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# FINAL DRAFT CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

**PETITION FOR PLAN CONFORMANCE:  
TOWNSHIP OF BOONTON, MORRIS COUNTY**

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

**FEBRUARY 9, 2015**

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance –Draft Consistency Review and Recommendations Report**

**INTRODUCTION**

This Final Draft Consistency Review and Recommendations Report (“Report”) has been prepared by the Staff of the Highlands Water Protection and Planning Council (“Highlands Council”). It provides review and recommendations for consideration by the Highlands Council as to the consistency of the Petition for Plan Conformance of the Township of Boonton 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.

The Township of Boonton petitioned the Highlands Council for Plan Conformance with regard to lands in the Preservation Area only. The Preservation Area encompasses 493 acres (9%) of the Township and is comprised of single family dwellings, preserved lands (75 acres), and a private lake club occupying 187 acres (or 38% of the Preservation Area). The Preservation Area is not served by public water or sewer infrastructure and is subject to the New Jersey Department of Environmental Protection (NJDEP) Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38). A detailed review of the properties located within the Township’s Preservation Area indicates that there is very limited development potential. The Highlands Municipal Build-Out evaluation for Boonton Township revealed no developable lots within the Preservation Area.

Accordingly, this Report recommends use of the Highlands Checklist Ordinance Approach in Boonton Township. This approach permits the Township to adopt a significantly shortened Master Plan Highlands Element and a Highlands Preservation Area Checklist Ordinance, which would remain in effect indefinitely, in lieu of adopting the standard Highlands Preservation Area Land Use Ordinance. The use of the Highlands Preservation Area Checklist Ordinance in conjunction with the NJDEP Highlands Rules will ensure the protection of Highlands Resources in the Township while efficiently and appropriately implementing the RMP at the local level.

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**REPORT SUMMARY**

**Municipality:** Township of Boonton, Morris County

**Date of Petition Submission:** Dec 1, 2009

**Date Deemed Complete:** Sept 4, 2014

**Conformance Area:** Preservation Area

**Staff Recommendation:** Approve Petition with Conditions

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

<b>Petition Components</b>	<b>Consistent</b>	<b>Conditions of Approval</b>
1. Modules 1-2 Build-Out Report*	X	None
2. Module 3 Housing Element/Plan	X	See Section D.1
3. Module 4 ERI	X	See Section D.1
4. Module 5 Highlands Element	X	Follow-Up Required per Section B.4; D.1
5. Module 6 Land Use Ordinance	X	Checklist Ordinance Approach; 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; D.1
7. Other		N/A

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

<b>Optional Submission Items</b>	<b>Submission Date</b>	<b>Status/Recommendation</b>
1. RMP Updates	N/A	
2. Map Adjustments	N/A	
3. Highlands Center Designation Requests	N/A	
4. Highlands Redevelopment Area Designation Requests	N/A	

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**A. REVIEW OF ADMINISTRATIVE SUBMITTALS**

- 1. Resolution or Ordinance.** The Resolution (#09-168) petitioning the Highlands Council for Plan Conformance was adopted by the municipal Governing Body at its noticed public meeting of November 23, 2009. The document submitted is appropriately signed and certified by the Municipal Clerk to verify authenticity. The language of the Resolution essentially relies upon that of the model provided by the Highlands Council. The Resolution clearly petitions the Highlands Council for Plan Conformance; conformance being proposed with respect to municipal lands located in the Preservation Area only (which consist of just 493 acres, or\_9% 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 Boonton Township Committee Resolution #09-168, as noted above, indicating discussion/consideration of Plan Conformance during the Committee’s public meeting of November 23, 2009.
  - b.** Copy of meeting agendas and adopted meeting minutes associated with Planning Board meetings during which Plan Conformance was discussed, including those of October 3, 2011, February 6, 2012, March 5, 2012, and June 4, 2012.
- 3. List of Current Planning Documents.** The list of current municipal planning and regulatory documents is satisfactory and includes required dates of adoption, as 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 of the required documents are available in Adobe pdf format as required. The current Township Land Use Ordinance is publicly available on-line through the General Code website, at: <http://www.ecode360.com/BO1072>.

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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 fulfills the Highlands Act requirements to evaluate land use capability and includes a detailed evaluation of land based capacity, resource based capacity and utility based capacity. 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 March 2010.
  
2. **Housing Element & Fair Share Plan (Module 3).** Consistent as submitted.

