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FINAL DRAFT CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

**PETITION FOR PLAN CONFORMANCE:
BLOOMSBURY BOROUGH, HUNTERDON COUNTY**

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

MAY 18, 2011

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INTRODUCTION

This Final Draft Consistency Review and Recommendations Report (“Report”) has been prepared by the Staff of the Highlands Water Protection and Planning Council (“Highlands Council”). It provides review and recommendations for consideration by the Highlands Council as to the consistency of the Petition for Plan Conformance of the Borough of Bloomsbury, with the Highlands Regional Master Plan (RMP). The Report provides review and discussion of each component of the Petition for Plan Conformance, in the order in which they are set forth under submission guidelines provided to municipalities by the Highlands Council. It begins with a brief summary of Staff findings, displayed in a table format, to provide an at-a-glance overview of the results of Staff review.

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REPORT SUMMARY

Municipality: Bloomsbury Borough

Date of Petition Submission: December 8, 2009

Date Deemed Complete: January 22, 2010

Conformance Area: Preservation Area

Staff Recommendation: Approve Petition with Conditions

Administrative Submittals	Meets Requirements	Conditions of Approval
1. Resolution	X	None
2. Record of Public Involvement	X	None
3. List of Current Planning and Regulatory Documents	X	None

Petition Components	Consistent	Conditions of Approval
1. Modules 1-2 Build-Out Report*	X	None
2. Module 3 Housing Element/Plan	X	See Section D.1
3. Module 4 ERI	X	See Section D.1
4. Module 5 Highlands Element	X	Follow-Up Required per Section B.4; D.1
5. Module 6 Land Use Ordinance	X	Follow-Up Required per Section B.5; D.1
6. Module 7 Petition		
a. Self-Assessment Report	X	None
b. Implementation Plan/Schedule	X	Follow-Up Required per Section B.6; D.1

*Completed by the Highlands Council in collaboration with the municipality prior to substantive review of the Petition.

Optional Submission Items	Submission Date	Status/Recommendation
1. RMP Updates	N/A	
2. Map Adjustments	N/A	
3. Center Designation Requests	N/A	
4. Highlands Redevelopment Area Designation Requests	N/A	
5. Regional Master Plan Consistency Report for Bloomsbury Mill Site	12/8/09	Informational submission in connection with possible Redevelopment Area (see Section C).

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A. REVIEW OF ADMINISTRATIVE SUBMITTALS

- 1. Resolution or Ordinance.** The Resolution petitioning the Highlands Council for Plan Conformance was adopted by the municipal Governing Body at its noticed public meeting of October 27, 2009. The document submitted is appropriately signed and certified by the Municipal Clerk to verify authenticity. The language of the Resolution relies upon that of the model provided by the Highlands Council. The Resolution clearly petitions the Highlands Council for Plan Conformance; conformance being proposed with respect to the whole of the municipality, which lies fully within the Preservation Area.
- 2. Record of Public Involvement.** The Petition includes appropriate documentation of the public process engaged in by the municipality with regard to the development of Petition materials and adoption of the Resolution petitioning the Highlands Council for Plan Conformance. The submission includes the following:

 - a.** Copy of public meeting notice and agenda for joint meeting of the Borough Council and Planning Board held on November 17, 2009 to discuss the draft Bloomsbury Master Plan Highlands Element prior to its submission as a component of the Borough Petition for Plan Conformance.
 - b.** Adopted Resolution (#45-09) as noted above, indicating formal action taken on Plan Conformance at the October 27, 2009 public meeting of the Governing Body.
 - c.** Copy of agendas and minutes from meetings of the Planning Board held on March 17, 2009 and June 16, 2009 to discuss Plan Conformance and/or Petition components.
- 3. List of Current Planning Documents.** The list of current municipal planning and regulatory documents is comprehensive and includes required dates of adoption, as applicable. Pursuant to Highlands Council Module 7 Municipal Plan Conformance Petition instructions, all of these documents have been provided to the Highlands Council in Adobe pdf format.

