);
- Highlands Property Tax Stabilization Aid;
- State Aid for Local Government Units (Watershed Moratorium Offset Aid and other State Aid funding); and
- Land Acquisition Tracking.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to address the issues raised in Policy 8E1 of the RMP. The more recently adopted planning documents are consistent with the 1988 master plan. The zoning ordinance contains no provision that directly address this Policy contained within the RMP.

PART 9 AIR QUALITY

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

Policy 9A1: To encourage capital facility development and redevelopment that leads to attainment of the National Ambient Air Quality Standards (NAAQS).

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the National Ambient Air Quality Standards. The more recent planning documents are consistent to the 1988 master plan. The zoning ordinance does not contain provisions that directly address attainment of National Ambient Air Quality Standards.

Policy 9A2: To support continued, consistent and thorough air quality monitoring and assessment programs as a means of evaluating and managing major air toxic point sources that affect the Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to support continued, consistent and thorough air quality monitoring and assessment programs. The more recent planning documents are consistent to the 1988 master plan. The zoning ordinance does not contain

provisions mandating the monitoring of air quality or any provisions that support the continued monitoring of air quality by applicants.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to offer alternative modes of transportation as a means to reduce automobile dependency and a reduction of local and regional air pollutants that are linked to global warming. The more recently adopted Central Business District Plan does encourage center-based, mixed-use development. Within the Plan many rationales are provided as to why this pattern of land use development is considered superior to others. An amendment to the zoning ordinance has been prepared and is awaiting introduction after receiving additional public input.

Policy 9A4: To encourage and support state and federal air quality monitoring for the Highlands Region and regulatory action to reduce levels of air pollutants including but not limited to: ozone, carbon dioxide, sulfur compounds, volatile organic compounds, methane, and fine particulate matter pollutants in the Highland Region.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to encourage and support state and federal air quality monitoring and regulatory action for the Highlands Region. The more recent planning documents are consistent to the 1988 master plan. The zoning ordinance contains no provisions that encourage or support state and federal air quality monitoring.

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

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to encourage green building practices and energy efficient design. More recent planning documents adopted by the Borough do support more energy efficient design and green building practices. The amendments to the zoning ordinance have been prepared and are awaiting introduction after receiving additional public input.

Policy 9A6: To support State and federal initiatives that will reduce air pollution emanating from power plants, incinerators and landfills within and affecting the Highlands Region and particularly in Warren County due to out-of-State power plant pollution.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to support state and federal initiatives that will reduce air pollution that affects the Highlands Region. The more recent planning documents are consistent to the 1988 master plan. The zoning ordinance does not contain

provisions that support federal and state initiatives to reduce air pollution generated by power plants, incinerators and landfills from out-of-state sources.

PART 10 LOCAL PARTICIPATION

GOAL 10A: MAXIMIZE MUNICIPAL PARTICIPATION TO ENSURE THE REGIONAL MASTER PLAN ACHIEVES ITS LONG TERM GOALS OF PROTECTING, ENHANCING AND RESTORING HIGHLANDS RESOURCES AND MAINTAINING A SUSTAINABLE ECONOMY IN THE HIGHLANDS REGION

Policy 10A1: To ensure that programs and policies are effectively coordinated to promote the purpose and provisions of the RMP, through efforts with all levels of government, including local, county, regional, State, and federal agencies.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to ensure that local planning programs are coordinated with those contained in the RMP. The more recent planning documents are consistent to the 1988 master plan. The zoning ordinance does not contain provisions designed to insure that programs and policies of the RMP are effectively coordinated with the programs and policies of other levels of government.

Policy 10A2: To ensure sufficient local participation in the development of the RMP and on-going work of the Highlands Council.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning local participation in the development of the RMP or the on-going work of the Highlands Council. The more recent planning documents are consistent to the 1988 master plan. The zoning ordinance leaves to the Highlands Council the ways and means to insure meaningful public participation in its work.

Policy 10A3: To ensure maximum RMP Conformance by municipalities and counties to achieve the highest level of protection for all important natural systems and resources of the Highlands.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the need to ensure maximum RMP Conformance by the Borough. The more recent planning documents are consistent to the 1988 master plan. The zoning ordinance does not contain provisions that seek to ensure maximum RMP Conformance by the municipality. Rather, the zoning ordinance seeks to implement the goals and objectives of locally adopted master plan documents consistent with the requirements and limitations imposed by the Municipal Land Use Law.

Policy 10A4: To ensure the long term success of the RMP, evaluate regional conditions, identify new or emerging issues, and develop future RMP priorities through the tracking and monitoring of regional indicators.

Borough of Oakland Planning Response: The 1988 Oakland Master Plan does not offer specific recommendations concerning the long term success of the RMP or the process of

developing future RMP priorities. The more recent planning documents are consistent to the 1988 master plan. The zoning ordinance does not contain provisions that seek to ensure the long term success of the RMP. Instead, the zoning ordinance success is measured by the degree to which it accomplishes the goals and objectives of the local master plan.

V. ANTICIPATED COSTS & PROJECT TIMEFRAMES

As outlined in the previous section of this report, the Borough of Oakland has until December 8, 2009 to complete the steps necessary for Basic Plan Conformance and submit its Petition to the Highlands Council. The following table details each of the key requirements for Basic Plan Conformance and the estimated deadline and cost associated with each. The table also identifies the base amount of grant funding available from the Highlands Council for each requirement.

**Estimated Timeframes and Costs for Basic Plan Conformance
Borough of Oakland**

Requirement	Estimated Deadline*	Estimated Cost	Highlands Base Grant Amount
Conduct first step of Highlands Build-Out Analysis (Module 1) and submit to Highlands Council for review	March 6, 2009 (completed)	\$ <u>15,000</u>	\$15,000
Conduct second step of Highlands Build-Out Analysis (Module 2) and submit to Highlands Council for review	July, 2009	\$ <u>10,000</u>	\$10,000
Prepare draft Housing Element and Fair Share Plan (Module 3) and submit to Highlands Council for review	September, 2009	\$ <u>10,000</u>	\$7,500
Prepare draft Environmental Resource Inventory (Module 4) and submit to Highlands Council for review	August, 2009	\$ <u>2,000</u>	\$2,000
Prepare draft Highlands Master Plan Element (Module 5) and submit to Highlands Council for review	November, 2009	\$ <u>5,000</u>	\$2,500
Prepare draft Highlands Development Regulations (Module 6) and submit to Highlands Council for review	November, 2009	\$ <u>5,000</u>	\$5,000
Adopt Housing Element and Fair Share Plan	January, 2010	\$ <u>1,000</u>	--
Prepare Municipal Self-Assessment (MUA) and Implementation Schedule (Module 7) and submit with draft plans, ordinances, RMP Updates, Map Adjustments, and Petition for Plan Conformance to Highlands Council	December 8, 2009	\$ <u>8,000</u>	\$8,000
Submit Petition for Substantive Certification to COAH	December 8, 2009	\$ <u>1,000</u>	--

* Except where **bold**, which indicates mandatory deadline set by the Highlands Council.