*Introductory Advisory*

The Highlands Council recognizes that the main component of the Council on Affordable Housing (COAH) Third Round rules was invalidated in 2010, an appeal of which was denied by the New Jersey Supreme Court. Moreover, COAH's *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan* was invalidated by the Appellate Division of the Superior Court; significant changes to State laws pertaining to the provision of affordable housing were considered; the Governor Christie's Reorganization Plan No. 001-2011 (issued June 29, 2011) eliminated COAH and transferred its functions and duties to the Department of Community Affairs (DCA); the Appellate Division of the Superior Court invalidated the Governor's Reorganization Plan in a March 8, 2012 decision, reversing the abolition of COAH and the transfer of its function, powers and duties to the DCA; and the Supreme Court ultimately affirmed the Appellate Division's decision invalidating the "growth share" methodology in a decision dated September 26, 2013. The Supreme Court has since ordered COAH to develop revised rules, however the situation remains unresolved.

As required by the Highlands Act and the Fair Housing Act in any event, COAH has the responsibility to determine affordable housing obligations and must take the Highlands Regional Master Plan into consideration in discharging this responsibility. Accordingly, the analysis provided below shall be considered subject to modification based on a resolution of the State's affordable housing policies, with the intent being to ensure that the municipality remains in compliance with all applicable statutes, rules, regulations, and requirements regarding affordable housing, at any given time, and maintains consistency with the RMP.

*Highlands Council Review*

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

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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 allowed for Highlands Council review of as yet unconstructed projects in municipal housing plans, for consistency with the RMP, whether the projects were proposed in compliance with Prior Round obligations or the Third Round rules.

The Township of Boonton provided its final Housing Element and Fair Share Plan, adopted by the Planning Board and filed with COAH on September 9, 2009. A review of the final Housing Element and Fair Share Plan was provided by Highlands Council staff, which is included below. In sum, the submitted Housing Element and Fair Share Plan appeared consistent with the requirements of the RMP.

It should be noted however, that the Township did not formally petition COAH for substantive certification within the required 2-year period since the date of filing, resulting in the automatic expiration of the filed Plan. Due to the unresolved nature of the Third Round rules, the Township’s affordable housing obligation and the methodologies by which it may be satisfactorily and legally addressed, are unknown. In light of these circumstances, the Township Planning Board amended the Township Housing Element and Fair Share Plan, by way of an Addendum dated and adopted March 3, 2014. The Addendum rescinds the bulk of the 2009 compliance plan, indicating that the Township’s Plan will be revised in accordance with the new rules once promulgated by COAH to address the third round, and that it will then petition COAH for substantive certification of the updated Plan. The Highlands Council does not object to this approach, and includes compliance with the revised rules and all applicable provisions as a condition of approval of the Petition for Plan Conformance.

*Review of Boonton Township 2009 Housing Element and Fair Share Plan*

- a. Municipal Growth Projections.** Municipal Growth Projections, estimated in the Highlands Municipal Build-Out Report for the Township (March 2010) are as follow:
  - i.** Residential Growth (housing units): 34
  - ii.** Non-Residential Growth (jobs): 37
  
- b. Summary of Municipal Obligation.** With the invalidation of COAH’s “Growth Share” methodology, the Municipal Fair Share Obligation cannot be fully determined at this time. Based on the information currently available, it would include at minimum, each of the components listed below
  - i. Rehabilitation Share: 0**
  - ii. Prior Round Obligation: 20**

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In anticipation of an additional obligation to address the current housing cycle, municipal planning to address the local need for affordable housing is expected to continue.

**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. In this case, 1 Affordable Housing Site was proposed. A brief summary of the results is included below.

**i. Rehabilitation Program:** None

**ii. Fair Share Plan Housing Units:**

- Prior Round Credits: 44
- Project 1: Block 40501, Lot 1 – 100% Affordable Municipally Sponsored Project. 37.86 Acre municipally owned property. Proposed density up to 4.5 units/acre. Planning Area, Protection Zone. Located in existing sewer service area. Limited Highlands Resources on site. Development of the site should be consistent with the RMP.
- Project 2: Supportive and Special Needs Housing. No specific sites identified. Sites would need to be reviewed for consistency with the RMP as they are identified.
- Other Potential Mechanisms: The Township has identified the following as potential additional measures if needed, however no specific information was provided.
  - i. ECHO Housing Program
  - ii. Accessory Apartment Program
  - iii. Buy-Down Program

**d. Conditions/Requirements.** Goals and objectives consistent with the goals and objectives found in the Model Housing Element appended to the Module 3 instructions must be incorporated into the municipality’s Housing Element. To address this item, the goals and objectives have been inserted as revisions to the Township’s proposed Master Plan Highlands Element (see Housing Plan section).

