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**INCORPORATED BY REFERENCE INTO
HIGHLANDS COUNCIL RESOLUTION 2011-2
ADOPTED JANUARY 20, 2011**

FINAL CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

**PETITION FOR PLAN CONFORMANCE:
BOROUGH OF HIGH BRIDGE, HUNTERDON COUNTY**

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

JANUARY 11, 2011

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INTRODUCTION

This Final Consistency Review and Recommendations Report (“Report”) has been prepared by the Staff of the New Jersey 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 High Bridge, 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: Borough of High Bridge

Date of Petition Submission: Ordinance – December 3, 2009; Petition – May 27, 2010

Date Deemed Complete: July 7, 2010

Conformance Area: Planning Area

Staff Recommendation: Approve Petition with Conditions

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

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 B.4; see D.1
5. Module 6 Land Use Ordinance	X	Follow-up Required per B.5; see D.1
6. Module 7 Petition		
a. Self-Assessment Report	X	None
b. Implementation Plan/Schedule	X	Follow-up Required per Section B.6; see 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	5/24/10	Processed
2. Map Adjustments	5/24/10	Withdrawn
3. Center Designation Requests	N/A	Future Consideration
4. Highlands Redevelopment Area Designation Requests	6/9/10	Report Submitted; no Formal Request at this time
5. Other - Sustainable Economic Development Plan	8/5/10	In Progress; Plan Conformance Grant Funding

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A. REVIEW OF ADMINISTRATIVE SUBMITTALS

1. **Resolution or Ordinance.** The Ordinance petitioning the Highlands Council for Plan Conformance in the Planning Area was adopted by the municipal Governing Body at its noticed public meeting of December 17, 2009. The Resolution authorizing submission of the Borough's Petition for Plan Conformance to the Highlands Council was adopted by the Borough Council at its noticed public meeting of May 27, 2010. Each of the documents is appropriately signed and certified by the Municipal Clerk to verify authenticity. The language of the Ordinance relies upon the model provided by the Highlands Council and clearly petitions the Highlands Council for Plan Conformance; conformance being proposed with respect to the whole of the municipality, which lies fully within the Planning 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 authorizing submission to the Highlands Council of the Borough's Petition for Plan Conformance, in support of its Petition Ordinance. The submission includes the following:
 - a. Copy of public notices for meetings of the Planning Board held on April 19, 2010 and May 17, 2010 to discuss Plan Conformance and/or Petition components.
 - b. Copy of meeting agendas and minutes associated with such Planning Board meetings.
 - c. Copy of public notice, meeting agenda, and minutes for Joint Meeting of the Borough Planning Board and Borough Council held on May 27, 2010 to discuss the Plan Conformance process and to adopt the Resolution authorizing submission to the Highlands Council of the Borough's Petition for Plan Conformance.

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, these documents should be available in the offices of the Highlands Council in Adobe pdf format. Staff review indicates that all required documents are available in Adobe pdf format.

Please note that the Borough Code, Land Use and Development Ordinance, Zoning Map, Stormwater Management Plan, Wastewater Management Plan (2005), Master Plan Reexamination Report (2004), and various other documents are available to the public via the High Bridge municipal website and thus need not be provided to the Highlands Council in Adobe pdf format (please see http://highbridge.org/document_library.html#general).

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B. REVIEW OF PLAN CONFORMANCE PETITION COMPONENTS

1. **Highlands Municipal Build-Out Report (Modules 1-2).** Consistent. 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 Build-Out Report was updated since first issued to the municipality based upon information provided at a later date. The date of the most recent Highlands Municipal Build-Out Report is September 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 High Bridge 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. Completed Highlands Council forms used to conduct preliminary submission reviews appear in Appendix A. Review follows of the final Housing Element and Fair Share Plan submission, dated and adopted by the Planning Board on May 27, 2010. These documents were filed with COAH on June 8, 2010. The adopted Housing Element and Fair Share Plan submission includes all RMP goals and objectives, as required for consistency with the RMP. The final document appears to address the municipality's Fair Share Obligation. As to consistency with the requirements of the RMP, the Plan is satisfactory, as outlined below.

- a. **Summary of Municipal Obligation.** The Municipal Obligation appears to be correctly calculated and includes the components listed below.
 - i. **Rehabilitation Share:** 0 units
 - ii. **Prior Round Obligation:** 23 units (vacant land adjustment downward from 27)
 - iii. **Growth Share Obligation (see B.2.b, below)**

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b. Municipal Growth Projections. Municipal Growth Projections used to determine the Growth Share Obligation were correctly indicated in the Fair Share Plan. The final figures are listed below. Note: Highlands Full Build-Out Projections apply in the case of conformance for the full municipality (i.e., for split municipalities, including both the Planning and Preservation Area) 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): 13
- Non-Residential Growth (jobs): 1
- Total Growth Share, after exclusions (units): 3

ii. COAH Growth Projections through 2018

- Residential Growth (housing units): 79
- Non-Residential Growth (jobs): 223
- Total Growth Share, after adjustment (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 development projects listed below. Where Affordable Housing Sites were included that have not yet been constructed, each was reviewed for consistency with the RMP using the on-line Highlands Council RMP Consistency Review Report tool. In this case, one Affordable Housing Site was proposed. A brief summary of the results is included below.

i. Rehabilitation Program: None

ii. Site 1: Arbors at High Bridge. Block 29.02, Lot 12. 8-unit inclusionary development including 4 affordable units and 1 bonus credit (5 credits). In the Adopted Plan, 4 credits from Arbors at High Bridge applied to Prior Round Obligation, 1 credit to Growth Share Obligation. Planning Area – Existing Community Zone. Site appears to be consistent with the RMP.

