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**INCORPORATED BY REFERENCE INTO
HIGHLANDS COUNCIL RESOLUTION 2011-15
ADOPTED MAY 19, 2011**

FINAL CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

**PETITION FOR PLAN CONFORMANCE:
HOLLAND TOWNSHIP, HUNTERDON COUNTY**

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

MAY 9, 2011

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INTRODUCTION

This Final 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 Township of Holland, 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: Holland Township, Hunterdon County

Date of Petition Submission: December 7, 2009

Date Deemed Complete: January 22, 2010

Conformance Area: Planning Area & Preservation Area

Staff Recommendation: Approve 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	Minor 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	N/A
2. Map Adjustments	N/A	N/A
3. Center Designation Requests	N/A	N/A
4. Highlands Redevelopment Area Designation Requests	N/A	N/A

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REVIEW OF ADMINISTRATIVE SUBMITTALS

- 1. Resolution or Ordinance.** The Resolution petitioning the Highlands Council for Plan Conformance was adopted by the Holland Township Committee at its noticed public meeting of December 1, 2009. The document submitted is appropriately signed, certified, and sealed by the Municipal Clerk to verify authenticity. The language of the Resolution relies upon the model provided by the Highlands Council. The Resolution clearly petitions the Highlands Council for Plan Conformance; conformance being proposed with respect to municipal lands located in both the Preservation Area (1,973 acres) and the Planning Area (13,352 acres) of the municipality.
- 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, meeting agenda, and sign-in sheet relating to a special educational meeting of the Planning Board held on August 24, 2009 to discuss Plan Conformance and the Highlands Master Plan Element.
 - b. Copy of meeting agendas for Planning Board meetings held on January 12, 2009, February 9, 2009, March 9, 2009, April 13, 2009, May 11, 2009, June 8, 2009, July 13, 2009, August 10, 2009, September 14, 2009, and October 12, 2009, most including Highlands Subcommittee reporting on work pertaining to Plan Conformance. Also provided, a copy of an agenda for Planning Board meeting of November 9, 2009, held to review Basic Plan Conformance activities and related ordinance materials, and to determine Planning Board's recommendation to the Township Committee regarding opting in for the Planning Area.
 - c. Copy of meeting minutes from the September 14, 2009 Planning Board meeting.
 - d. Copy of adopted meeting minutes from a meeting of the Township Committee held on January 20, 2009 to discuss the Initial Assessment Grant.
 - e. Copy of a public meeting notice and a sign-in sheet for a meeting held on February 10, 2009 at the Township municipal building to discuss the Highlands Initial Assessment Grant.
 - f. Copy of a letter dated November 3, 2009 and a petition from the Friends of Holland Highlands supporting the Holland Township Committee in petitioning for conformance with the Regional Master Plan for both the Planning and Preservation Areas.
- 3. List of Current Planning Documents.** The list of current municipal planning and regulatory documents is comprehensive and includes required dates of adoption, as

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applicable. Pursuant to Highlands Council Module 7 Municipal Plan Conformance Petition instructions, all of these documents should be available in the offices of the Highlands Council in Adobe pdf format. Staff review indicates that all are available as required.

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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 date of the Highlands Municipal Build-Out Report is July 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 Township of Holland 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. Review of the final Housing Element and Fair Share Plan submission, dated May 14, 2010 and adopted by the Planning Board on May 20, 2010, follows. These documents were filed with COAH on June 7, 2010. Completed Highlands Council forms used to conduct preliminary submission reviews appear in Appendix A. The final Housing Element and Fair Share Plan document appears to address the municipality's Fair Share Obligation. Any final determination in that regard remains under the jurisdiction of COAH. 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:** 25 units
 - ii. Prior Round Obligation:** 17 units
 - iii. Growth Share Obligation:** 37 units

- b. Municipal Growth Projections.** Highlands Full Build-Out Projections in submittals provided by the municipality indicated an obligation of 66 units, whereas COAH's workbook D indicates an obligation based on Highlands figures, of 64 units. As both were significantly higher than COAH's

