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# FINAL DRAFT CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

## **PETITION FOR PLAN CONFORMANCE: WASHINGTON TOWNSHIP, MORRIS COUNTY**

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

**APRIL 15, 2011**

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final 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 Washington (Morris County), 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.

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

**REPORT SUMMARY**

**Municipality:** Washington Township, Morris County

**Date of Petition Submission:** December 8, 2009

**Date Deemed Complete:** February 8, 2010

**Conformance Area:** Planning Area & Preservation Area

**Staff Recommendation:** Approve Petition with Conditions

<b>Administrative Submittals</b>	<b>Meets Requirements</b>	<b>Conditions of Approval</b>
1. Resolution	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	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.

<b>Optional Submission Items</b>	<b>Submission Date</b>	<b>Status/Recommendation</b>
1. RMP Updates	12/08/09	2 Processed; 3 Reclassified; More information requested for remainder; Please see Section C.1 and Appendix B
2. Map Adjustments	N/A	Please see comments in Section C.2
3. Center Designation Requests	N/A	Designate Historic Long Valley Highlands Center. Please see comments in Section C.3. and Appendix C
4. Highlands Redevelopment Area Designation Requests	N/A	Please see comments in Section C.4

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

**A. REVIEW OF ADMINISTRATIVE SUBMITTALS**

1. **Resolution or Ordinance.** The Resolution (Washington Township #R-192-09) petitioning the Highlands Council for Plan Conformance was adopted by the municipal Governing Body at its noticed public meeting of November 16, 2009. The document submitted is appropriately signed and certified by the Municipal Clerk to verify authenticity. The language of the Resolution clearly petitions the Highlands Council for Plan Conformance; conformance being proposed with respect to the whole of the municipality, including lands in both the Preservation Area (25,235 acres or 88%) and Planning Area (3,491 acres or 12%).
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 meeting minutes associated with a joint Planning Board and Special Township Committee meeting held on November 9, 2009 to discuss Plan Conformance and the Module 5 Master Plan Highlands Element.
  - b. Adopted Resolution as noted above, indicating formal action taken on Plan Conformance at the November 16, 2009 public meeting of the Governing Body.
3. **List of Current Planning Documents.** The list of current municipal planning and regulatory documents is comprehensive and includes required dates of adoption, as applicable. Staff review indicates that all of the documents are have been provided in Adobe® pdf format as required.

Please note that the Land Development Ordinance is available on-line and thus not required in pdf format by the Highlands Council (<http://www.ecode360.com/?custId=WA0744>).

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

**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 Washington addressed all components required by the Highlands Council with the submission of its Petition for Plan Conformance in December 2009, which included a copy of the Township's already adopted (August 2005), amended (July and November 2006), and COAH-certified (Dec 2007) third-round Housing Element and Fair Share Plan.

- a. **Summary of Municipal Obligation.** The Municipal Obligation appears to be correctly calculated and includes the components listed below.
  - i. **Rehabilitation Share:** 0
  - ii. **Prior Round Obligation:** 42 units
  - iii. **Growth Share Obligation** (see b, below): 117 units
- b. **Municipal Growth Projections.** Municipal Growth Projections were correctly indicated in the COAH Workbook D form and the 12/8/2009 submittal provided by the municipality and no follow-up information was required. The final figures are listed below. It is important to note that Washington Township's COAH Certification pre-dated COAH's revised rules, and grandfathered the Township under the prior calculation methodology. Both sets of COAH figures are provided below for comparison purposes. The adopted Plan also pre-dates the availability of Highlands Full Build-Out Projections. Township submittals indicate that it may seek an amendment to its COAH-certification, to incorporate the adjusted figures.

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

Note: Highlands Full Build-Out Projections apply in the case of conformance for the full municipality (i.e., for split municipalities, including both the Planning and Preservation Area) in accordance with COAH’s instructional document, *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*. COAH Growth Projections apply in all cases where the municipality is not petitioning for conformance for the whole of the municipality, until or unless modified by COAH consistent with the Guidance or as applicable, the Superior Court.