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iii. Other Mechanisms:

- i.** Prior Cycle Credits – 18 Prior Round credits.
- ii.** Development Resources Group Home – 5 Prior Round credits (existing).
- iii.** Market to Affordable Program (if needed) – 2 units. The program would rely on existing structures; therefore there are no RMP consistency issues. 2 Growth share credits.

d. Findings/Recommendations. The Plan appears to address the municipality’s Fair Share Obligation (final determination in that regard under jurisdiction of COAH) while providing for consistency with the Regional Master Plan.

3. Environmental Resource Inventory (Module 4). The proposed Borough of High Bridge Highlands Environmental Resource Inventory (ERI) is based on the Highlands Model ERI provided to municipalities by the Highlands Council. The Borough of High Bridge Highlands ERI, as proposed, contains all required Highlands ERI language and all applicable maps/exhibits, as necessary, to fully describe the Highlands Resources, Resource Areas, and Special Protection Areas located within the municipality. As such, the Highlands ERI is consistent with the RMP and the immediate mandatory requirements of Plan Conformance.

a. Deleted Sections. The following sections of the model Highlands ERI are not relevant to the municipality and have thus been deleted from the municipal submission: Significant Natural Areas, Vernal Pools, Special Environmental Zones, and Carbonate Rock Areas. There are no Agricultural Resource Areas and no Agricultural Priority Areas in the Borough – these figures were deleted.

b. Recommendations to Complete ERI. None.

4. Master Plan Highlands Element (Module 5). The proposed Borough of High Bridge Master Plan Highlands Element is based on the model Highlands Element provided to municipalities by the Highlands Council. The document as now proposed (including modifications by the Highlands Council), contains nearly all required Highlands Element language and all applicable maps/exhibits, as necessary, to fully address the immediate mandatory requirements of Plan Conformance. Please review the minor edits provided within the document text to fully address all remaining items.

The specific components of the model Highlands Element are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for Basic Plan Conformance, the heading or sub-heading indicates “Consistent.” 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.

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- a. Policies, Goals & Objectives.** Consistent
 - i. Planning Area Goals. Consistent
 - ii. General Purposes of Zoning. Consistent
 - iii. Relationship Between Highlands Act & MLUL. Consistent

- b. Land Use Plan Element.** Consistent
 - i. Highlands Zones and Sub-Zones. Consistent. (Note: Conservation Zone and Conservation Zone-Environmentally Constrained Sub-Zone: Not Applicable – Deleted.)
 - ii. Land Uses. Consistent
 - iii. Density and Intensity of Development. Consistent
 - iv. Cluster Development. Not Applicable – Deleted
 - v. Land Use Inventory. Consistent
 - vi. Redevelopment Planning. Consistent

- c. Housing Plan Element.** Review and recommendations concerning the Housing Plan Element appear at item #2 above, Housing Element & Fair Share Plan. The Planning Board adopted the municipality's third round Housing Element and Fair Share Plan, prepared by Maser Consulting, as amendments to the Borough of High Bridge's Master Plan, on May 27, 2010. These documents are maintained separately from this Highlands Element; however, it is important to note that all goals and objectives required for purposes of Plan Conformance as set forth by the Highlands Council have been incorporated.

- d. Conservation Plan Element.** Consistent
 - i. Forest Resources. Consistent
 - ii. Highlands Open Waters and Riparian Areas. Consistent
 - iii. Steep Slopes. Consistent
 - iv. Critical Habitat. Consistent
 - v. Carbonate Rock. Not Applicable – Deleted
 - vi. Lake Management. Consistent
 - vii. Water Resources Availability. Consistent
 - viii. Prime Ground Water Recharge Areas. Consistent
 - ix. Water Quality. Consistent
 - x. Wellhead Protection. Consistent

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- xi. **Low Impact Development.** Consistent

 - e. **Utility Services Plan Element.** Consistent
 - f. **Circulation Plan Element.** Consistent
 - g. **Land Preservation/Stewardship Plan Element.** Consistent
 - h. **Agriculture Retention/Farmland Preservation Plan Element.** Not Applicable – Deleted
 - i. **Community Facilities Plan Element.** Consistent
 - j. **Sustainable Economic Development Plan Element.** Consistent
 - k. **Historic Preservation Plan Element.** Consistent
 - i. **Historic, Cultural, and Archaeological Resources.** Consistent as submitted, however, minor modifications are required for completion. The municipality will select and incorporate the appropriate alternative language 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 not to incorporate it at this time. The municipality may decide to investigate the Transfer of Development option at any time in the future and may then choose to restore this component.
 - m. **Relationship of Master Plan to Other Plans.** Consistent
 - n. **Exhibits.** The list of Exhibits includes all that apply to the municipality. The applicable Exhibits are attached to the Highlands Element.
5. **Highlands Planning Area Land Use Ordinance (Module 6).** The proposed Borough of High Bridge 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 High Bridge Highlands Area Land Use Ordinance as proposed (including modifications by the Highlands Council), contains all required Highlands Area Land Use Ordinance language 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

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addresses all RMP requirements for Basic 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, as noted below.

