



2009 Plan Conformance Grant Program
Module 7.
Rockaway Township Self-Assessment Report

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

**December 8,
2009**

MODULE 7: MUNICIPAL SELF-ASSESSMENT REPORT

PLAN CONFORMANCE GRANT PROGRAM MODULE 7: MUNICIPAL SELF-ASSESSMENT REPORT

Introduction

The purpose of this Municipal Self-Assessment (MSA) Report is to provide municipalities with a template for the narrative portion of the MSA Report described in the Module 7 Instructions (Section B. 9). The MSA Report summarizes all draft changes to the municipal planning and regulatory programs to date (based at a minimum on the results of Modules 2 through 6 of the 2009 Plan Conformance Grant Program) and all changes that will remain necessary after Basic Plan Conformance to achieve Full Plan Conformance with the Highlands Regional Master Plan (RMP). The MSA Report should consist of a brief narrative only, with the assessment reliant substantially upon inclusion of completed checklists for the MSA Report and the draft Highlands Implementation Plan and Schedule, which were provided as Appendix A with the Module 7 Instructions.

The MSA Report Checklist provides a list of Basic Plan Conformance submission items for the municipal Petition for Plan Conformance. The MSA Report below follows the sequence of the checklist and provides narrative to assist municipalities in completing this MSA Report and the Checklist. The MSA Report Checklist asks the municipality to indicate if the level of preparation of the submission item addresses Basic or Full Plan Conformance. Items denoted by the checkmark box indicate those required to achieve Basic Plan Conformance unless otherwise noted.

Each item in the MSA Report asks for a Status update, as does the MSA Report Checklist. The status in the MSA Report should indicate for each item, whether it is complete as provided in the petition, or will require additional work under Full Plan Conformance. It should also indicate whether an existing document has been included as a substitution for a Module or section of any Module. This would apply for example, if the municipality provided an existing Environmental Resource Inventory (ERI) with edits to achieve consistency with the RMP instead of the Highlands Module 4 ERI. Another example would be where a municipality provides existing municipal regulations for a specific natural resource, such as steep slopes, as a substitute for the Module 6 model Highlands Land Use Ordinance provisions relative to the natural resource. This should be noted as appropriate in the MSA Report and in the status column of the MSA Report Checklist.

The Highlands Implementation Plan and Schedule Checklist includes all tasks that are not required for Basic Plan Conformance and are not indicated as having been completed in the MSA Report Checklist. For each of these tasks, the Highlands Implementation Plan and Schedule Checklist ask for an “anticipated completion date.” The anticipated completion date shall be calculated based on the date of the Highlands Council’s approval of the Petition for Plan Conformance. For example, if the approval of the Petition for Plan Conformance is granted on April 1, 2010, the anticipated completion date for tasks on the Highlands Implementation Plan and Schedule for the requirements of Full Plan Conformance would begin after April 1, 2010. The anticipated completion date for most of these tasks should fall into the range of six (6) to fifteen (15) months from the approval of the Petition for Plan Conformance. However, some tasks (e.g., Water Use and Conservation Management Plans) may require a longer timeframe. The Highlands Implementation Plan and Schedule submitted with the Petition is considered a draft to be finalized only after discussion between the Highlands Council staff and the municipality prior to the Highlands Council approval of the Petition. The final Implementation Plan and Schedule will not only guide the municipality’s Full Plan Conformance activities, but will identify the need for future Plan Conformance grant funding.

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Township of Rockaway, Morris County

1. Modules 1 and 2: Highlands Municipal Build-Out Report

The final Highlands Municipal Build-Out Report and supporting documents and files were prepared by the Highlands Council, provided to the municipality, and posted on the Highlands Council website. The Report may be incorporated by reference in the petition. The Highlands Council is providing these reports, so the status in the MSA Report Checklist is complete except where this report is still in development. If relevant, provide comments in the narrative to supplement the final Report.