**i. Highlands Full Build-Out Projections**

- Residential Growth (housing units): 267
- Non-Residential Growth (jobs): 618
- Total Growth Share, after exclusions (units): 92

**ii. COAH Growth Projections through 2018 – Under New Rules**  
(N.J.A.C. 5:97 Substantive Rules)

- Residential Growth (housing units): 602
- Non-Residential Growth (jobs): 1,288
- Total Growth Share, after exclusions (units): 201

**iii. Applicable COAH Growth Projections – Under Prior Rules**  
(N.J.A.C. 5:94 Substantive Rules)

- Residential Growth (housing units): 712
- Non-Residential Growth (jobs): 687
- Total Growth Share, after exclusions (units): 117

**c. Summary of Certified Fair Share Plan.** The final Housing Element and Fair Share Plan addresses the Township’s Fair Share Obligation by use of the mechanisms and development projects listed below. Implementation of the Fair Share Plan will result in the Township exceeding its projected affordable housing obligation. Prior Round Site No. 1 (see below, Block 19, lots 5, 6 and 7) has consistency issues with the RMP as to site development; however, the project has all local and NJDEP approvals. By virtue of having already attained COAH certification of its Housing Plan, the Township has also addressed the immediate mandatory requirements of Plan Conformance.

**i. Rehabilitation Program:** None

**ii. Prior Round Sites/Mechanisms:**

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

- Prior Cycle Credits: 42.
- Prior Round Site 1: Block 19, Lots 5, 6 and 7 (451 Schooley’s Mountain Road) age-restricted development (45 affordable units). Anticipated Credits (COAH limits use of age-restricted units): 31.

The site is approximately 120 acres, located in the northern area of the Township near Hackettstown; and on the west side of Schooley’s Mountain Road along the banks of the Musconetcong River. The Fair Share Plan identifies this project as an inclusionary site including 360 age-restricted condominium units (45 approved for affordable housing). 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. This site is included within the proposed Future Sewer Service Area for the Township, based on noted prior approvals.

- Prior Round Site 2: REM NJ Properties (4 bedroom group home on Long Valley Boulevard). Anticipated credits: 4.

**iii. Other Mechanisms:**

- Excess Prior Round Credits: 69
- Buy-Down Program (5 buy-downs completed and nearing completion of sixth; Township anticipates a total of 10 buy-downs during the Third Round). Anticipated Credits: 10 (1 short-term; 9 long-term).
- Municipally-sponsored construction funded through an adopted Growth Share Ordinance. The Township proposes to construct a 10-unit rental apartment project for low-income households on a parcel owned by the municipality (Block 34 Lot 46.04), in the Long Valley section of the Township on Route 513 within the Planning Area. The parcel is partially Existing Community Zone and partially Conservation Zone. This parcel is also identified for potential municipal facilities, and proposed for connection to the Municipal Utilities Authority for sewerage. It is approximately 34 acres in size and could accommodate both uses. The parcel was created from a larger parcel that was for the most part preserved through the agricultural preservation program. However, given the density proposed, the site cannot be developed using on-site individual subsurface disposal systems (septic systems). For the

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

project to be consistent with the RMP the project will have to be connected to the public wastewater system in accordance with an approved Wastewater Management Plan, which requires that the site be in the Existing Community Zone or a Highlands Center. The Township is collaborating with the Highlands Council in designation of the Historic Long Valley Highlands Center (see Section D below and Appendix C), and in development of a Wastewater Management Plan that conforms to the Regional Master Plan and addresses issues of threats to public health and safety from failing septic systems and potential Map Adjustments or Highlands Center designations within the Planning Area (see Section D below and Appendix D). Anticipated Credits: 10.

- Municipally-sponsored construction funded through an adopted Growth Share Ordinance. Township to work with a private developer to construct 10 rental units (site(s) not specified). Anticipated Credits: 10.
- Accessory Apartment Program. Township will continue to provide for establishment of accessory apartments through provisions of the zoning ordinance (no units specified).