- a. **Article 1. Title, Purpose, Scope.** Consistent. The municipality will address/incorporate the minor modifications made by the Highlands Council. Please see highlighted text in document.
- b. **Article 2. Applicability.** Consistent, inclusive of modifications made by the Highlands Council. Please see document text.
- a. **Article 3. Definitions.** Consistent, inclusive of minor modifications made by the Highlands Council. Please see document text.
- c. **Article 4. Establishment of Highlands Districts.** Consistent, inclusive of modifications made by the Highlands Council. The municipality will address the minor additional modifications required for completion. Please see document text, particularly with regard to new map titles at Section 4.4 (see discussion below regarding maps). (Note: References to the following are not applicable to the Borough and have been deleted from the text: Conservation Zone and Conservation Zone-Environmentally Constrained Sub-Zone. To preserve document numbering where applicable, sections removed are marked as “Reserved.”)
- d. **Article 5. Highlands Zone District Regulations.** Consistent, inclusive of minor modifications made to the section by the Highlands Council. Please see document text.
- e. **Article 6. Highlands Resource Regulations.** Consistent, inclusive of modifications made by the Highlands Council. Please see document text.
 - i. Forest Resources. Consistent
 - ii. Highlands Open Waters & Riparian Resources. Consistent
 - iii. Steep Slopes. Consistent
 - iv. Critical Habitat. Consistent
 - v. Carbonate Rock. Not Applicable – Deleted
 - vi. Lake Management Area. Consistent
 - vii. Water Conservation & Deficit Mitigation. Consistent
 - viii. Prime Ground Water Recharge Areas. Consistent

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initially provided by the Highlands Council for use in preparing Petitions, but are crucial to the regulatory function of the Highlands Planning Area Land Use Ordinance.

Please note that Exhibit 2 has been modified since first provided to the municipality (on December 17, 2010) to reflect changes in Total Forest mapping as a result of the Highlands Council's use of updated Land Use Land Cover data recently provided by the New Jersey Department of Environmental Protection. Exhibit 8 has also been modified with respect to scenic resources to provide consistency with the Highlands Scenic Resource Inventory. Exhibit 9 has been modified to reflect changes to the Existing Area Served as a result of completion of Modules 1 and 2 and updated information received to date.

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).

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 Basic Plan Conformance
 - ii. Spreadsheet Portion.** The Spreadsheet Portion has been completed accurately for purposes of Basic Plan Conformance.

- 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 aspects of Plan Conformance with the Regional Master Plan.

As initially submitted 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 has been modified since first issued by the Highlands Council, however, and the

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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, into and including the 2011 State fiscal year. The revised document has been tailored to the Borough based on Petition submittals and includes tasks identified as priorities for the municipality.

C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS

1. RMP Updates. The Petition for Plan Conformance was accompanied by requests for certain RMP Updates. These requests are listed and described in the attachment at Appendix B, with a summary of the current status or final results of review and processing provided below.

a. Forest Resource Area. The request identified apparent discrepancies with the Highlands Council GIS data regarding forests within the Forest Resource Area for three specific parcels, which the municipality felt should be verified with on-the-ground existing conditions within the Borough. Status: The Highlands Council reviewed the three parcels identified by the Borough with regard to Forest and Forest Resource Areas. The information provided by the Borough for Block 30.02 Lots 2.01 and 6 on existing land conditions is consistent with that of the Highlands Council, which indicates that both parcels are Forest. However, neither parcel is mapped as a part of the Forest Resource Area. It should be noted that this does not constitute an inconsistency, as the designation of Forest Resource Areas relies upon forest intensity, integrity and other indicators. However, it should also be noted that Forests outside the Forest Resource Area are protected as "Total Forest Area" in conforming municipalities through adoption of the Highlands Master Plan Element and Highlands Area Land Use Ordinance.

Regarding the third parcel (Block 29.02 Lot 12), the Borough notes that the Highlands Council mapping indicates that the majority of the parcel contains Forest within a Forest Resource Area, where actually only the perimeter of the parcel is lined by trees. The Highlands Council reexamined the parcel using updated Land Use Land Cover data recently provided by the New Jersey Department of Environmental Protection, as well as recent aerial photography, and confirmed that other than the very perimeter of the property, the parcel is identified as developed. Thus, it is not forested, consistent with the Borough's information. The municipal information provided for Block 29.02 Lot 12 was sufficient for processing a Regional Master Plan Update and was incorporated into the Highlands spatial database. The update resulted in the removal of the "Total Forest" designation from the subject parcel (Block 29.02 Lot 12), as indicated in the Highlands Area Land Use Ordinance Exhibit 2. Please note that the parcel remains within the Forest Resource Area, however, again as a result of the density mapping parameters that determine its location and limits.