**3. Environmental Resource Inventory (Module 4).** The proposed Township of Boonton Highlands Environmental Resource Inventory (ERI) is based on the Highlands Model ERI

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provided to municipalities by the Highlands Council. The Township of Boonton Highlands ERI 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 Carbonate Rock section of the model Highlands ERI is not relevant to the municipality and has thus been deleted from the municipal submission.
  - b. **Revisions.** The Highlands Council has provided updated technical information within the narrative portion of the ERI as well as a new set of coinciding figures. The new figures are provided as a separate file from the Highlands ERI text, and replace figures previously provided for the Highlands ERI. The old figures (with exception of any developed by the municipality) have been deleted to avoid confusion. Please note that the figures should not be incorporated with the MS Word® version of the text, as such mergers result in unmanageable file sizes and a significant loss in map clarity/resolution. The text and exhibits are best combined into a single pdf file once each component is in final form.
  - c. **Recommendations to Complete.** None.
4. **Master Plan Highlands Element (Module 5).** The proposed Township of Boonton Master Plan Highlands Element is based on the Highlands Council model designed specifically for municipalities approved for the Checklist Ordinance approach to Plan Conformance (discussed previously, see Introduction, p.1). The document contains all required Highlands Element language and all applicable maps/exhibits, as necessary, to 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 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. Not Applicable – Deleted
  - iii. General Purposes of Zoning. Not Applicable
  - iv. Relationship between Highlands Act & MLUL. Consistent

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- b. Land Use Plan Element.** Not Applicable – Deleted
- 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.** Not Applicable – Deleted
- e. Utility Services Plan Element.** Not Applicable – Deleted
- f. Circulation Plan Element.** Not Applicable – Deleted
- g. Land Preservation/Stewardship Plan Element.** Consistent
- h. Agriculture Retention/Farmland Preservation Plan Element.** Not Applicable – Deleted
- i. Community Facilities Plan Element.** Not Applicable – Deleted
- j. Sustainable Economic Development Plan Element.** Not Applicable – Deleted
- k. Historic Preservation Plan Element.** Not Applicable – Deleted
- l. Development Transfer Plan Element.** Not Applicable – Deleted
- m. Relationship of Master Plan to Other Plans.** Consistent
- n. Appendices.** Not Applicable – Deleted
- o. Exhibits.** The list of Exhibits includes all that apply to the municipality. The exhibits themselves have been provided by the Highlands Council as a separate (Adobe pdf) file from the Highlands Element text. Please note that the exhibits should not be incorporated with the MS Word® version of the text, as such mergers result in unmanageable file sizes and a significant loss in map clarity/resolution. The text and exhibits are best combined into a single pdf file once each component is in final form.

**5. Highlands Area Land Use Ordinance (Module 6).** Consistent.

In lieu of adoption of the Highlands Area Land Use Ordinance, the Township will adopt the Highlands Checklist Ordinance. While for most conforming municipalities the Checklist Ordinance is required as an interim measure, repealed upon adoption of the Highlands Area Land Use Ordinance, the Township will retain it indefinitely as the main method by which to achieve and retain Plan Conformance. The Checklist Ordinance requires that Development Applications receive a Consistency Determination from the Highlands Council prior to being deemed complete for review by the Land Use Board. Highlands Council review will ensure that

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all Regional Master Plan requirements are met and incorporated as a component of Development Applications prior to their consideration by the local Board.

The Highlands Checklist Ordinance for Boonton is based on the Highlands Council model document and is consistent with therewith. It includes one exhibit, illustrating the extent of the Preservation Area within the Township.

**6. Petition Submission Documents (Module 7).**

- a. Municipal Self-Assessment Report.** Consistent. The Municipal Self-Assessment Report accurately describes the status of municipal Plan Conformance to date, indicating both municipal accomplishments and the items that remain to be completed to fully achieve 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 Plan Conformance with the Regional Master Plan.

As proposed, the Highlands Implementation Plan and Schedule includes all mandatory components required to achieve Plan Conformance. The 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 the Petition.

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**C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS**

1. **RMP Updates.** N/A
2. **Map Adjustments.** N/A
3. **Highlands Center Designation Requests.** N/A
4. **Highlands Redevelopment Area Designation Requests.** The Petition for Plan Conformance was not accompanied by a specific request for a Highlands Redevelopment Area Designation, however the Township is interested in examining the possibilities. Funding has been included in the Implementation Plan and Schedule for this purpose.

**D. PRELIMINARY RECOMMENDATIONS**

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

1. **Approval with Conditions.** Highlands Council Staff recommend that Highlands Council 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 Highlands ERI.** The Highlands Environmental Resource Inventory (ERI) shall be completed and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the 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.