**Total Credits: 176+**

**iv. Completion Tasks.**

- Goals and objectives consistent with the goals and objectives found in the Model Housing Element appended to the Module 3 instructions have been inserted as revisions to the Township's proposed Master Plan Highlands Element. (See Housing Plan section.)
- If the Schooley's Mountain Road inclusionary site (Block 19, Lots 5, 6, and 7, 451 Schooley's Mountain Road) is not ultimately developed as intended, the Township will need to provide alternate means to address the Fair Share Obligation. By incorporating the adjusted figures resulting from Highlands Build-Out projections, and by pursuing each of the remaining sites and mechanisms included in the current Plan, it appears likely that the Township would continue to address its Obligation.
- The accessory apartment units and unspecified municipally-sponsored construction projects will require examination as sites are identified to ensure consistency with the RMP.



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

- The 10-unit apartment project (Block 34 Lot 46.04) will need to be connected to the public wastewater system to ensure consistency with the RMP and with the Highlands Area Land Use ordinance, once adopted, as discussed above.
3. **Environmental Resource Inventory (Module 4).** The proposed Township of Washington 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 Washington Highlands ERI, as now proposed, contains all required Highlands ERI language and all applicable maps/exhibits, as necessary, to fully describe the Highlands Resources, Resource Areas, and Special Protection Areas located within the municipality. As such, the Highlands ERI is consistent with the RMP and the immediate mandatory requirements of Plan Conformance. Note: Lake Management Area section deleted – not applicable.
4. **Master Plan Highlands Element (Module 5).** The proposed Township of Washington Master Plan Highlands Element is based on the Model Highlands Element provided to municipalities by the Highlands Council. The Township of Washington Highlands Element as now proposed (including modifications by the Highlands Council), contains essentially all required Highlands Element language and all applicable maps/exhibits, as necessary, to fully address the immediate mandatory requirements of Plan Conformance.

Historic Long Valley Highlands Center: It is important to note that Washington Township's Master Plan Highlands Element will require certain modifications to reflect the proposed designation of a Highlands Center that will occupy a portion of its Highlands Planning Area, focused on the Long Valley Historic District in the vicinity of the Route 513/Route 517 intersection. This Highlands Center is proposed as a component of the Highlands Council's approval of the Township's Petition for Plan Conformance. As currently developed, the Highlands Element incorporates all provisions and requirements of the Regional Master Plan that are normally applicable to Planning Area lands. With this Highlands Center Designation, Washington Township's revised Highlands Element should: a) recognize and protect specified areas intended to be preserved open space and other areas within the Highlands Center that are essential to the protection of critical Highlands Environmental Resources; b) provide for areas of infill development and redevelopment that are both consistent with available water supply and wastewater treatment capacities, and designed in accordance with center-based, smart growth development standards; and c) support existing developed areas with center-based design concepts that include pedestrian-oriented features and smart growth standards. Please note that because the Historic Long Valley Highlands Center is anticipated to occupy a portion of the Township's Highlands Planning Area, significant material developed for the Highlands Center will ultimately replace or amend portions of the draft Master Plan Highlands Element regarding the Planning Area, in particular regulations regarding development intensity, density, and utility services. Many of the provisions

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

regarding protection of Highlands Resources will remain entirely or largely unchanged, as being appropriate to all Land Use Capability Zones and Highlands Centers.

*Review of Submittal Document.* For purposes of the review that follows, the evaluation pertains to the Highlands Element as currently prepared. All recommendations listed herein are intended to apply as a part of the proposed conditions of approval of Washington Township’s Petition for Plan Conformance (inclusive of modifications as may be required in keeping with the proposed Highlands Center Designation).