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- b. Steep Slopes.** There are a few parcels in the Borough which have steep slopes that are not shown on the Highlands Council mapping. Status: The Highlands Council has updated the steep slopes layer with LIDAR data. The results are shown in the Land Use Ordinance Exhibit showing steep slopes along Cregar Road and Beavers Street and will be provided for incorporation with the Highlands Environmental Resource Inventory and Highlands Element.
- c. Critical Habitat.** Highlands Council GIS mapping shows the downtown and surrounding developed residential neighborhoods as providing critical habitats. Status: The initial RMP Critical Habitat GIS layer was replaced with the Critical Wildlife Habitat layer using Landscape Project Version 3.0, which is a public version. Critical wildlife habitat mapping is based upon NJDEP's Landscape Project, and any updates must be approved by NJDEP based on a showing that the area does not constitute critical habitat. According to the most recent mapping, Critical Habitat exists across landscaped residential, commercial and campus-style lawns and yards. The modified results are shown in the Land Use Ordinance Exhibit showing Critical Habitat and will be provided for incorporation with the Highlands Environmental Resource Inventory and Highlands Element.
- d. Water Quantity, Quality, Availability and Use.** The municipality indicated that there were discrepancies between the Highlands Council Potable Water and Sewer Service mapping and data of the Borough and utilities companies. These were reported to the Highlands Council during completion of Modules 1 and 2. Status: Changes to the Existing Area Served as a result of Modules 1 and 2 and any updated information received to date are incorporated into the new Ordinance Exhibit regarding utility service areas.
- e. Agriculture.** The Borough indicated that there were parcels identified by the Highlands Council as agricultural land use that are not in such use (either single family dwelling or dedicated open space). In addition, concern was raised that the Highlands Council did not include any preserved farms in the Borough GIS mapping. High Bridge has purchased a number of farms over the years and turned them into permanently dedicated open space. Status: Changes to the Preserved Lands data, which include both dedicated open space and preserved farmland, were reported to the Highlands Council during the completion of Modules 1 and 2. The municipal information provided is sufficient for processing a Regional Master Plan Update and will be incorporated into the Highlands spatial database. New maps will be provided for incorporation with the Highlands Environmental Resource Inventory and Highlands Element.
- f. Wildlife Management Sub-Zone.** The area delineated as Wildlife Management Sub-Zone should be revised to exclude the ball fields, which are located along Arch Street. Status: The Sub-Zone has been modified so that all boundaries are congruent to the affected parcel line. The results are shown in the Borough's Highlands Land Use Ordinance, at Exhibit 1.

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- 2. Map Adjustments.** The Petition for Plan Conformance was accompanied by a request for a Map Adjustments as follows: “The Land Use Capability Zone Map should be revised to place existing preserved open space in either the Protection or Conservation Zone to reflect these existing conditions.” Status: Land Use Capability Zones were developed using a regional approach that incorporates minimum areas for each Zone. Preserved open space may be in any Land Use Capability Zone. It was agreed with the Borough that preserved open space will remain in the underlying zone in which it is currently placed.
- 3. Highlands Center Designation Requests.** The Petition for Plan Conformance was not accompanied by any requests for Highlands Center designation. The Borough may consider such designation in the post-Petition approval phase, however.
- 4. Highlands Redevelopment Area Designation Requests.** While the Petition for Plan Conformance was not accompanied by a formal request for a Highlands Redevelopment Area Designation, the Borough did submit a report (as authorized by the Highlands Council Executive Director in association with Module 5) which examined the feasibility of redevelopment of the “Exact Tool site” (Block 24, Lot 16). The report concludes that as the site is currently being remediated, this was an optimal point in time to conduct a Feasibility Study, which would determine what type of redevelopment is appropriate for the Exact Tool site and how much development can be accommodated based on utility constraints, environmental conditions, etc. Two conceptual plans for redevelopment are discussed in Appendix C. According to the Borough, the decision regarding the ultimate redevelopment plan is pending (dependent on the results of the remedial investigation monitoring study to determine the extent of contamination.) Given its location within an Existing Area Served (by utility infrastructure) of the Existing Community Zone, designation of the site as a Highlands Redevelopment Area is not a prerequisite to redevelopment of the property, however, the Highlands Council and the Borough will continue to monitor and evaluate the situation and to consider any benefit to such designation, as more information becomes available. The Council will continue to support future planning and grant funding for this site consistent with the Highlands Act and the RMP.
- 5. Other.** Subsequent to submittal of the petition for Basic Plan Conformance, the Borough submitted a grant request and a detailed Scope of Work to provide for preparation of a Sustainable Economic Development Plan. The Highlands Council approved the submitted Scope of Work and associated budget on September 17, 2010. The Borough is currently developing the Sustainable Economic Development Plan. The Scope of Work for the Plan is described in detail in the attachment at Appendix D, inclusive of the current status.

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D. STAFF 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 High Bridge, 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. Any approval should in addition, be conditioned upon satisfaction of the below-listed requirements.

c. Adoption of Approved Highlands ERI. The Highlands Environmental Resource Inventory (ERI) 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 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.

d. 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

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modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Planning Board.

- e. **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 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 Highlands Council delegation of such authority to the municipality. Such determinations (detailed within the current draft Land Use 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 Highlands Council 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,

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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.

- f. 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.
- g. COAH Approval of Housing Element & Fair Share Plan.** The Highlands Council shall be copied on all correspondence related to the Borough's petition to COAH for Substantive Certification and kept apprised of the 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.)
- h. 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 COAH, and all legal requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final COAH-approved Fair Share Plan moreover, shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.
- i. Wastewater Management Plan (WMP).** The Highlands Council will provide mapping and narrative to develop a municipal Wastewater Management Plan. The municipality shall submit a municipal Wastewater Management Plan after 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 current NJDEP due date for such Plans is April 11, 2011.

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j. 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 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 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 or organizations, working cooperatively for and with the municipality.