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projections in any case, the Township indicated that it would be using COAH's projections and no follow up information or correction is requested. The final figures are listed below.

i. Highlands Full Build-Out Projections

- Residential Growth (housing units): 314
- Non-Residential Growth (jobs): 25
- Total Growth Share, after exclusions (units): 64

ii. COAH Growth Projections through 2018

- Residential Growth (housing units): 204
- Non-Residential Growth (jobs): 0
- Total Growth Share, after exclusions (units): 37

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. 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. A brief summary of the results for each is included below.

i. Rehabilitation Program: The Township has a contract with Housing and Community Development Services, Inc., for the ongoing administration of its housing rehabilitation program.

ii. Total Prior Round Credits: 17

iii. Prior Round Site 1: Block 24, Lots 3 and 13 (Huntington Knolls; approximately 85 acres) located along County Route 519 in the southern area of the Township. The site is located in the Conservation Zone and Conservation Zone – Environmentally Constrained Sub-Zone of the Planning Area. Due to Highlands resource constraints this site was found to be inconsistent with the RMP, however, the project had prior approvals and ultimately received the required NJDEP approval of an Amendment to the Upper Delaware Water Quality Management Plan. The project proposal included a total of 108 dwelling units; four (4) of which were intended as age-restricted affordable units in satisfaction of the Prior Round. Huntington Knolls now plans

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to apply to the Township for a conversion to entirely non age-restricted, which would increase the total to 22 affordable units. (If the developer obtains NJDEP permits necessary to develop all 158 units originally planned for the site, the total affordable units would be 22 affordable units (16 family units and a 6 bedroom group home.) 3 Family Rental Units and 3 Bonus Credits for a total of 6 credits are to be applied to the Prior Round obligation.

- iv. **Prior Round Mechanism 1:** Four-unit Regional Contribution Agreement (RCA) with the City of Lambertville (completed). Prior Round Credits: 4
- v. **Prior Round Mechanism 2:** Seven-unit Accessory Apartment Program (completed). Prior Round Credits: 7
- vi. **Total Growth Share Credits: 37**
- vii. **Growth Share Site 1:** Block 24, Lots 3 and 13. Huntington Knolls (as noted above). Anticipated Growth Share Credits: 19 units plus 8 bonus credits.
- viii. **Growth Share Site 2:** Block 6, Lot 61 (VR-A Zone). This site has been approved by the Planning Board for an inclusionary residential development. The development would include six (6) affordable units and 1 bonus credit. The site is located in the Conservation Zone and Conservation Zone – Environmentally Constrained Sub-Zone of the Planning Area. Highlands resource constraints exist on the site which would limit development potential, however, the project has prior approvals. Anticipated Growth Share Credits: 7
- ix. **Growth Share Mechanism 1:** Three-unit Accessory Apartment Program. Anticipated Growth Share Credits: 3

d. Findings/Recommendations.

- The Accessory Apartment program proposes 3 additional units. If the units are proposed to be serviced by septic systems they will need to meet the septic density requirements for the Land Use Capability Zone in which they are to be located.
- The Huntington Knolls site was previously reviewed and found to be inconsistent with the RMP, but was subsequently approved by the NJDEP. The Housing Plan anticipates conversion of the Huntington Knolls project to a non-age-restricted development. Should any issues arise that affect the prior approvals, the site's inclusion in the Fair Share Plan may have to be reconsidered.

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3. **Environmental Resource Inventory (Module 4).** The proposed Township of Holland Highlands Environmental Resource Inventory (ERI) is based on the Highlands Model ERI provided to municipalities by the Highlands Council. The document has undergone previous revisions under a collaborative process between the municipality and the Highlands Council to address and incorporate the input and concerns of all parties. The Township of Holland Highlands ERI as now proposed (including minor modifications by the Highlands Council to update Historic and Scenic Resources), 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 Section and Exhibit.** Special Environmental Zone subsection and associated Exhibit are not applicable to the Township and have been marked for deletion.

4. **Master Plan Highlands Element (Module 5).** The proposed Township of Holland 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 all required Highlands Element 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 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.