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B. REVIEW OF PLAN CONFORMANCE PETITION COMPONENTS

1. **Highlands Municipal Build-Out Report (Modules 1-2).** The Highlands Municipal Build-Out Report was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The date of the Highlands Municipal Build-Out Report is June 2009.
2. **Housing Element & Fair Share Plan (Module 3).** Both the RMP and Highlands Council instructions concerning submission of Master Plan Housing Elements and Fair Share Plans, sought municipal participation in a three-step process, intended to culminate in the submission of fully developed affordable housing plans to both the Highlands Council and the Council on Affordable Housing (COAH) (or alternatively the Highlands Council and the Superior Court). This process was designed to assist municipalities in developing plans to address fair share housing obligations that are consistent with the RMP. For most Highlands municipalities, the deadline for submission to COAH was extended to June 8, 2010. The extended time allowance was intended to provide for completion of Highlands Municipal Build-Out Reports (see Modules 1-2, above) and incorporation of resulting information into fully developed affordable housing plans in accordance with Executive Order #114 (2008) and COAH's *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*. This process also allows for Highlands Council review of as yet unconstructed projects in municipal housing plans, for consistency with the RMP.

The Borough of Bloomsbury provided all components required by the Highlands Council. The first submission was included as requested within the municipality's Petition for Plan Conformance, while the remaining items were provided in accordance with the revised submission deadlines. The completed Highlands Council form used to conduct the preliminary submission review appears in Appendix A. Review of the final Housing Element and Fair Share Plan submission, adopted by the Planning Board on May 18, 2010, follows. These findings constitute a preliminary analysis of the Housing Element and Fair Share Plan by the Highlands Council. These documents were filed with COAH, along with a petition for substantive certification on June 8, 2010. The submission was deemed complete on June 29, 2010. The Borough Planning Board adopted the final Housing Element and Fair Share Plan on, and on the final Plan was submitted to COAH. The final Housing Element and Fair Share Plan appear to address the municipality's Fair Share Obligation. Any final determination in that regard will be made by COAH or the Superior Court. As to consistency with the requirements of the RMP, the Plan is satisfactory.

- a. **Summary of Municipal Obligation.** The Municipal Obligation appeared to be correctly calculated and included the components listed below.
 - i. **Rehabilitation Share:** 0 units
 - ii. **Prior Round Obligation:** 17 units
 - iii. **Growth Share Obligation** (see B.2.b, below): 2 units

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Total Fair Share Obligation: 19 units

b. Municipal Growth Projections. Municipal Growth Projections were correctly indicated in the COAH Workbook D form and other submittals provided by the municipality; no follow-up information was required. The final figures are listed below. Note: Highlands Full Build-Out Projections would apply in the case of conformance for the full municipality (i.e. for split municipalities, including both the Planning and Preservation Areas in accordance with COAH's instructional document, *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*. COAH Growth Projections apply in all cases where the municipality is not petitioning for conformance for the whole of the municipality, until or unless modified by COAH consistent with the Guidance or as applicable, the Superior Court. The municipality's Housing Element relies upon Highlands Full Build-Out Projections.

i. Highlands Full Build-Out Projections

- Residential Growth (housing units): 5
- Non-Residential Growth (jobs): 1
- Total Growth Share, after exclusions (units): 1

ii. COAH Growth Projections through 2018

- Residential Growth (housing units): 20
- Non-Residential Growth (jobs): 0
- Total Growth Share, after exclusions (units): 4

c. Summary of Proposed Fair Share Plan. The Fair Share Plan proposes to address the municipal obligation by use of the mechanisms and/or development projects listed below.

i. Vacant Land Adjustment: The Borough is seeking a Vacant Land Adjustment on the Prior Round Obligation based on the existing development in the Borough and the results of Modules 1 and 2. This will eliminate the Prior Round Obligation of 17 units based on the Highlands Build-Out Report. After the adjustment, the Borough's Fair Share Obligation would be reduced to 2 units.

ii. New Project: Accessory Apartment Program (2 units) – The Borough will create accessory apartments within existing structures; specific sites not yet identified. Anticipated credits: 2.

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Where any section of the model Highlands Element has been appropriately deleted due to non-applicability, the heading or sub-heading indicates “Not Applicable – Deleted.” Where minor modifications are required to complete the document for purposes of adoption by the Planning Board, the heading or sub-heading indicates, “Minor Modifications Required for Completion.” If needed, explanatory discussion is provided.

- a. Policies, Goals & Objectives.** Consistent
 - i.** Preservation Area Goals. Consistent. The municipality will address/incorporate the minor modifications provided by the Highlands Council.
 - ii.** Planning Area Goals. Not Applicable – Deleted
 - iii.** General Purposes of Zoning. Consistent
 - iv.** Relationship Between Highlands Act & MLUL. Consistent

- b. Land Use Plan Element.** Consistent, however minor modifications are required for completion. The municipality will address Highlands Council edits and highlighted sections in the text.
 - i.** Highlands Zones and Sub-Zones. Consistent. (Note: Existing Community Zone–Environmentally Constrained Sub-Zone and the Lake Community Sub-Zone not applicable - deleted.)
 - ii.** Land Uses. Consistent
 - iii.** Density and Intensity of Development. Consistent. The municipality will address/incorporate the minor modifications provided by the Highlands Council.
 - iv.** Cluster Development. Consistent
 - v.** Land Use Inventory. Consistent. The municipality will provide the insertions needed for completion.
 - vi.** Redevelopment Planning. Consistent

- c. Housing Plan Element.** Consistent. The municipality will incorporate the insertions provided by the Highlands Council. Review and recommendations concerning the Housing Plan Element appear at item #2 above, Housing Element & Fair Share Plan.