- Water Use & Conservation Management Plan. The Highlands Implementation Plan & Schedule allocates \$40,000 to address this item, which will be completed in concert with other municipalities under the direction of the Highlands Council.
- Habitat Conservation & Management Plan
- Lake Restoration Management Plan
- Stormwater Management Plan (Updates Only)

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- Land Preservation and Stewardship Program
- Septic System Management/Maintenance Plan
- Implementing ordinances associated with each of the above (long-term, as applicable).

iv. Non-Mandatory Components. An allocation of \$10,000 has also been provided to continue redevelopment planning activities in regard to the Exact Tool Site, as noted previously at C4, above.

k. 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.

2. Optional Petition Requests. The findings below apply to the Optional Petition Requests discussed at Section C of this Report.

- a. RMP Updates.** Most of the requested RMP Updates have been incorporated into the Land Use Ordinance Exhibits. The remainder will be processed by the Highlands Council based on available information.
- b. Map Adjustment.** As noted above, the requested Map Adjustment was determined unnecessary and withdrawn.
- c. Highlands Center Designation.** No request submitted at this time; however Highlands Council Staff recommends that the Borough consider a Highlands Center designation (after Petition approval) regarding the developed areas of High Bridge Borough, in recognition of the Borough's historic development pattern and rail transit station. A Highlands Center designation could include appropriate opportunities for redevelopment within the historical context and pattern of the Borough, including the downtown, and may be useful in helping the Borough gain access to technical, planning and financial assistance.
- d. Highlands Redevelopment Area Designation.** Not applicable at this time – please see discussion above.

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E. MUNICIPAL RESPONSE PERIOD

The Borough of High Bridge notified the Highlands Council on December 13, 2010 of its intention to waive the Municipal Response Period, inclusive of its right to any deliberative/confidential draft version of this Report.

F. COMMENTS FROM THE PUBLIC

The Draft Consistency Review and Recommendations Report was posted to the Highlands Council website and made available (in paper format) at the Highlands Council offices in Chester, NJ, for review and comment by the general public.

Two comments were received during the period established by the Highlands Council for receipt of written public comment (December 17, 2010 – January 5, 2011). Comments were provided by the following individuals/entities:

1. Kevin Walsh, Esq. on behalf of the Fair Share Housing Center (FSHC); and
2. Julia Somers, Executive Director on behalf of the New Jersey Highlands Coalition

The comment/response document is attached to this document, at Appendix E.

G. FINAL RECOMMENDATIONS

The recommendations of Highlands Council Staff concerning the Petition for Plan Conformance of the Borough of High Bridge, remain unchanged.

In conclusion, the Highlands Council Staff recommends that the Petition for Plan Conformance of the Borough of High Bridge, be approved with conditions; with all applicable conditions being those listed and discussed in Section D, above.

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APPENDIX A

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

Borough of High Bridge, Hunterdon County

**Review of Housing Element and Fair Share Plan
(Dated February 17, 2009)**

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MODULE 3 REVIEW FORM December 8, 2009 Submission

MUNICIPAL INFORMATION			
Municipal Code: 1014		Date: 02/17/2010	
Municipality: High Bridge			
REVIEW CHECKLIST			
	Yes	No	N/A
1. Review Affordable Housing Obligation			
a. Prior Round Obligation Correct	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Rehab Obligation Correct (Optional)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Growth Share Obligation and Calculations Correct (see Workbook D);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Review of Highlands Consistency Review Report(s) required (use Site Review form);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Housing Transfer (RAHDP) Letter of Interest (Optional).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Sending	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Receiving	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIGHLANDS COUNCIL STAFF REVIEW			
Follow up Required?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Comments: Plan submitted to COAH. Report on site submitted to COAH indicating that the Arbors at High Bridge site appears consistent with the RMP.			
Reviewer Name: James Humphries			
Initial: pjh		Date: 02/17/2010	

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SITE REVIEW FORM		
Municipality: High Bridge		Date: 02/17/2010
Project Name: Arbors at High Bridge		
Municipal Code: 1014	Project Size (Acres): .54	
Block(s) and Lot(s): Block 29.02, Lot 12		
Municipality Claims Highlands Act Exemption?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Site Proposed to be Serviced by Public Wastewater?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Site Proposed to be Serviced by Public Water?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Project Description: 8 units including 4 affordable units		
PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES		
Project Area located in which Highlands Act Area? (Check all that apply):		
Preservation Area <input type="checkbox"/>	Planning Area <input checked="" type="checkbox"/>	
Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):		
Protection Zone <input type="checkbox"/>	Conservation Zone <input type="checkbox"/>	Existing Community Zone <input checked="" type="checkbox"/>
Lake Community Sub-Zone <input type="checkbox"/>	Conservation – Environmentally Constrained Sub-Zone <input type="checkbox"/>	
Wildlife Management Sub-Zone <input type="checkbox"/>	Existing Community – Environmentally Constrained Sub-Zone <input type="checkbox"/>	
HIGHLANDS OPEN WATERS AND RIPARIAN AREAS		
Project Area includes Highlands Open Waters Buffer?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Area includes Riparian Area?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments:		
STEEP SLOPES		
Severely or Moderately Constrained Steep Slopes	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments:		
CRITICAL HABITAT		
Project Area includes Critical Wildlife Habitat?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Project Area includes Significant Natural Area(s)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Project Area includes Vernal Pool(s) within 1,000 ft?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments:		
HIGHLANDS COUNCIL STAFF REVIEW		
RMP Consistency Issues?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments: Site would appear consistent with the RMP		
Reviewer: James Humphries		