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.) The Township will provide remaining minor edits prior to adoption.
  - ii. Land Uses. Consistent
  - iii. Density and Intensity of Development. Consistent.
  - iv. Cluster Development. Consistent
  - v. Land Use Inventory. Consistent.
  - vi. Redevelopment Planning. Consistent
  - vii. **Highlands Center Designation.** Staff recommends inclusion of a new section providing a discussion on the proposed designation of the Historic Long Valley Highlands Center that will occupy a portion of the Township’s Planning Area. As a placeholder, a very brief summary has

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

been inserted (see language in document) which should be supplemented accordingly. These provisions will result in modification of portions of the current Highlands Element with respect to proposed development and redevelopment activities within the Planning Area, with retention of applicable and appropriate Conservation Plan language regarding protection of Highlands resources.

- 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. Not Applicable – Deleted
  - vii. Water Resources Availability. Consistent
  - viii. Prime Ground Water Recharge Areas. Consistent
  - ix. Water Quality. Consistent
  - x. Wellhead Protection. Consistent
  - xi. Low Impact Development. Consistent
  
- e. **Utility Services Plan Element.** Consistent. However, this element will require further modifications due to a portion of the Planning Area being proposed as the Historic Long Valley Highlands Center, including provisions to ensure consistency with the Washington Township Chapter of the Morris County Wastewater Management Plan.
  - 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

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

- i. Community Facilities Plan Element.** Consistent
  - j. Sustainable Economic Development Plan Element.** Consistent
  - k. Historic Preservation Plan Element.** Consistent.
    - i.** Historic, Cultural, and Archaeological Resources. Consistent.
    - ii.** Scenic Resources. Consistent.
  - l. Development Transfer Plan Element.** Inclusion of this Section is optional and the municipality has elected not to incorporate it.
  - m. Relationship of Master Plan to Other Plans.** Consistent.
  - n. Exhibits and Appendices.** The list of Exhibits includes all that apply to the municipality. The applicable Exhibits, with modifications provided by the Highlands Council (to include all maps referenced within the text), have been provided as a standalone PDF file that accompanies the Highlands Element. Please note that the Land Use Inventory map submitted by the Township has been included as Exhibit B.
- 5. Highlands Area Land Use Ordinance (Module 6).** The proposed Township of Washington 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 Washington Highlands Area Land Use Ordinance as proposed (including modifications by the Highlands Council), contains the required language necessary to fully address the immediate mandatory requirements of Plan Conformance. As to maps/exhibits, please see information and discussion at Section 5.m, below.

*Historic Long Valley Highlands Center:* It is important to note that Washington Township’s Highlands Area Land Use Ordinance will require certain modifications to reflect the anticipated designation of a portion of its Planning Area as the Historic Long Valley Highlands Center. As currently developed, the Ordinance incorporates all provisions and requirements generally applicable to Planning Area lands. With Highlands Center Designation, Washington Township’s revised Ordinance should: a) recognize and protect specified areas intended to be preserved open space and of other areas within the Center that are essential to the protection of critical Highlands Environmental Resources; b) support existing developed areas with smart growth design standards and pedestrian oriented features; and c) provide for areas of infill development and redevelopment that are both consistent with available water supply and wastewater treatment capacities, and designed in accordance with center-based, smart growth development standards. These modifications will modify the Planning Area intensity, density and some resource protection provisions

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

currently included in Washington Township’s Highlands Area Land Use Ordinance, with respect to the Highlands Center.

*Review of Submittal Document.* For purposes of this review, the evaluation following pertains to the Ordinance as currently prepared. Many of the provisions regarding protection of Highlands Resources will remain entirely or largely unchanged, as being appropriate to all Land Use Capability Zones and the Highlands Center.