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

- b. **Land Use Plan Element.** Consistent.
 - i. Highlands Zones and Sub-Zones. Consistent. Note: Lake Community Sub-Zone Not Applicable – Deleted.

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- ii. Land Uses. Consistent. Note: Special Environmental Zone Not Applicable – Deleted.
 - iii. Density and Intensity of Development. Consistent.
 - iv. Cluster Development. Consistent.
 - v. Land Use Inventory. Consistent.
 - vi. Redevelopment Planning. Consistent.
- c. **Housing Plan Element.** Consistent. 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.
 - iv. Critical Habitat. Consistent.
 - v. Carbonate Rock. Consistent.
 - vi. Lake Management. Consistent.
 - 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. Consistent.
 - iii. Planning & Preservation Areas. Consistent.
- f. **Circulation Plan Element.** Consistent.
- g. **Land Preservation/Stewardship Plan Element.** Consistent.
- h. **Agriculture Retention/Farmland Preservation Plan Element.** Consistent.
- i. **Community Facilities Plan Element.** Consistent.

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- j. **Sustainable Economic Development Plan Element.** Consistent.
- k. **Historic Preservation Plan Element.** Consistent.
 - i. Historic, Cultural, and Archaeological Resources. Consistent.
 - 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.
- 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 were submitted with the PDF version of the Highlands Element and are provided as a separate PDF.

Exhibit W “Septic System Yield Map” has been determined unnecessary and need not be included in the Highlands Element. Septic System Yield will be determined on a site-specific basis, using the Nitrate Dilution Model discussed in text. The in-text references to the Exhibit have been marked for deletion.

- 5. **Highlands Area Land Use Ordinance (Module 6).** The proposed Township of Holland 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 Township of Holland Highlands Area Land Use Ordinance as proposed (including modifications by the Highlands Council), contains nearly all required Highlands Area Land Use Ordinance language as necessary, to fully address the immediate mandatory requirements of Plan Conformance. As to the Exhibits, please see item 5.m, below.

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 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.

- a. **Article 1. Title, Purpose, Scope.** Consistent.
- b. **Article 2. Applicability.** Consistent.

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- c. **Article 3. Definitions.** Consistent as submitted, however minor modifications required for completion. 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. (Note: Special Environmental Zone and Lake Community Sub-Zone Not Applicable – Deleted.)
- e. **Article 5. Highlands Area Zone District Regulations.** Consistent.
- f. **Article 6. Highlands Area Resource Regulations.** Consistent.
 - 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. Consistent.
 - vii. Water Conservation & Deficit Mitigation. Consistent.
 - viii. Prime Ground Water Recharge Areas. Consistent.
 - ix. Wellhead Protection. Consistent.
 - x. Agricultural Resources. Consistent.
 - xi. Historic, Cultural & Archaeological Resources. Consistent.
 - 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.
 - 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.

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- i. **Article 9. Application Review Procedures & Requirements.** Consistent.
- j. **Article 10. Appeals, Waivers, Exceptions.** Consistent.
- k. **Article 11. Enforcement, Violations, Penalties.** Consistent.
- l. **Appendices.** Consistent. Please note that Appendix D. Major Potential Pollutant Sources has been changed from SIC Codes to the North American Industry Classification System (NAICS) Codes.
- 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).

Please note that Exhibits 2 (Forest Resources) and 9 (Historic/Scenic Resources) have been updated since last issued to the municipality by the Highlands Council to reflect updated GIS parcel and resource layer data. Exhibit 10 (Net Water Availability by HUC14 Subwatershed, Highlands Domestic Sewerage Facilities, Public Community Water Systems) has been updated as well.

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.

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Please note that integration of the municipal Master Plan with certain components of the Highlands Master Plan Element (indicated within the Municipal Self Assessment Report) is not encouraged by the Highlands Council. With regard to the Land Preservation and Farmland Preservation Elements, specifically noted in the submission, integration may be feasible; however doing so is neither a Plan Conformance requirement nor a priority for immediate attention. Please be advised that integration of any components of the Highlands Area Land Use Ordinance with the municipal Zoning/Land Use Ordinance is strongly discouraged.