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APPENDIX B

HIGHLANDS COUNCIL REVIEW

REQUESTS FOR RMP UPDATES

Borough of High Bridge, Hunterdon County

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RMP UPDATE REQUESTS

1. It is requested that the Highlands Council study the forested area on Block 30.02, Lot 2.01 and the Soltis property (Block 30.02, Lot 6), as these two parcels are contiguous and form almost 50 acres of intact woodlands. This forest provides a habitat to a variety of animals and other vegetation. Secondly, the Highlands mapping indicates that the majority of the Murphy property (Block 29.02, Lot 12) located on Center Street contains forest within a Forest Resource Area. While the perimeter of the property is lined with trees, the rest of the property is not. This is an important property, as the Borough's Housing Element and Fair Share Plan rely on it to produce affordable housing to satisfy its third round COAH obligation.
2. High Bridge concurs with the Highlands GIS data provided on steep slopes within the Borough, except for a few parcels along Cregar Road and two parcels along Beavers Street, which have steep slopes that are not shown on the Highlands GIS mapping. During Module 1 and 2, the steep slopes on these parcels were identified. The Highlands Council should analyze the areas which were identified as steep slopes during Module 1 and 2 and corroborate it against existing conditions in High Bridge to identify the need, if any, for mapping adjustments.
3. The Critical Habitat area delineated by the Highlands is questionable, as the mapping shows the downtown and surrounding developed residential neighborhoods as providing critical habitats. It is highly unlikely that there are any threatened or endangered species living in the downtown; therefore, this information is debatable. Furthermore, the GIS mapping of critical habitats does not match the GIS data on "Highlands Species Based Patches", which shows suitable habitats, habitats of State endangered and threatened species as well as priority species locations. The Highlands Council Species-Based patches data indicate that the downtown and surrounding developed residential neighborhoods are "not suitable" areas that do not contain any species occurrence and do not meet any habitat-specific suitability requirements. There are inconsistencies with the data, which should be verified with existing conditions within the Borough.
4. The majority of High Bridge is served by public water and sewer. The Potable Water & Sewer Service Areas map indicates where sewer and water is available according to the Highlands Council. Information provided by the Borough and the utility companies indicates that there are numerous discrepancies between the data and mapping prepared by the Highlands Council and existing conditions. These utility mapping errors were reported by Maser to the Highlands during the Module 1 and 2 review.
5. The agricultural land use data should be verified against existing conditions in the Borough. For example, the site along Jericho Road is not active farmland; instead, it is open space and the farm along Popular Lane should be fully colored in as an active farm, not just a portion of the parcel. Secondly, the Highlands did not include any preserved farms in their GIS mapping, which is incorrect; High Bridge has purchased a number of farms over the years and turned them into permanently dedicated open space.
6. The area delineated as Wildlife Management Sub-Zone should be revised to exclude the ball fields, which are located along Arch Street.

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APPENDIX C

HIGHLANDS COUNCIL REVIEW

HIGHLANDS REDEVELOPMENT AREA DESIGNATION

CONCEPT REVIEW

Borough of High Bridge, Hunterdon County

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Highlands Redevelopment Area Designation – Concept Review

As Block 24, Lot 16, known as the Exact Tool site, is currently being remediated; the Borough felt it was an optimal point in time to conduct a Feasibility Study, which would determine what type of redevelopment is possible on the Exact Tool site and how much development could be accommodated based on utility constraints, environmental conditions, etc. The Borough completed this report as a part of the Highlands Plan Conformance process, specifically Module 5. The report is titled *Borough of High Bridge Feasibility Study, Block 24, Lot 16* (dated June 9, 2010).

Two conceptual development scenarios have been developed for the Exact Tool site. Both plans are based upon the results of the infrastructure capacity assessment, which restricts the site's wastewater capacity.

Concept Plan A illustrates a development scenario with two mixed-use buildings, a boulevard entrance, an interior courtyard, and a parking area. This plan has two potential development scenarios, as it is unknown whether or not residential use will be permitted: one with a residential component, and one without. Soil cleanup standards are more stringent for residential uses. Concept Plan A with residential units would allow for the development of 20,000 square feet of first floor retail space and ten residential apartments on the second floor. The development scenario would rely on a shared parking methodology, where some spaces are shared by both the retail customers and the apartment residents. Concept Plan A, without residential, would allow for the development of 20,000 square feet of first floor retail and 16,500 square feet of second floor office space. As the dashed lines on the drawing show, the parking lot area would have to be expanded to accommodate the additional parking that would be required under this scenario.

Concept Plan B illustrates a development scenario with one mixed-use building, a water feature along West Main Street and parking to the rear of the property. Concept Plan B also has two potential development scenarios. Concept Plan B with residential units would allow for the development of 14,400 square feet of retail space on the first floor with twelve apartments above on the second floor. Alternatively, Concept Plan B, without residential units, would allow for the development of 14,400 square feet of retail space on the first floor and an additional 14,400 square feet of office space on the second floor. This scenario would require the parking lot area to be expanded, as shown in the drawing.

Both concept plans maintain a 50-foot buffer to all surrounding residential structures, a front yard setback of 40 feet and a side yard setback of 20 feet. All the perimeter vegetation bordering residential properties will be preserved to maintain the natural screen it provides.