- d. Conservation Plan Element.** Consistent
 - i.** Forest Resources. Consistent
 - ii.** Highlands Open Waters and Riparian Areas. Consistent
 - iii.** Steep Slopes. Consistent

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- iv. Critical Habitat. Consistent
 - v. Carbonate Rock. Consistent
 - vi. Lake Management. Not Applicable – Deleted
 - vii. Water Resources Availability. Consistent
 - viii. Prime Ground Water Recharge Areas. Consistent
 - ix. Water Quality. Consistent
 - x. Wellhead Protection. Consistent
 - xi. Low Impact Development. Consistent
- e. **Utility Services Plan Element.** Consistent
- i. Preservation Area. Consistent
 - ii. Planning Area. Not Applicable – Deleted
 - iii. Preservation Area. Consistent
- f. **Circulation Plan Element.** Consistent
- g. **Land Preservation/Stewardship Plan Element.** Consistent. The municipality will provide the minor modifications required for completion, specifically including those regarding acreage and percentage of preserved lands.
- h. **Agriculture Retention/Farmland Preservation Plan Element.** Consistent
- i. **Community Facilities Plan Element.** Consistent
- j. **Sustainable Economic Development Plan Element.** Consistent
- k. **Historic Preservation Plan Element.** Consistent. The municipality will provide the minor modifications required for completion.
- i. Historic, Cultural, and Archaeological Resources. The municipality will address the alternative language that has been inserted into the document by the Highlands Council. It provides for the case where a municipality chooses not to regulate historic resources, which the Highlands Council has determined is an optional component of Plan Conformance, not mandatory.
 - ii. Scenic Resources. Consistent
- l. **Development Transfer Plan Element.** Inclusion of this Section is optional and the municipality has elected to incorporate it. As provided, the Section is consistent. The Highlands Council reminds that designation of Preservation Area lands as

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“sending areas” for Highlands Development Credits does not require inclusion of the Development Transfer Plan Element in the Highlands Master Plan Element.

- m. Relationship of Master Plan to Other Plans.** Consistent
- n. Appendices.** Consistent. The municipality will address bracketed text in Appendix B.
- o. Exhibits.** The list of Exhibits includes all that apply to the municipality. The applicable Exhibits are in a separate PDF file. The municipality will address the notes and recommendations listed below.
 - i.** Exhibit B, “Borough Land Use Inventory” will be provided – or incorporated by reference to the existing master plan (if applicable) in the text.
 - ii.** Exhibit X, “Septic System Yield Map” has been determined unnecessary and will be deleted. Septic System Yield will be determined on a site-specific basis, using the Nitrate Dilution Model discussed in text.

- 5. Highlands Area Land Use Ordinance (Module 6).** The proposed Borough of Bloomsbury Highlands Area Land Use Ordinance is based on the model Highlands Area Land Use Ordinance provided to municipalities by the Highlands Council. Since the time of issuance of the Model, the Highlands Council, with input from municipal professionals, has made certain revisions to the document to refine and simplify it for purposes of municipal implementation. The Borough of Bloomsbury Highlands Area Land Use Ordinance as proposed (including modifications by the Highlands Council), contains the required Highlands Area Land Use Ordinance language (with minor exceptions, to be completed as noted below) and all applicable maps/exhibits, as necessary, to fully address the immediate mandatory requirements of Plan Conformance.

The specific components of the model Highlands Land Use Ordinance are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all immediate RMP requirements for Plan Conformance, the heading or sub-heading indicates “Consistent.” Where any section of the model Highlands Land Use Ordinance has been appropriately deleted due to non-applicability, the heading or sub-heading indicates “Not Applicable – Deleted.” Where minor modifications are required to complete the document for purposes of adoption, the heading or sub-heading indicates, “Minor Modifications Required for Completion.” If needed, explanatory discussion is provided.

- a. Article 1. Title, Purpose, Scope.** Consistent. The municipality will address/incorporate the minor modifications made by the Highlands Council. Please see revised document text.