- 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 Plan Conformance with the Regional Master Plan.

As proposed by the municipality, the Highlands Implementation Plan and Schedule included all mandatory components required to achieve Plan Conformance and incorporated anticipated timeframes for completion. The Highlands Implementation Plan and Schedule has been 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 2011-2012 State fiscal years. The Highlands Implementation Plan and Schedule also includes non-mandatory Full Plan Conformance activities and the estimated costs and timeframes for completion which the municipality must consider. These activities have been incorporated into the revised Highlands Implementation Plan and Schedule for discussion purposes.

Please also note, consistent with statements in a., above, integration of municipal planning documents with Highlands documents, has not been retained as a task within the Highlands Implementation Plan and Schedule.

The Highlands Council Staff has responded to a combination of municipal requests and proposed several tasks and funding for inclusion in the Highlands Implementation Plan and Schedule, as detailed in Section D, below.

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 (The Township intends to seek certain RMP Updates in the post-Petition approval phase.)
2. **Map Adjustments.** N/A
3. **Highlands Center Designation Requests.** The Township did not submit a formal request for a Highlands Center designation with its Petition for Plan Conformance. Should the municipality remain interested in the possibility, however, the Highlands Council would be pleased to assist in the development of such a proposal (which can occur at any time during the post-Petition approval phase).
4. **Highlands Redevelopment Area Designation Requests.** While the Township did not submit a formal Highland Redevelopment Area Designation Request with the Petition for Plan Conformance, the paper mill sites could be considered for potential Highlands Redevelopment Designation. The Township may also submit for certain commercial redevelopment areas at a later date, potentially to include locations for affordable housing. However, the Township has indicated that it will defer such actions at this time.
5. **Other.** N/A

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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 Township of Holland, as currently proposed by the municipality, be approved with conditions as outlined below.

1. Approval with Conditions. Highlands Council Staff recommends 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 Planning Area Ordinance. The municipality shall prepare and submit to the Highlands Council a draft municipal ordinance petitioning the Highlands Council for Plan Conformance with respect to the municipality’s Planning Area lands (based upon or consistent with the model provided by the Highlands Council). 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 Planning Area Petition Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of Ordinance adoption 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 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.

b. 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

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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).

- 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

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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.

- 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 Township shall provide for “Municipal Exemption Determinations” in accordance with Highlands Council delegation of such authority to the municipality in the Planning Area, or NJDEP delegation in the Preservation Area. (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 Highlands Council or the NJDEP, respectively, granting it the authority to do so.

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- 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.

- f. Adoption of Updated Zoning Map.** The Township 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 related correspondence 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.

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- i. Wastewater Management Plan (WMP).** The municipality shall prepare a 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 County WMP in accordance with NJDEP Administrative Order 2010-03 and all applicable NJDEP rules and requirements. Holland Township, as a municipality conforming for the full municipal area, will collaborate with the Highlands Council to develop a WMP that conforms to the RMP, on a schedule based on Plan Conformance approval. The Highlands Council will draft the WMP using information from the Town, and collaborate with the Town to finalize the WMP for NJDEP consideration and approval.

- 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 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 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, if applicable, 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

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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. Funding for this project regarding two HUC14 subwatersheds, 02040105170020 (Hakihokake Creek) and 02040105170030 (Harihokake Creek to Hakihokake Creek) has been incorporated into the Highlands Implementation Plan and Schedule, reflecting these subwatersheds' importance to the Township's water supply. The Highlands Council will serve as lead for this project.
 - Habitat Conservation & Management Plan. The Highlands Implementation Plan and Schedule includes an allocation for development of a Township Habitat Conservation & Management Plan, with the Township serving as lead for this project. Washington Township has extensive critical habitat that is proximate to or within Existing Community Zones and other "at risk" areas. The plan will address habitat management needs in both the Preservation and Planning Areas.
 - Stormwater Management Plan (Updates Only)
 - Land Preservation and Stewardship Program
 - Agricultural Retention Plan. The Highlands Implementation Plan and Schedule includes an allocation to prepare this plan to address the ongoing needs of agricultural businesses for economic sustainability.
 - Septic System Management/Maintenance Plan
 - Implementing ordinances associated with each of the above (long-term, as applicable).
- 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

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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. The Highlands Implementation Plan and Schedule includes an allocation for this project for the Musconetcong River sections of the Township.
- Cluster Development. The Highlands Implementation Plan and Schedule includes an allocation to assist with a feasibility analysis to determine potential for clustering of cluster development.