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.
- c. **Article 3. Definitions.** Consistent. Please note that Highlands Council staff have added definitions for Lot Averaging/Conservation Design Development and Lot Averaging Project Area, in keeping with Township insertions regarding allowances for lot averaging.
- d. **Article 4. Establishment of Highlands Area Districts.** Consistent. (Note: Lake Community Sub-Zone: Not Applicable – Deleted.)
- e. **Article 5. Highlands Area Zone District Regulations.** Consistent, however please note Highlands Council comments at Section 5.2.1.B. The township will confirm that it wishes to retain item #4 regarding permitted uses in the Agricultural Resource Area..
- 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. Not Applicable – Deleted
  - vii. Water Conservation & Deficit Mitigation. Consistent

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

- 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. Consistent
  - vi. Septic System Design and Maintenance. Consistent
  - vii. Public Water Systems. Consistent
  - viii. Wastewater Collection and Treatment Systems. Consistent
- h. **Article 8. Planned Development Regulations.** Consistent, however please note that the Highlands Council has incorporated minor additional edits in keeping with all Township insertions regarding lot size averaging.
- i. **Article 9. Application Review Procedures & Requirements.** Consistent, however minor modifications are required to complete the Article (e.g., application review fees). The Highlands Council acknowledges the Township comment regarding training and provides funding for future training sessions to be held by the Highlands Council in the Highlands Implementation Plan and Schedule. We will provide assistance as needed in regard to setting fees and escrows as well.
- j. **Article 10. Appeals, Waivers, Exceptions.** Consistent.
- k. **Article 11. Enforcement, Violations, Penalties.** Consistent.
- l. **Appendices.** Consistent, however please note replacement of SIC Code table in Appendix D, with the current North America Industry Classification System (NAICS) codes for Major Potential Pollutant Sources.
- 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

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

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 also that Highlands Council staff has received sewer Existing Area Served (EAS) information that has been verified by Township of Washington officials, Hackettstown Municipal Utilities Authority and the Washington Township Municipal Utilities Authority. This information has been used to finalize Exhibit 10, “Net Water Availability by HUC-14 Subwatershed, Highlands Domestic Sewerage Facilities, and Public Community Water Systems.”

**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 Plan Conformance.
  - **Narrative Portion.** The Narrative Portion has been completed accurately.
  - **Spreadsheet Portion.** The Spreadsheet Portion has been completed accurately.
- 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:  
a) included all mandatory components required to achieve Plan Conformance; and  
b) incorporated realistic timeframe estimates associated with certain mandatory elements. The Highlands Implementation Plan and Schedule has been modified since first issued by the Highlands Council, however. 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 State fiscal year.

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

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

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.



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

**C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS**

1. **RMP Updates.** The Petition for Plan Conformance was accompanied by 11 requests for RMP Updates. These requests and Highlands Council Staff responses are summarized in the attachment at Appendix B. . Please note that Request # 8 originally submitted by the Township was not addressed in the Highlands Council staff's March 15, 2010 Report, but is addressed in this report.
2. **Map Adjustments.** While no formal requests for Map Adjustments were received with the Petition for Plan Conformance, one or more of the reclassified RMP Update requests may be addressed under the Map Adjustment program. The requests are listed and described in Appendix B, inclusive of staff recommendations.
3. **Highlands Center Designation Requests.** Although no formal requests for Highlands Center Designation were received with the Petition for Plan Conformance, the Township has collaborated with Highlands Council Staff to propose a Highlands Center focused on the Long Valley Historic District, as detailed in Appendix C. Consideration of a Highlands Center for certain parcels along Route 46 (in the Planning Area) may also be worthwhile at a future date, for which funding is proposed.
4. **Highlands Redevelopment Area Designation Requests.** While the Township did not submit a formal Highlands Redevelopment Area Designation Request with the Petition for Plan Conformance, several properties were identified in the draft Highlands Element as appropriate for consideration for redevelopment designation. The Township may wish to consider pursuing a formal request for future Highlands Redevelopment Area Designation based on brownfields designations at a future date, for which funding is proposed. (Also see the above narrative regarding Map Adjustments). These properties were listed as:
  - a. Cleveland Industrial Chemicals, Parker Road (Block 60, Lot 14); and
  - b. Mine Brook Golf Course. (Block 3, Lot 21)

Alternatively, the above-mentioned RMP Update requests (Appendix B) for parcels located along Rt. 46, between East Avenue and the Hackettstown municipal boundary could also be considered for Highlands Redevelopment Designation:

- a. Block 1, Lots 1-5, 13, 14, 15, & 15.01;
- b. Block 3.09, Lots 1-4, & 6;
- c. Block 3.10, Lots 1-3; and
- d. Block 4, Lots 1, 7, 7.01, 7.02, & 7.03.