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- b. **Article 2. Applicability.** Consistent. The municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text.
- c. **Article 3. Definitions.** Consistent. The municipality will address/incorporate the minor modifications made by the Highlands Council. Please see revised document text.
- d. **Article 4. Establishment of Highlands Area Districts.** Consistent. The municipality will address/incorporate the modifications made by the Highlands Council, inclusive of new map titles at Section 4.4. Please see revised document text.
 - i. Zones/Sub-Zones Not Applicable – Deleted: Existing Community Zone – Environmentally Constrained Sub-Zone, Lake Community Sub-Zone.
 - ii. Highlands Resources/Resource Areas Not Applicable – Deleted: Vernal Pools, Lake Management Area, Special Environmental Zone.
 - iii. The municipality will address/incorporate Highlands Council recommendations regarding the Wildlife Management Sub-Zone and Lake Management Areas. Please see revised document text.
- e. **Article 5. Highlands Area Zone District Regulations.** Minor modifications required for completion. The municipality will also address/incorporate the significant modifications made to the section by the Highlands Council. Please see revised document text.
 - i. see the municipality will address the optional text in Section 5.3.5 B prior to ordinance adoption.
- f. **Article 6. Highlands Area Resource Regulations.** Consistent, however minor modifications are required for completion. The municipality will address all highlighted portions of the document text.
 - i. Forest Resources. Consistent
 - ii. Highlands Open Waters & Riparian Resources. Consistent
 - iii. Steep Slopes. Consistent
 - iv. Critical Habitat. Consistent
 - v. Carbonate Rock. Consistent
 - vi. Lake Management Area. Not Applicable – Deleted. Please note that although the ERI mapping shows a small amount of Lake Management Area in the southwestern area of the Borough, it is almost entirely State Open Space and within a 300 foot Highlands Open Waters buffer. In addition, the Highlands Council initiated a regional RMP Update

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regarding the delineation of Lake Community Sub-Zones and Lake Management Areas, based on new mapping of the drainage areas to all Highlands lakes using new LiDAR data, which may affect the Musconetcong River and associated lakes.

- vii. Water Conservation & Deficit Mitigation. Consistent
 - viii. Prime Ground Water Recharge Areas. Consistent
 - ix. Wellhead Protection. Consistent
 - x. Agricultural Resources. Consistent, however the municipality will complete section 6.10.3.A, which can be addressed by reference to existing agricultural provisions of local zoning ordinance, if available.
 - xi. Historic, Cultural & Archaeological Resources. Consistent. The municipality will address the modifications made by the Highlands Council. These regulatory provisions have been made optional, and thus the municipality will need to make a determination regarding the preferred approach to this issue.
 - xii. Scenic Resources. Consistent
- g. Article 7. Highlands Area General Regulations.** Consistent
- i. Affordable Housing. Consistent
 - ii. Low Impact Development. Consistent
 - iii. Conservation Restrictions. Consistent. The municipality will address/incorporate the modifications made by the Highlands Council. Please see edits in document text.
 - iv. Stormwater Management. Consistent
 - v. Special Environmental Zone. Not Applicable – Deleted
 - vi. Septic System Design and Maintenance. Consistent
 - vii. Public Water Systems. Consistent
 - viii. Wastewater Collection and Treatment Systems. Consistent
- h. Article 8. Planned Development Regulations.** Consistent, however minor modifications are required for completion. Please see highlighted portions and revised document text.
- i. Article 9. Application Review Procedures & Requirements.** Consistent, however the municipality will provide required insertions for completion prior to ordinance adoption. In addition, the municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text.

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- j. **Article 10. Appeals, Waivers, Exceptions.** Consistent
- k. **Article 11. Enforcement, Violations, Penalties.** Minor modifications required for completion. The municipality will provide the insertions required prior to ordinance adoption.
- l. **Appendices.** Consistent, however the municipality will address bracketed text in Appendix C for completion.
- m. **Exhibits.** The Exhibits, including the List of Exhibits and all in-text document references to Exhibits have been updated by the Highlands Council to include Highlands Council parcel-based maps, which indicate the locations and boundaries of each Highlands Area, Zone, Resource, Resource Area, and Special Protection Area. These Exhibits were not available when the Model Land Use Ordinance was initially provided by the Highlands Council for use in preparing Petitions, but are crucial to the regulatory function of the Highlands Area Land Use Ordinance. Please note that the revised maps have been provided in Adobe® pdf format, and in this case, should not be converted for insertion directly in the MSWord® version of the Ordinance. After adoption, they should accompany the Ordinance at all times, however, as an integral component of it – whether made available to the public in paper or electronic format. As provided currently, the maps are at a scale suited to printing on large plotters, for purposes of municipal reproduction and display (ensuring high-resolution detail).