The conclusion of the feasibility study is that while this feasibility report is an important first step in analyzing the Exact Tool site's development potential, it is imperative that remediation of the affected area be completed. Until the remediation process is finished, the redevelopment of Exact Tool cannot occur. This is an important property to the Borough of High Bridge, as it is located along West Main Street, the gateway to downtown High Bridge. The Highlands Council looks forward to continued collaboration with the Borough of High Bridge regarding the redevelopment of this parcel and has allocated funding to help facilitate the continued development of the redevelopment plan.

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APPENDIX D

HIGHLANDS COUNCIL REVIEW

OTHER OPTIONAL REQUESTS

Borough of High Bridge, Hunterdon County

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Other Optional Request - Sustainable Economic Development Plan

Subsequent to submission of the petition for Plan Conformance, the Borough submitted a grant request and a detailed Scope of Work to develop a Sustainable Economic Development Plan. The Highlands Council approved the Scope of Work and associated budget on September 17, 2010. The Borough is currently developing the Sustainable Economic Development Plan.

In its proposal, the Borough noted that High Bridge is characterized by a small downtown located on New Jersey Transit's Raritan Valley Line. The Borough has dozens of structures with historical significance. Amenities include High Bridge Hills Golf Course and Solitude House Museum. The Borough contains hundreds of acres of open space, from Borough-owned tracts to portions of Voorhees State Park and the Ken Lockwood Gorge. The South Branch of the Raritan River snakes through the Borough, offering recreational opportunities. The proposal points out that while the Borough has many assets, there is room for improvement and the need for a coordinated plan of action. The downtown is dotted with vacant store fronts; the scenic and historical aspects of the Borough are undercapitalized and not part of a coordinated action plan. Additionally, High Bridge and the Town of Clinton are the only downtowns along County Road 513 within the Highlands Planning Area in Hunterdon County that have the infrastructure, public transportation, and mix of residential, civic, commercial, and recreation uses to support sustained and vibrant economic development.

The Borough's basic outline for a Sustainable Economic Development Plan Element includes evaluating existing economic conditions (inventory commercial and industrial establishments and evaluate existing zoning), conducting surveys and outreach, conducting Strengths, Weaknesses, Opportunities & Threats (SWOT) analysis, and developing a draft Implementation Strategy to meet both the Highlands Council and the Borough of High Bridge sustainable economic development goals (to include Downtown Revitalization Plan; Business Retention & Attraction Plan; Historic, Cultural and Scenic Plan; and Recreation and Tourism Plan.)

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APPENDIX E

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Borough of High Bridge, Hunterdon County

Public Comment Period: December 17, 2010 – January 5, 2011

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PUBLIC COMMENTS RECEIVED

Written comments regarding High Bridge’s Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on January 5, 2011. Comments were provided by the following individuals/entities:

1. Kevin Walsh, Esq. on behalf of the Fair Share Housing Center (FSHC); and
2. Julia Somers, Executive Director on behalf of the New Jersey Highlands Coalition

The comments are summarized in the section that follows with Highlands Council responses provided below, for each.

MUNICIPAL COMMENT/RESPONSE SUMMARY

1. **Comment:** FSHC contends that the Housing Element and Fair Share Plan improperly relied upon COAH’s waiver of its regulations for Highlands municipalities and use of Highlands Municipal Build-Out Report to adjust the affordable housing obligation calculated in COAH’s rules. FSHC incorporates their briefs in an action filed in the Appellate Division against the State wherein FSHC raised these same issues.

Response: The adjustment of the fair share obligations based on conformance with the RMP was issued by COAH as a waiver from COAH’s regulations and is considered final agency action by COAH. FSHC has filed litigation in the Appellate Division challenging COAH’s actions related to the adjustment of fair share obligations for conforming Highlands municipalities. FSHC raises the same issues through this comment. The State’s responses to the claims in the Appellate Division matter are incorporated herein by reference.

In addition, the recent Appellate Division decision invalidating portions of COAH’s regulations will have substantial implications on the fair share obligations for every municipality statewide. The Highlands Council has concluded that Petitions for Plan Conformance can be approved conditioned upon achieving and retaining compliance with the Fair Housing Act, as demonstrated by approvals of its Housing Element and Fair Share Plan from either COAH or the Law Division of New Jersey Superior Court. This condition incorporates any on-going changes as may be necessary to retain compliance with future amendments to the Fair Housing Act and any other changes

2. **Comment:** FSHC contends that the Petition may not properly utilize the Highlands Council’s instructions for Module 2 and Module 3 to adjust the fair share obligations since those modules were not adopted through rulemaking. FSHC incorporates their briefs filed on this matter with the Appellate Division.

Response: This Petition properly utilized the instructions to complete the Highlands Plan Conformance modules as these instructions simply provided Highlands municipalities with the process to prepare a Petition for Plan Conformance consistent with the RMP. The validity of the Module 3 Instructions is presently under consideration by the Appellate Division in a matter filed by the FSHC. The State’s response to the claim contained in briefs filed in that matter is incorporated herein by

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reference. The Module 2 and Module 3 instructions are not rules, but are part of the 2009 Plan Conformance Grant Program designed to help conforming municipalities receive reimbursement for costs associated with the process of conforming to the RMP. The scopes of work in the Module 2 and Module 3 instructions are based entirely on the RMP and COAH's regulations and do not themselves set forth new policy.

3. **Comment:** Fair Share Housing Center objects to the reduction of High Bridge's third round fair share obligations from 30 units to 3 units.