Status: *This item has been completed and requires no further changes for Full Plan Conformance. A copy of Rockaway Township's final build out report is not included in this petition, but can be obtained from the Highlands Council Website at: <http://www.highlands.state.nj.us/njhighlands/planconformance/buildoutreports.html>*

2. Module 3: Housing Element and Fair Share Plan

The Highlands Council has developed a timeline for the preparation and submission of petitions for substantive certification based on the COAH deadline extension of June 8, 2010. At minimum, the December 8, 2009 petition must include the following: a. Summary of Housing Obligations, b. Summary and Consistency Review of Proposed Prior Round Sites, and c. Housing Partnership Program narrative (including proposed participation in the Regional Affordable Housing Development Partnership Program or RAHDPP, where applicable). The Module 3 Instructions provide narrative on these submission requirements. The municipality should provide status comments in the narrative to supplement submission items a. through c. as appropriate. [NOTE: Additional submittals are required as of March 1, 2010 (due: draft Housing Element and Fair Share Plan) and June 8, 2010 (due: final versions of each), resulting in submittal of an adopted Housing Element and completed Fair Share Plan by the latter date.]

Status: *As noted in the enclosed Module 3 cover letter (which, in addition to the enclosed October 30, 2009 letter to Edward Buzak, Esq., comprise the Township's efforts in fulfillment of the December 8, 2009 submission requirements), the Township is involved in on-going affordable housing litigation and is therefore under the jurisdiction of the Law Division of Superior Court. Since August, the Township has been meeting with Judge Eugene Serpentelli to develop a compliance plan for Rockaway. The enclosed October 30, 2009 letter was submitted by the Township to Judge Serpentelli on November 5, 2009 and represents the most up-to-date information regarding Rockaway's progress towards completion of a compliance plan. This letter also addresses submission items a. through c. as set forth in the Module 3 instructions. Additional submittals will be sent to the Highlands Council as required by the March 1 and June 8, 2010 deadlines.*

3. Module 4: Highlands Environmental Resource Inventory (ERI)

The requirements for Basic Plan Conformance include supplementing a municipality's existing ERI to include all Highlands resource information (or adopting a new ERI if none exists). The Highlands Council provided a model Highlands ERI along with tabular data, which may be used as either a supplement to an existing municipal ERI or as a stand-alone ERI, where the municipality has not previously adopted one. Please indicate in the narrative below whether the Highlands Model will be incorporated into an existing ERI or Natural Resource Inventory, or will be used as a stand-alone document. For municipalities that have already submitted a draft ERI, please

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indicate whether Highlands Council staff comments and edits have been addressed in the final draft ERI or if outstanding issues need consideration.

Status: *The Township submitted its initial draft Environmental Resource Inventory (ERI) to the Highlands Council on June 29, 2009. Enclosed is the updated draft of the Environmental Resource Inventory (ERI) addressing the September 30, 2009 Highlands Council comments. Outstanding issues requiring consideration pertain to fact that the draft ERI includes information from the Highlands Regional Master Plan (RMP), some of which the Township already deemed to be incorrect or insufficient during the preparation of Plan Conformance Module 1 and the Initial Assessment Report. These data issues will be addressed as part of Full Plan Conformance. It is noted that the final adopted ERI will be a stand-alone document, as the Township does not have an existing ERI.*

4. Module 5: Highlands Element of Municipal Master Plan

The requirements for Basic Plan Conformance include revisions to municipal master plans that will bring them into alignment with the Highlands RMP. The Highlands Council provided a Model Municipal Master Plan “Highlands Element” to assist municipalities in addressing the mandatory master plan requirements necessary to achieve Basic Plan Conformance. The Highlands Element is intended to be used as a supplement to existing municipal master plans for application to land use and development in that portion of the municipality for which Plan Conformance is sought. Each section of the Highlands Element is referenced below, and it is noted in the narrative if requirements are for Basic or Full Plan Conformance. For municipalities that have already submitted a draft Highlands Element, please indicate whether Highlands Council staff comments and edits have been addressed in the final draft Highlands Element or if outstanding issues need consideration. **[NOTE: Under 4.a through 4.l below, where an item is listed as a “Basic Plan Conformance requirement” all of the necessary information has already been provided to the municipality as part of the Model Highlands Element prepared by the Highlands Council. Inclusion of the text in the draft municipal Highlands Element submitted with the petition constitutes completion of the requirement.]**