NOTE: The following exhibit components are not included with the Highlands Land Use Ordinance as Bloomsbury Borough does not include these resources: Lake Management Areas, Vernal Pools, Special Environmental Zone, and Highlands Domestic Sewerage Facilities. These changes are incorporated into the Highlands Land Use Ordinance.

6. Petition Submission Documents (Module 7).

- a. **Municipal Self-Assessment Report.** The Municipal Self-Assessment Report consists of two components as listed herein. The Report accurately describes the status of municipal Plan Conformance to date, indicating both municipal accomplishments and the items that remain to be completed to achieve Full Plan Conformance.
 - i. **Narrative Portion.** The Narrative Portion has been completed accurately for purposes of Plan Conformance.
 - ii. **Spreadsheet Portion.** The Spreadsheet Portion satisfies all requirements for purposes of Plan Conformance.

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- b. Highlands Implementation Plan & Schedule.** The Highlands Implementation Plan and Schedule provides a template for future Plan Conformance activities. It is intended to indicate all outstanding items, both required and discretionary, along with estimated costs and timeframes for completion, for the municipality to achieve or exceed all requirements for Plan Conformance with the Regional Master Plan.

As proposed by the municipality, the Highlands Implementation Plan and Schedule: a) included all mandatory components required to achieve full Plan Conformance; and b) incorporated timeframe estimates associated with each mandatory element. The Highlands Implementation Plan and Schedule was modified since first issued by the Highlands Council, however and the municipality's document has been updated accordingly. The revised document includes cost estimates for each activity and prioritizes implementation tasks with a particular focus on the first few months after Highlands Council approval of Petitions, including the 2011 and 2012 State fiscal years.

In addition, the proposed Highlands Implementation Plan and Schedule includes non-mandatory Plan Conformance activities, the estimated costs and timeframes for completion of which, the municipality has considered. These activities have been incorporated into the revised Highlands Implementation Plan and Schedule.

Recommended Highlands Council edits tailoring the revised document to the municipality (based on the Petition submittals) have been considered and included in the final version.

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C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS

1. **RMP Updates.** N/A
2. **Map Adjustments.** N/A
3. **Highlands Center Designation Requests.** The Petition for Plan Conformance was not accompanied by requests for Highlands Center Designation, however Bloomsbury may wish to consider the potential for such designation.
4. **Highlands Redevelopment Area Designation Requests.** The Petition for Plan Conformance was not accompanied by any requests for Highlands Redevelopment Area Designation at this time. However, information was provided concerning the Bloomsbury Mill site, which the Borough is considering for redevelopment potential. A request may be submitted at any time in this regard and the Highlands Council will be pleased to work with the Borough to further it (if applicable, in conjunction with a Highlands Center designation request). Funding has been allocated in the Highlands Implementation Plan and Schedule as part of the Sustainable Economic Plan Element to undertake the exploratory planning work required to develop a specific designation request, inclusive of proposed redevelopment conceptual plans which reflect both the Borough's interests and the protection of on-site Highlands resources.
5. **Other.** N/A

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D. PRELIMINARY RECOMMENDATIONS

On the basis of the comprehensive review completed and discussed in detail as described in the preceding Sections, which examined both sufficiency of administrative submittals and consistency of all substantive materials with the Highlands Regional Master Plan, Highlands Council Staff recommends that the Petition for Plan Conformance of the Borough of Bloomsbury, as currently proposed by the municipality, be approved with conditions as outlined below.

1. Approval with Conditions. Highlands Council Staff recommend that this Petition for Plan Conformance be approved by the Highlands Council. The approval should be conditioned upon satisfactory completion of all items noted within Sections A through C of this Report (including all items addressed in the herein-referenced Highlands Council Staff-provided MSWord “Track-Changes” versions of the various Petition documents), and in addition, satisfaction of the below-listed requirements.

a. Adoption of Approved Checklist Ordinance. The municipality shall prepare and submit to the Highlands Council a draft “Checklist Ordinance” (model available) requiring that Development Applications be deemed incomplete by the reviewing board or applicable municipal authority, until or unless accompanied by: a) for applications under Highlands Council jurisdiction, a Highlands Council Consistency Determination indicating that the application is consistent, or can and will be made consistent with the Regional Master Plan; or b) an NJDEP Highlands Preservation Area Approval, waiver, or Highlands Applicability Determination indicating non-applicability. Upon receipt of Highlands Council approval, the Ordinance shall be prepared for purposes of public review and adoption by the municipal Governing Body. The Governing Body shall provide for and complete the adoption process, at the conclusion of which, a certified copy of the adopted Checklist Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Highlands Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Checklist Ordinance, the proposed changes shall be submitted for review by the Highlands Council prior to adoption by the Governing Body. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption at the municipal level.