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. Although the Township did not formally request any Optional Petition Requests with its Petition, Township officials may wish to pursue suggested opportunities for Highlands Redevelopment Designations at the former paper mill facilities and within the Commercial District and Limited Industrial Park District, both listed by the municipality in the Master Plan Highlands Element document (Land Use Plan, Section F.3.e & f). If the Township is interested in proceeding, these activities will be supported and guidance will be provided by the Highlands Council, as previously noted.

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E. MUNICIPAL RESPONSE PERIOD

The Highlands Council provided a Draft Consistency Review and Recommendations Report dated January 10, 2011, sent to the municipality on January 13, 2011. The Municipal Response Period expired on March 31, 2011, following a granted extension. The municipality provided new, revised, supplemental, or amended materials, items, or information in support of the Petition for Plan Conformance, prior to expiration of that Period, for Highlands Council consideration.

The Municipal Response submittals included the items listed below, each described and discussed in relation to the matter of consistency with the Regional Master Plan and sufficiency to meet the requirements for Basic Plan Conformance.

- 1. Planning/Regulatory Documents.** The Current Planning Documents listed below were provided in Adobe pdf format. These documents fully address the requirement for submission of current planning/regulatory documents, as listed in the prior version of this Report.
 - a. Stormwater Management Plan, March 29, 2005;
 - b. Open Space Plan, April 1, 2004; and
 - c. Periodic Reexamination Report, January 18, 2007.
- 2. Modified Draft Highlands Master Plan Element.** Edits responsive to Highlands Council prior reviews enhance the consistency of the document, leaving minor items only for completion.
- 3. Modified Draft Highlands Land Use Ordinance.** Edits responsive to Highlands Council prior reviews enhance the consistency of the document, leaving minor items only for completion.
- 4. Updated Highlands Implementation Plan and Schedule.** Edits provided were responsive to Highlands Council prior review and allow for completion of the document.

F. COMMENTS FROM THE PUBLIC

Based upon the Municipal Response Period and the incorporation by Highlands Council Staff of any revisions resulting from the Municipal Response, as noted above, the Final 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.

The Highlands Council established period for receipt of written public comment was April 19, 2011 until May 4, 2011. Comments were received from numerous Holland Township residents, Helen Heinrich of the New Jersey Farm Bureau, and Erica Van Auken of the New Jersey

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Highlands Coalition. The comment/response document is attached to this document, at Appendix C.

G. FINAL RECOMMENDATIONS

Based upon the comments received, the recommendations of Highlands Council Staff concerning the Petition for Plan Conformance of the Township of Holland remain unchanged.

In conclusion, the Highlands Council Staff recommends that the Petition for Plan Conformance of the Township of Holland, 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**

Preliminary Consistency Reviews

Holland Township, Hunterdon County

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MODULE 3 REVIEW FORM December 8, 2009 Submission

MUNICIPAL INFORMATION			
Municipal Code: 1015		Date: 02/18/2010	
Municipality: Holland Township			
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 checked="" type="checkbox"/>	No <input type="checkbox"/>	
Comments: Their RMP Growth Share Obligation is noted as 66 where Workbook D calculated only 64. However, as both of these numbers are significant higher than the COAH obligation of 41, no follow up on these calculations is required. Follow up is required on the Huntingdon Knolls site. Due to the potential for litigation any site report should remain confidential.			
Reviewer Name: James Humphries			
Initial: pjh	Date: 02/18/2010		

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MODULE 3 SITE REVIEW FORM December 8, 2009 Submission