- a. **Statement of Policies, Goals and Objectives:** Basic Plan Conformance requirement.
- b. **Land Use Plan Element:** Basic Plan Conformance requirement. However, an up-to-date Land Use Inventory (inventory) is not a requirement for Basic Plan Conformance. The municipality should submit their most current inventory. If the inventory requires updates it will be a Full Plan Conformance requirement. If an up-to-date inventory has been completed and submitted with the petition; it should be noted as “Full” in the level of preparation column in the MSA Report Checklist.
- c. **Housing Plan Element:** Included in the Module 3 submission.
- d. **Conservation Plan Element:** Basic Plan Conformance requirement.
- e. **Utility Services Plan Element:** Basic Plan Conformance requirement.
- f. **Circulation Plan Element:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task.
- g. **Land Preservation and Land Stewardship Plan Element including updated preserved land inventory and map:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task. The updated preserved land inventory and map is a Full Plan Conformance task.
- h. **Agriculture Retention/Farmland Preservation Plan Element (if applicable) including updated preserved land inventory and map:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the

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Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task. The updated preserved farmland inventory and map is a Full Plan Conformance task.

- i. **Community Facilities Plan Element:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task.
- j. **Sustainable Economic Development Plan Element:** Basic Plan Conformance requirement.
- k. **Historic Preservation Plan Element:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task.
- l. **Relationship of Master Plan to State/Regional/Local Plans:** Basic Plan Conformance requirement.
- m. **Development Transfer Plan Element:** Optional

Status: *The Township submitted its initial draft Highlands Element of the Master Plan to the Highlands Council on August 28, 2009. Comments from the Highlands Council were received on November 25, 2009, which does not allow enough time to make the necessary adjustments. As such, the draft Highlands Element of the Master Plan has not been included with this petition, since the Highlands Council already has the most up-to-date document. The Highlands Council's comments will be addressed in 2010. Additional outstanding issues requiring consideration pertain to fact that the draft Highlands Element includes information from the Highlands Regional Master Plan (RMP), some of which the Township already deemed to be incorrect or insufficient during the preparation of Plan Conformance Module 1 and the Initial Assessment Report. These data issues will be addressed as part of Full Plan Conformance.*

5. Module 6: Highlands Land Use Ordinance

The requirements of Basic Plan Conformance include the regulation of new development through a Highlands Land Use Ordinance. The Highlands Council developed a model Highlands Land Use Ordinance, including language addressing all requirements applicable to Basic Plan Conformance. In accordance with instructions provided for Module 6; the municipality should submit an edited version of the model Highlands Land Use Ordinance and if applicable, may submit existing municipal ordinances that are more restrictive or more comprehensive with respect to certain resources. [Note: Development of additional municipal regulations concerning the prevention of pollution and public health threats from existing land uses will be required as a component of Full Plan Conformance in the years 2010 and beyond. As such, these are not included in the MSA Report Checklist, but do appear in the Highlands Implementation Plan and Schedule.]

Status: *Enclosed with this submission is the Module 6 - Draft Highlands Land Use Ordinance for Rockaway Township. This draft ordinance is based on the Model Highlands Land Use Ordinance. Additional submittal requirements will be prepared as part of Full Plan Conformance.*

6. Redevelopment and Rehabilitation Plans (Adopted or Proposed)

Redevelopment and Rehabilitation Plans are not a requirement of Basic Plan Conformance. The municipality may choose to incorporate narrative on adopted or proposed redevelopment and rehabilitation plans to supplement the Petition for Plan Conformance.

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Status: *This item is not applicable to Rockaway Township at this time.*

7. Management Plans and Ordinances

Management plans and ordinances are not a requirement for Basic Plan Conformance. The municipality may wish to supplement their Petition for Plan Conformance with available draft plans or ordinances, such as a Wastewater Management Plan or a Stormwater Management Plan.

Status: *This item is not applicable to Rockaway Township at this time.*

8. Discretionary Items, List (Optional)

Discretionary items are not a requirement of Basic Plan Conformance. These are additional materials beyond those required for a Petition for Plan Conformance that the municipality believes will support the petition. For example, a draft or adopted municipal ordinance that supports the Petition for Plan Conformance.