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

**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 Washington, as currently proposed by the municipality, be approved with conditions as outlined below. This conditional approval specifically incorporates conditional designation of the Historic Long Valley Highlands Center, in accordance with Appendix C. Detailed work (e.g., master plan and regulatory provisions) to finalize the designation will occur in the post-Petition approval phase of Plan Conformance.

- 1. Approval with Conditions.** Highlands Council Staff recommend that this Petition for Plan Conformance be approved by the Highlands Council, including designation of the Historic Long Valley Highlands Center for a portion of the Planning Area (accompanied by conditions that address the consistency requirements of the RMP related to the various projects and project sites proposed therein, as discussed in Appendix C). Approval of this Petition 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 Township 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

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

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

Note: The Checklist Ordinance is intended as an interim protection measure only, and should be repealed at the time of adoption of an approved Highlands Area Land Use Ordinance (completion and adoption of which is 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, incorporating language regarding designation of the Historic Long Valley Highlands Center as detailed in Appendix C, 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

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

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.

- 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, incorporating appropriate provisions regarding the Historic Long Valley Highlands Center as detailed in Appendix C, 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

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

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 NJDEP, respectively, granting it the authority to do so.

- ii. Highlands Council Information and Training Sessions.** Prior to the effective date of the Highlands Area Land Use Ordinance, municipal representatives (e.g., Land Use Administrators, Zoning Officials, Planners) shall attend information and training session(s) to be provided by the Highlands Council on the implementation and administrative procedures set forth within the Ordinance. Such sessions will provide detailed instruction on application processes and procedures, notice requirements, Highlands Council referrals and call-up provisions, decision-making and formal action, variances, waivers, exceptions, and enforcement activities. Prior to the effective date of the Municipal Exemption Determination provisions, moreover, municipal representatives (in particular, Exemption Designee(s)) shall attend an information and training session on the exercise of Municipal Exemption Determination authority.
- f. Adoption of Updated Zoning Map.** The Township shall prepare an updated Municipal Zoning Map 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, and the Historic Long Valley Highlands Center (with applicable designations therein). The adoption process shall mirror that outlined above for the Highlands Area Land Use Ordinance.
- g. COAH Approval of Housing Element & Fair Share Plan.** Washington Township’s Housing Element and Fair Share Plan have already received approval from the Council on Affordable Housing (COAH). The Highlands Council shall be copied on all future related correspondence and kept apprised of the process of implementation of the Plan 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 regarding RMP consistency prior to implementation by the municipality. (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

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

maintains consistency with the RMP, so as to protect the municipality from legal challenge.)

- h. **Adoption of Ordinances Implementing Fair Share Plan.** The Washington Township Governing Body has adopted certain Ordinances required to implement the Fair Share Plan and shall address any remaining provisions, as needed. Plan implementation and continued compliance with the final COAH-approved Fair Share Plan shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.
- i. **Wastewater Management Plan (WMP).** The Highlands Council and the Township shall coordinate in the preparation of a municipal WMP on a parallel path with the Plan Conformance process, for approval by the NJDEP. This plan will be adopted as a chapter of the Morris County WMP in accordance with NJDEP Administrative Order 2010-03 and all applicable NJDEP rules and requirements. The WMP shall incorporate the most up-to-date information available on existing areas served for both public wastewater and public water supply, as shown on Exhibit #10 for the Highlands Land Use Ordinance, based on a collaborative effort with the Township of Washington officials, the Washington Township Municipal Utilities Authority (WTMUA) and the Hackettstown Municipal Utilities Authority (HMUA).