SITE REVIEW FORM		
Municipality: Holland Twp.	Date: 02/19/2010	
Project Name: Huntingdon Knolls		
Municipal Code: 1015	Project Size (Acres): 85 Acres (approx.)	
Block(s) and Lot(s): Block 24, Lots 3 and 13		
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: 108 units including 22 affordable units (if converted to non-age restricted housing)		
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 checked="" type="checkbox"/>	Existing Community Zone <input type="checkbox"/>
Lake Community Sub-Zone <input type="checkbox"/>	Conservation – Environmentally Constrained Sub-Zone <input checked="" 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 checked="" type="checkbox"/>	No <input type="checkbox"/>
Area includes Riparian Area?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comments: Significant areas of Open Water Buffers and Riparian Areas will impact the overall developability of the site.		
STEEP SLOPES		
Severely or Moderately Constrained Steep Slopes	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comments: The presence of severely constrained slopes will impact the overall design of the site, but would not appear to limit development potential.		
CRITICAL HABITAT		
Project Area includes Critical Wildlife Habitat?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Project Area includes Significant Natural Area(s)?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Project Area includes Vernal Pool(s) within 1,000 ft?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments: There are large areas of both Critical Wildlife Habitat and Significant Natural Area that will impact the overall developability of the site.		
HIGHLANDS COUNCIL STAFF REVIEW		
RMP Consistency Issues?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comments: The site has received local and NJDEP approvals. However, the site has been found to be inconsistent with the RMP. Additional discussion with the municipality is advised. Any site reviews should remain confidential due to the potential for litigation.		
Reviewer: James Humphries		

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MODULE 3 SITE REVIEW FORM December 8, 2009 Submission

SITE REVIEW FORM		
Municipality: Holland Twp.	Date: 02/19/2010	
Project Name: VR-A Zone		
Municipal Code: 1015	Project Size (Acres):	
Block(s) and Lot(s): Block 6, Lot 61		
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 type="checkbox"/>	No <input type="checkbox"/>
Project Description: 12 units including 6 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 checked="" type="checkbox"/>	Existing Community Zone <input type="checkbox"/>
Lake Community Sub-Zone <input type="checkbox"/>	Conservation – Environmentally Constrained Sub-Zone <input checked="" 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 checked="" type="checkbox"/>	No <input type="checkbox"/>
Area includes Riparian Area?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comments: Very limited Riparian Area, should have no impact on development.		
STEEP SLOPES		
Severely or Moderately Constrained Steep Slopes	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comments: Limited steep slope area, should have limited impact on development.		
CRITICAL HABITAT		
Project Area includes Critical Wildlife Habitat?	Yes <input checked="" type="checkbox"/>	No <input 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: There are large areas of Critical Wildlife Habitat that will impact the overall developability of the site.		
HIGHLANDS COUNCIL STAFF REVIEW		
RMP Consistency Issues?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comments: The site has local approvals. The provision of sewer service to the site could be an issue. Recommend reviewing potential for RMP update or Map Adjustment with municipality.		
Reviewer: James Humphries		

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APPENDIX B

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

Draft Housing Element & Fair Share Plan

Holland Township, Hunterdon County

Date of Draft: 03/01/10

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MODULE 3 REVIEW FORM March 1, 2010 Submission

MUNICIPAL INFORMATION			
Municipal Code: 1015	Date: 04/14/2010		
Municipality: Holland Township			
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 type="checkbox"/>	<input checked="" type="checkbox"/>	-
3. Review of Highlands Consistency Review Report(s) required (use Site Review form);	<input type="checkbox"/>	<input checked="" type="checkbox"/>	-
4. Accessory Apartment Program Proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10 (3)
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: A ten unit accessory apartment program is proposed with 7 units already having been completed. The Huntington Knolls site is proposed to provide for the majority of the obligation. This site has already been approved. Any modification to the site that would require a new NJDEP permit may affect the feasibility of the site.			
Reviewer Name: James Humphries			
Initial: PJH	Date: 04/14/10		

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APPENDIX C

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Holland Township, Hunterdon County

Public Comment Period: April 19, 2011 – May 4, 2011

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PUBLIC COMMENTS RECEIVED

Written comments regarding the Township of Holland's Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on May 4, 2011. Comments were provided by the following individuals/entities: residents of Holland Township (below-listed), Helen Heinrich of the New Jersey Farm Bureau, and Erica Van Auken of the New Jersey Highlands Coalition.