Status: *Enclosed are two discretionary items intended to support Rockaway Township's petition for Plan Conformance. The first is the Highlands Initial Assessment Report, which was prepared for Rockaway Township by Burgis Associates, Inc., and submitted to the Highlands Council on May 26, 2009. The second is Rockaway's Highlands Comparison Matrix, which was prepared by Burgis Associates, Inc. This matrix compares the impacts of Highlands Plan Conformance versus non-conformance for Rockaway's Planning Areas. It was intended as a tool to aid the determination of whether the Township should petition for Plan Conformance for the Preservation and Planning Areas, or Preservation Area only. This matrix was presented to the Rockaway Township Council on October 6, 2009, after which the Council voted to petition for Plan Conformance for both the Preservation and Planning Areas.*

Draft Highlands Implementation Plan and Schedule Checklist – Full Plan Conformance Tasks

Municipalities shall also include a draft Highlands Implementation Plan and Schedule Checklist, which provides a listing of items from the MSA Report Checklist that are not required for Basic Plan Conformance and are not indicated by the municipality as having been completed. To the extent known, the municipality should insert a brief narrative below indicating the anticipated approach (not including budget estimates) to achieving the tasks listed in the draft Highlands Implementation Plan and Schedule Checklist. For example: preparation of incomplete portions of the Highlands Element will be developed by the municipality's professional planner; conservation management plans will be developed following receipt of guidance from the Highlands Council, with assistance from professionals having specialized expertise in each area. The municipality may prioritize Full Plan Conformance tasks based upon municipal interest and the Highlands Council will work to assist in addressing those priorities.

The actual schedule for Full Plan Conformance will be developed by the municipality and the Highlands Council during the review of the Petition for Basic Plan Conformance.

Status: *As discussed above, the Township has completed the requirements for Basic Plan Conformance. What follows is an outline of the anticipated approach for addressing the items that still remain outstanding, as detailed in Appendix A – Draft Implementation Plan and Schedule for Full Plan Conformance:*

1. Housing Element and Fair Share Plan – As already noted, the Township is involved in on-going affordable housing litigation and is therefore under the jurisdiction of the Law Division of Superior Court. The Township will continue to work with the court to develop a compliance plan for the Township and will submit the required documents to the Highlands Council in accordance with the March 1, 2010 and June 8, 2010 deadlines. Burgis Associates, Inc. will prepare these documents on behalf of the Township.

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- 2. Environmental Resource Inventory (ERI)** – As already noted, the Township has outstanding issues to consider regarding inconsistencies identified during the preparation of Module 1 and the Initial Assessment Report between the RMP data and local knowledge. The draft needs to be updated and tailored to the specifics of the Township. Burgis Associates, Inc. shall work in collaboration with the Highlands Council in updating this draft document.
- 3. Highlands Element of the Master Plan** – As already noted, the Township must still address the comments received from the Highlands Council staff review of its Draft Highlands Element of the Master Plan. In addition, the Township must address the outstanding concern regarding inconsistencies identified during the preparation of Module 1 and the Initial Assessment Report between the RMP data and local knowledge. Lastly, the Township must incorporate an up-to-date land use inventory and map. Burgis Associates, Inc. shall work in collaboration with the Highlands in updating this draft document.
- 4. Highlands Land Use Ordinances, Zoning Map, Schedule of Requirements and Official Map** – Burgis Associates, Inc. will update the Draft Highlands Land Use Ordinances and the existing zoning map, schedule of requirements and official map upon the receipt of comments from the Highlands Council.
- 5. Board of Health Ordinances** – The Township’s Board of Health will prepare these ordinances based upon a template to be provided by the Highlands Council.
- 6. Resource Management Plans and Ordinances** – Burgis Associates, Inc. and the Township Engineer will work with the Township in preparing various resource management plans following the receipt of guidance from the Highlands Council. Once these plans have been prepared, Burgis Associates, Inc. will prepare implementing ordinances in collaboration with the Highlands Council. Based on the final ERI, the Township in collaboration with the Highlands Council, will prioritize the various resources resource management plans and ordinances.
- 7. RMP Updates and/or Map Adjustments** – As part of Full Plan Conformance, the Township will determine if there is a need for any RMP Updates and/or Map Adjustments.