Note: The Checklist Ordinance is intended as an interim protection measure only, and should be repealed at the time of adoption of an approved Highlands Area Land Use Ordinance (completion and adoption of which set forth at 1.d., below).

b. Adoption of Approved Highlands ERI. The Highlands Environmental Resource Inventory (ERI) shall be prepared in a clean, final document format for purposes of

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public review and adoption. A copy shall be provided to the Highlands Council. The municipal Environmental Commission (or Planning Board in the absence of an Environmental Commission) shall provide for and complete the required process of formal adoption of the ERI by the local Commission or Board. At the conclusion of the process, a certified copy of the adopted ERI shall be provided to the Highlands Council. The process of ERI adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the ERI, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Commission or Board.

- c. Adoption of Approved Master Plan Highlands Element.** The Master Plan Highlands Element shall be completed in accordance with the requirements of Section B4 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Element shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Planning Board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Element by the municipal Planning Board. At the conclusion of the process, a certified copy of the adopted Highlands Element shall be provided to the Highlands Council. The process of Highlands Element adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Element, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Planning Board.
- d. Adoption of Approved Highlands Area Land Use Ordinance.** The Highlands Area Land Use Ordinance shall be completed in accordance with the requirements of Section B5 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Area Land Use Ordinance shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. After the municipal Planning Board has adopted the Master Plan Highlands Element, the municipal Governing Body shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Area Land Use Ordinance by the municipal Governing Body. At the conclusion of the process, a certified copy of the adopted Highlands Area Land Use

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Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of Highlands Area Land Use Ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Area Land Use Ordinance, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the Governing Body.

- i. Municipal Exemption Determinations.** As a component of the Highlands Area Land Use Ordinance, the Borough shall provide for “Municipal Exemption Determinations” in accordance with NJDEP delegation of such authority to the municipality. (NOTE: NJDEP currently does not have a delegation program; the provisions in the Highlands Land Use Ordinance are provisional.) Such determinations (detailed within the current draft Ordinance) refer to the process of reviewing and making determinations concerning exemptions from the Highlands Act, which in turn, represent exemptions from the provisions of the Highlands Area Land Use Ordinance. The effective date of such provisions shall occur only after the municipality indicates readiness to proceed and receives written authorization from the NJDEP granting it the authority to do so.
- ii. Highlands Council Information and Training Sessions.** Prior to the effective date of the Highlands Area Land Use Ordinance, municipal representatives (e.g., Land Use Administrators, Zoning Officials, Planners) shall attend information and training session(s) to be provided by the Highlands Council on the implementation and administrative procedures set forth within the Ordinance. Such sessions will provide detailed instruction on application processes and procedures, notice requirements, Highlands Council referrals and call-up provisions, decision-making and formal action, variances, waivers, exceptions, and enforcement activities. Prior to the effective date of the Municipal Exemption Determination provisions, moreover, municipal representatives (in particular, Exemption Designee(s)) shall attend an information and training session on the exercise of Municipal Exemption Determination authority.
- e. Adoption of Updated Zoning Map.** The Borough shall prepare an updated Municipal Zoning Ordinance which shall be adopted immediately following or at the time of adoption of the Highlands Area Land Use Ordinance, to reflect the new overlay Highlands Zones and Sub-Zones. The adoption process shall mirror that outlined above for the Highlands Area Land Use Ordinance.