Residents of the Township of Holland

- William Arrison
- Patricia Esch
- Ken Grisewood
- Laura Mirsky
- Richard Newhouse
- David B. Powers
- Tony Rizzello
- Michael and Jan Rogers
- Mark Lee Rotenberg
- Alan and Penny Shurtleff
- Laurie Stone and Clark Duff

Comments: Each commenter supports the efforts of the Township of Holland as it conforms to the Highlands Regional Master Plan and pursues the Plan Conformance process. Mr. Grisewood commented additionally about the affordable housing site at Block 6 Lot 61. Although the project has prior Planning Board approvals, he states that the project has been significantly changed so that the approvals are no longer valid. He provided information regarding the current status.

Response: The Highlands Council acknowledges these comments and thanks each resident who took the time to contribute. The Highlands Council notes Mr. Grisewood's comment regarding the referenced inclusionary site. The project is located in the Planning Area. Normally, development projects in the Holland Township Planning Area would be governed by the Highlands Area Land Use Ordinance once adopted. However, as the project currently has local approvals, it would be excluded from applicability of the Highlands Area Land Use Ordinance. Should the approvals for the project lapse or otherwise lose validity prior to receipt of permitting, then the standards of the adopted Highlands Area Land Use Ordinance would apply in any new application. The municipality would be responsible for application of the Highlands Land Use Ordinance to any regulated development, subject to Highlands Council review. Likewise, the extension of any sewer or water service to the site would be governed by the Highlands Area Land Use Ordinance standards, along with any approved Wastewater Management Plan applicable to sewer service.

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Helen Heinrich, New Jersey Farm Bureau

Comment: The New Jersey Farm Bureau appreciates the opportunity to review the Plan Conformance petition for Holland Township and hopes that the Township will find a way to raise the percentage of preserved farmland during the development of its Agricultural Retention and Farmland Preservation Plan. The Bureau is happy to see that analyzing the feasibility and “potential for clustering of clusters development” is a high priority task in the Implementation Plan and Schedule.

Response: The Highlands Council acknowledges the New Jersey Farm Bureau’s support for the Holland Township Agricultural Retention and Farmland Preservation Plan, which will be developed by the Township with a Highlands Council-approved scope of work. Additionally, the Highlands Council acknowledges the Bureau’s support of the funding of a feasibility analysis for cluster development in the Township. Please note that the feasibility analysis allocation in the Highlands Implementation Plan and Schedule was scheduled with an anticipated completion date of FY 2011. However, this date has been amended to FY 2011-2012, to allow appropriate time for completion of the study.

Erica Van Auken, New Jersey Highlands Coalition

Comment: The New Jersey Highlands Coalition supports Holland Township’s Petition for Plan Conformance for both the planning and preservation area. The Coalition does have concerns regarding two affordable housing sites because of environmental constraints.

Response: The Highlands Council acknowledges the Coalition’s support of Holland Township’s Petition for Plan Conformance. The Highlands Council notes the comments regarding the inclusionary affordable housing project located at Block 19, Lots 5, 6 and 7. This project is in the Planning Area, Conservation Zone and Protection Zone, and does have Highlands resource constraints. However, the project has obtained all local and NJDEP approvals and therefore represents a reasonable potential for development as it pertains to plan conformance. Similarly, the Highlands Council also notes the comments regarding Block 24, Lots 3 and 13. The site is located in the Conservation Zone and Conservation Zone – Environmentally Constrained Sub-Zone of the Planning Area and does have Highlands resource constraints. However, the project had prior approvals and ultimately received the required NJDEP approval of an Amendment to the Upper Delaware Water Quality Management Plan and therefore represents a reasonable potential for development as it pertains to plan conformance. For both projects, should the approvals lapse or are otherwise no longer be valid, then the Highlands Area Land Use Ordinance would apply for any new applications, as discussed above.