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- b. Adoption of Approved Master Plan Highlands Element.** The Master Plan Highlands Element shall be completed and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Element shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Planning Board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Element by the municipal Planning Board. At the conclusion of the process, a certified copy of the adopted Highlands Element shall be provided to the Highlands Council. The process of Highlands Element adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Element, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Planning Board.
- c. Adoption of Approved Checklist Ordinance.** The municipality shall complete the Highlands Council Preservation Area “Checklist Ordinance,” which requires that Development Applications be deemed incomplete by the reviewing board or applicable municipal authority, until or unless accompanied by: a) 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. The Governing Body shall provide for and complete the adoption process, at the conclusion of which, a certified copy of the adopted Checklist Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Highlands Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Checklist Ordinance, the proposed changes shall be submitted for review by the Highlands Council prior to adoption by the Governing Body. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption at the municipal level.
- d. Adoption of Highlands Exemption Ordinance (Optional).** The Township shall consider the option to provide for “Municipal Exemption Determinations,” in accordance with NJDEP delegation of such authority to the municipality for the Preservation Area. Such determinations (detailed within the model Highlands Ordinance provided) refer to the process of reviewing and making determinations concerning exemptions from the Highlands Act, which in turn, represent

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exemptions from the provisions of the NJDEP Highlands Rules and/or Highlands Checklist Ordinance. To proceed, the municipality must designate reviewing officer(s), participate in training provided by the Highlands Council, and adopt the Highlands Exemption Ordinance.

Adoption first requires that the municipality complete and submit the ordinance to the Highlands Council for final approval. The Ordinance must then 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 Governing Body shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Ordinance by the municipal Governing Body. At the conclusion of the process, a certified copy of the adopted 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 Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the 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.

- e. **Highlands Council Information and Training Sessions.** Funding has been included in the Implementation Plan and Schedule to provide for municipal representatives (e.g., Land Use Administrators, Zoning Officials, and Planners) to attend information and training session(s), as needed regarding implementation items. Training is required with regard to the Highlands Exemption Ordinance, if the Township chooses to adopt it. Training sessions will also be provided from time to time on other implementation tasks, which may be of assistance to the municipality.
  
- f. **Approval of Housing Element & Fair Share Plan.** As discussed above, the municipality shall prepare and adopt a Housing Element and Fair Share Plan once the final Rules of the Council on Affordable Housing (COAH) are available, and shall petition for its approval in accordance with all applicable procedures and requirements. 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 significant changes in the applicable Housing Rules and State laws pertaining to the provision of affordable housing in the state of New Jersey as discussed above, these

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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 regarding affordable housing, at any given time, and maintains consistency with the RMP, so as to protect the municipality from legal challenge.)

- g. Adoption of Ordinances Implementing Fair Share Plan.** Governing Body adoption of Ordinances required to implement the Fair Share Plan shall follow approval of the Housing Element and Fair Share Plan, in accordance with all requirements of the Superior Court or COAH, as applicable, and all legal requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final Court- or COAH-approved Fair Share Plan moreover, shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.
- h. 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. Once finalized and adopted, the 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.
- i. Adherence to Approved Highlands Implementation Plan & Schedule.** The municipality shall undertake to complete all remaining mandatory Plan Conformance activities listed in the Highlands Council-approved Highlands Implementation Plan & Schedule (IPS), 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.

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

- Water Use & Conservation Management Plan
- **Habitat Conservation & Management Plan** – Funding for this Plan has been allocated in the Township IPS in the amount of \$15,000.
- **Stream Corridor Restoration/Protection Plan** – Funding for this Plan has been allocated in the Township IPS in the amount of \$20,000.
- **Sustainable Economic Development Plan** – Funding for this Plan has been allocated in the Township IPS in the amount of \$20,000.
- **Stormwater Management Plan** – Funding for this Plan has been allocated in the Township IPS in the amount of \$15,000.
- Lake Restoration Management Plan
- Stormwater Management Plan (Updates Only)
- Land Preservation and Stewardship Program
- Septic System Management/Maintenance Plan
- Implementing ordinances associated with each of the above (long-term)

**iv. Non-Mandatory Components:** The Highlands Implementation Plan and Schedule also provides \$15,000 for Highlands Redevelopment Area Planning, which is a non-mandatory component of Plan Conformance. Release of this funding is contingent upon approval of a scope of work by the Highlands Council Executive Director.

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

2. **Optional Petition Requests – Highlands Redevelopment Area Designation.** As noted previously, funding has been included in the Townships Implementation Plan and Schedule for examination of potential Redevelopment Area Designation within the Highlands Preservation Area.

**\*\*\* END OF DRAFT REPORT – Remaining sections to be completed after municipal review. \*\*\***

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**E. MUNICIPAL RESPONSE PERIOD**

The Highlands Council provided a Draft Consistency Review and Recommendations Report dated February 9, 2015, to the municipality on March 4, 2015. The Municipal Response Period expired on March 16, 2015. The municipality did not provide 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.

**F. COMMENTS FROM THE PUBLIC**

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

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

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
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**G. FINAL RECOMMENDATIONS**

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

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

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

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

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
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**APPENDIX A**

**PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES**

**Petition for Plan Conformance**

**Municipality, County**