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- f. COAH Approval of Housing Element & Fair Share Plan.** The Highlands Council shall be copied on all related correspondence and kept apprised of the COAH approval process as it unfolds. Any subsequent revision to the Housing Element and Fair Share Plan shall be provided to the Highlands Council for review and approval prior to implementation by the municipality. Until and unless the municipality secures final approval of a Highlands Council-approved (as RMP consistent) Housing Element and Fair Share Plan, this Plan Conformance component shall remain a conditionally approved item. (In recognition of potential changes in the applicable COAH Rules and State laws pertaining to the provision of affordable housing in the State of New Jersey, these requirements shall be considered subject to modification, with the intent being only to ensure that the municipality remains in compliance with all applicable statutes, rules, regulations and requirements, at any given time, and maintains consistency with the RMP, so as to protect the municipality from legal challenge.)
- g. Adoption of Ordinances Implementing Fair Share Plan.** Governing Body adoption of Ordinances required to implement the Fair Share Plan shall follow approval of the Housing Element and Fair Share Plan, in accordance with all requirements of the Superior Court or COAH, as applicable, and all legal requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final Court- or COAH-approved Fair Share Plan moreover, shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.
- h. Adoption of Wastewater Management Plan (WMP).** The municipality shall prepare Wastewater Management Plan working with the Highlands Council under Plan Conformance, for approval by the NJDEP. This plan will be recognized as a chapter of the Hunterdon County WMP in accordance with NJDEP Administrative Order 2010-03 and all applicable NJDEP rules and requirements. The Highlands Council will draft the WMP using information from the municipality, and collaborate with the municipality to finalize the WMP for NJDEP consideration and approval. This process will occur on a schedule based on Plan Conformance approval.
- i. Adherence to Approved Highlands Implementation Plan & Schedule.** The municipality shall undertake to complete all remaining mandatory Plan Conformance activities listed in the Highlands Council-approved Highlands Implementation Plan & Schedule, in accordance with: a) the timeframes set forth therein, to the maximum extent feasible and practicable, or with such adjusted timeframes as may be authorized by the Highlands Council or otherwise mutually agreed by the municipality and the Highlands Council; and b) the availability of funding from the Highlands Council or, on a voluntary basis, by the municipality or other party, to ensure the satisfactory completion of each project or activity, or each phase of such project or activity, as appropriate. Non-mandatory Plan Conformance

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activities shall neither take precedence over nor shall impede the completion of mandatory items and shall be undertaken only as time and resources are available to support them.

i. Development/Approval of Implementation Plan Components.

Within the constraints above, all planning, regulatory, and resource management documents shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.

ii. Adoption of Regulations Implementing Plan Components.

All ordinances, rules, and regulations shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.

iii. Mandatory Components.

Specific mandatory components include development and implementation of the plans/programs/ordinances herein listed (once models have been provided by the Highlands Council and funding provided), all intended as municipal-wide, long-term initiatives unless specifically noted otherwise. Where applicable and appropriate, these will build upon any such plans, programs, or ordinances that have already been developed or adopted by the municipality. It is the explicit intention of the Highlands Council that such plans/programs be developed in a manner to ensure that implementation is both feasible and practicable, potentially involving assistance of outside agencies/organizations, working cooperatively for and with the municipality. In each case where the municipality will serve as lead, release of funds is contingent upon approval of a scope of work by the Highlands Council Executive Director.

- Water Use & Conservation Management Plan. Prioritized by funding allocated for development of a plan for subwatershed HUC14 02040105160060, to prevent, reduce or eliminate deficits in Net Water Availability, which result in impaired stream flows and aquifer declines during drought periods. The Highlands Council will serve as lead for this project.
- Habitat Conservation and Management Plan Ordinance. Prioritized by funding allocated to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects.
- Stormwater Management Plan (Updates Only)
- Land Preservation and Stewardship Program
- Septic System Management/Maintenance Plan

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- Implementing ordinances associated with each of the above (long-term, as applicable), as well as a Right to Farm ordinance (adoption of which is anticipated earlier in the full Plan Conformance phase without need for a prior planning/program document).

iv. Non-Mandatory Components: The Highlands Implementation Plan and Schedule also provides for certain non-mandatory components include development and implementation of the plans herein listed, all intended as municipal-wide, long-term initiatives unless specifically noted otherwise. Where applicable and appropriate, these will build upon any such plans, programs, or ordinances that have already been developed or adopted by the municipality. It is the explicit intention of the Highlands Council that such plans be developed in a manner to ensure that implementation is both feasible and practicable, potentially involving assistance of outside agencies/organizations, working cooperatively for and with the municipality. In each case where the municipality will serve as lead, release of funds is contingent upon approval of a scope of work by the Highlands Council Executive Director.