Response: High Bridge's reduction in its Third Round Fair Share Obligation is based upon the Highlands Municipal Build-Out Report prepared by the Highlands Council. The Report is prepared by the Highlands Council, in consultation with the municipality, based upon the restrictions of the Highlands Act, the Highlands Regional Master Plan, and the NJDEP rules at N.J.A.C. 7:38. The Highlands Municipal Build-Out Report specifically responds to the Highlands Act mandate for the contents of the Regional Master Plan to include a resource assessment 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..." The preparation of a Highlands Municipal Build-Out Report is a specific requirement of the RMP to perform an analysis of the natural resource protection and utility capacity policies of the RMP. It is a planning tool developed by the Highlands Council that organizes and applies the RMP policies at the municipal level to identify areas with land-based, infrastructure-based, and resource-based capacity to grow.

Applying those RMP policies to High Bridge Borough resulted in the identification of land capable of sustaining new development, redevelopment and economic growth opportunities. In the case of High Bridge Borough, the Municipal Build-Out Report reflected the municipality's available wastewater utility capacity and available developable land which limited the amount of residential and non-residential development likely to occur. In addition to the results of the Highlands Municipal Build-Out Report, the methodology includes recent actual construction activity. The number of Certificates of Occupancy issued for both residential and non-residential construction from 2004 through the end of 2008 is included in the revised Fair Share Obligation. Together these give the Borough a more accurate tool to plan for their Fair Share Obligation. However, these numbers are projections of future growth and do not necessarily predict the Borough's actual Fair Share Obligation. Ultimately, the Borough will be required to supply affordable housing based on actual growth that has occurred, and will occur, in the municipality from 2004 through 2018. To ensure the Borough continues to provide for its Fair Share Obligation, the Highlands Council resolution regarding the Borough's petition for Plan Conformance includes as a proposed condition of approval, continued compliance with the Fair Housing Act as it may be amended or as COAH's rules for the Third Round may be amended.

4. **Comment:** The New Jersey Highlands Coalition supports the Highlands Council's approving the petition to conform to the RMP of the Borough of High Bridge.

Response: Comment noted.

5. **Comment:** With respect to requested RMP Updates requested by High Bridge Borough, the New Jersey Highlands Coalition notes that information is missing in the Highlands mapping regarding the

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following: Forest Resource Area; Steep Slopes; Water Quantity, Quality, Availability and Use, and Agriculture (preserved farms). It is requested that the mapping be corrected and shown on the maps to be approved by the Council.

Response: As previously reflected in this document, the Highlands Council has already updated the Steep Slopes mapping using the Highlands acquired LiDAR data. The results are shown in the Land Use Ordinance Exhibit showing steep slopes along Cregar Road and Beavers Street and will be provided for incorporation with the Highlands Environmental Resource Inventory and Highlands Element. With respect to Water Quantity, Quality, Availability and Use, the Highlands Council has already utilized updated Modules 1 and 2 data and has incorporated these data into the new Ordinance Exhibit regarding utility service areas. With respect to RMP Updates requests for specific parcels related to Forest Resource Area and Agriculture Use, the Highlands Council will soon be updating its regional mapping by utilizing the most recent NJDEP Land Use/Land Cover mapping.

With respect to forests specifically, the information provided by the Borough for Block 30.02 Lots 2.01 and 6 on existing land conditions is consistent with that of the Highlands Council, which indicates that both parcels are Forest. However, neither parcel is mapped as Forest within a Forest Resource Area. It should be noted that this does not constitute an inconsistency, as the designation of Forest Resource Areas relies upon forest intensity, integrity and other indicators. However, it should also be noted that Forests outside the Forest Resource Area are protected as “Total Forest Area” in conforming municipalities through adoption of the Highlands Master Plan Element and Highlands Area Land Use Ordinance.

Regarding the third parcel (Block 29.02 Lot 12), the Borough notes that the Highlands Council mapping indicates that the majority of the parcel contains Forest within a Forest Resource Area, where actually only the perimeter of the parcel is lined by trees. The Highlands Council reexamined the parcel using updated Land Use Land Cover data recently provided by the New Jersey Department of Environmental Protection, as well as recent aerial photography, and confirmed that other than the very perimeter of the property, the parcel is identified as developed. Thus, it is not forested, consistent with the Borough’s information. The municipal information provided for Block 29.02 Lot 12 was sufficient for processing a Regional Master Plan Update and was incorporated into the Highlands spatial database. The processing of this Regional Master Plan Update resulted in the removal of the “Total Forest” designation from the subject parcel (Block 29.02 Lot 12), as indicated in the Highlands Area Land Use Ordinance Exhibit 2. Please note that the parcel remains within the Forest Resource Area, however, again as a result of the density mapping parameters that determine its location and limits

With respect to agriculture and preserved open space, changes to the Preserved Lands, which include both dedicated open space and preserved farmland, were reported to the Highlands Council during the completion of Modules 1 and 2. The municipal information provided is sufficient for processing a Regional Master Plan Update and will be incorporated into the Highlands spatial database. New maps will be provided for incorporation with the Highlands Environmental Resource Inventory and Highlands Element.

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6. **Comment:** The New Jersey Highlands Coalition supports the Borough of High Bridge seeking a Center Designation, since the community serves naturally as a center for its surrounding communities. The Borough should be encouraged to begin this process.

Response: The Highlands Council is very supportive of the Borough's interest in a Highlands Center designation and looks forward to working with the Borough toward its development and implementation.