- Stream Corridor Restoration/Protection Plan: Prioritized by funding allocated to protect or restore streams, and to mitigate the impacts of future land uses on such water resources, with a focus on the Musconetcong River, which borders the Borough.
- Sustainable Economic Development Plan (Master Plan Element): Prioritized by funding allocated to improve the economic viability of the Borough, which has an historic development center with limited growth and redevelopment capacity due to the lack of sewerage. This may include consideration of the Historic Mill site for redevelopment and enhancement of the surrounding business area, North Street and the Interstate 78 interchange area. The plan may also consider agriculture retention possibilities for the existing PUD and undeveloped ROM Zone areas in the municipality.

j. Revisions/Amendments Subject to Highlands Council Approval. Any proposed revision or amendment to any of the aforementioned documents, or to any other document, plan, or other item approved by the Highlands Council as a component of Plan Conformance, shall be provided to the Highlands Council for review. In the event the Highlands Council staff determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the applicable municipal board, commission, or governing body. Any revision or amendment adopted without the approval of the Highlands Council may subject the municipality to revocation of Plan Conformance approval.

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2. Optional Petition Requests.

- a. Highlands Redevelopment Area Planning.** While no petition was submitted for designation of a Highlands Redevelopment Area, the Borough has identified a specific parcel (the Historic Mill Site – Block 12, Lot 6.01) for potential designation as a Highlands Redevelopment Area. Given the Borough’s location completely in the Preservation Area and the fact that it is significantly developed, it is proposed that funding be provided (see Sustainable Economic Development Planning, above) so the Borough may conduct a more extensive review of the Mill site and the surrounding area for potential inclusion in a Borough sponsored Highlands Redevelopment Area. In addition the Borough may wish to review additional opportunities for Highlands Redevelopment Planning including areas along North Street adjacent to the Railroad and areas in the vicinity of the Rt. 173/I-78 Interchange.

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E. MUNICIPAL RESPONSE PERIOD

The Highlands Council provided a Draft Consistency Review and Recommendations Report dated April 25, 2011 (sent to the municipality on April 26, 2011). The Municipal Response Period expired on May 13, 2011. The municipality indicated that further input would not be provided at this time, however reserved the right to provide comments and potentially seek modifications prior to local adoption of Plan Conformance Petition components, going forward.

F. COMMENTS FROM THE PUBLIC

The Final Draft Consistency Review and Recommendations Report is posted to the Highlands Council website and available (in paper format) at the Highlands Council offices in Chester, NJ, for review and comment by the general public. Comments may be submitted to the Highlands Council by e-mail (chris.danis@highlands.state.nj.us), facsimile transmission (908-879-4205), surface mail, or hand delivery (Highlands Council, 100 North Road, Chester, NJ 07930). All comments will be made available for public inspection in the offices of the Highlands Council in Chester, NJ. At the conclusion of the public comment period, a summary comment/response document will be prepared by Highlands Council Staff which will be posted to the Highlands Council website along with any final revisions resulting from Council review and consideration of public comments.

Upon its completion, the comment/response document will be attached to this document, at Appendix B.

G. FINAL RECOMMENDATIONS

This Section is completed after review and consideration of all comments regarding a Petition for Plan Conformance.

Based upon the comments received, the recommendations of Highlands Council Staff concerning the Petition for Plan Conformance of the Borough of Bloomsbury, [remain unchanged/require substantial revision/require only minor modifications from the Preliminary and/or Revised Recommendations, as discussed herein below.

1. Item #1.
2. Item #2.
3. Item #3.]

In conclusion, the Highlands Council Staff recommends that the Petition for Plan Conformance of the Borough of Bloomsbury, be approved/denied/approved with conditions; with all applicable conditions being those listed and discussed in Section D, above, and if applicable, as supplemented and/or modified by the revisions discussed herein, above.

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APPENDIX A

**HIGHLANDS COUNCIL REVIEW
MODULE 3 HOUSING ELEMENT AND FAIR SHARE PLAN**

Draft Housing Element & Fair Share Plan

Bloomsbury Borough, Hunterdon County

Date of Draft: 03/01/10

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MODULE 3 REVIEW FORM March 1, 2010 Submission

MUNICIPAL INFORMATION			
Municipal Code: 1003		Date: 04/06/2010	
Municipality: Bloomsbury Borough			
REVIEW CHECKLIST			
	Yes	No	#
1. Plan Provides for Complete Fair Share Obligation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-
2. Using Highlands Growth Share Calculations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	-
3. Review of Highlands Consistency Review Report(s) required (see Site Review form)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	-
4. Accessory Apartment Program Proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
5. RAHDP Transfers Proposed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
HIGHLANDS COUNCIL STAFF REVIEW			
Follow up Required?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments: Accessory Apartment conditions required. Unidentified group home will utilize existing properties. A vacant land adjustment for the prior round obligation is proposed. The methods are consistent with the RMP.			
Reviewer Name: James Humphries			
Initial: PJH		Date: 04/06/2010	

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APPENDIX B

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Bloomsbury Borough, Hunterdon County