Further, the WMP shall incorporate the Historic Long Valley Highlands Center as Future Sewer Service Area (SSA). Within the Planning Area, the WMP shall identify as Future SSA the area approved for expansion of the Valley View Chapel. This religious facility is located on parcels located in both the Planning and Preservation Areas. Washington Township approved an expansion of the facility on a portion of the property, and NJDEP approved a WMP revision allowing for development using an on-site treatment facility with discharge to ground water. The Chapel's estimated flow is 4,320 gpd, upon which its septic system approval was based. The Highlands Council issued a WQMP Consistency Determination for this project in 2007. As a result of that determination, the remainder of the Valley View Chapel property is affected by a Conservation Restriction granted to the Highlands Council, filed July 14, 2009. However, at that time the Highlands Council recommended consideration for connecting this parcel to the sewer line in East Mill Road, which is currently estimated as 81 feet from the Chapel property. A simple lateral would be an appropriate WMP revision pursuant to N.J.A.C. 7:15-3.4(b)v (if solely for the purposes of connecting this parcel of concern), except for the lack of a current WMP affecting the area. Thus the site will be included in the Future SSA but the lateral will be limited to ensure no further extensions. The Township approved Heath 2 development would also be included in the future SSA.

Finally, the WMP shall incorporate the results of investigations by the Washington Township Health Department regarding failing septic systems in the Preservation Area that pose a significant risk to public health and safety, that cannot reasonably

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

be replaced by septic systems that conform to State regulations, and for which sewer extensions will not pose a significant risk for further connections by major Highlands Development. Approval of any extension of sewer lines to address specific failing septic systems must be in compliance with the Regional Master Plan (RMP) regarding all areas and N.J.A.C. 7:38 (Highlands Rules) regarding the Preservation Area, and be addressed through an amendment or revision to the wastewater management plan. Washington Township has provided detailed information to the Highlands Council in this process, with the expectation of addressing these issues through a coordinated approach leading to Highlands Council approval of the township's Petition for Plan Conformance and NJDEP approval of the wastewater management plan and, as needed, issuance of Highlands permits (HPAA) with public health and safety waiver. In addition to specific parcels being addressed through this cooperative effort, the Highlands Council is working with Washington Township to determine whether the identified failing septic systems reflect a broader pattern of threats to public health that should be addressed at the same time. Appendix D provides a detailed discussion of existing development in the Preservation Area for which the Highlands Council has concluded that sufficient evidence exists to support sewer connections. Other parcels are being investigated and may be included as Future Sewer Service Area at a later date, through approval of a Consistency Determination by the Highlands Council and approval of a WMP Revision by the NJDEP.

- j. **Adherence to Approved Highlands Implementation Plan & Schedule.** The Township 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

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

Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.

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

- Water Use & Conservation Management Plan. The Highlands Implementation Plan and Schedule includes an allocation for development of a Plan regarding three HUC14 subwatersheds (02030105010050 [South Branch Raritan River], 02030105050030 [Lamington River], 02040105150090 [Mine Brook]), reflecting these subwatersheds' importance to the Township's water supply. The Highlands Council will serve as lead for this project, working in close consultation with the Township.
- 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
- 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 including development and implementation of the plans herein listed, all intended as



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

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

- Green Building and Environmental Sustainability Element. The Highlands Implementation Plan and Schedule includes an allocation for development of this element for incorporation into the municipal Master Plan.
  - Highlands Center Designation and Redevelopment Area Planning. The Highlands Implementation Plan and Schedule includes allocations to assist with the implementation of the Historic Long Valley Highlands Center designation, for a portion of the Planning Area, and consideration of potential future redevelopment areas, including the Mine Brook Golf Course and parcels in the State Route 46 corridor.
  - 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.
  - Stream Corridor Protection/Restoration Plan. The Highlands Implementation Plan and Schedule includes an allocation for this project regarding the Long Valley section of the South Branch Raritan River.
- 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.

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

2. **Optional Petition Requests.** The findings below apply to the Optional Petition Requests discussed at Section C of this Report.
  - a. **RMP Update(s).** If the Township intends to pursue the prior RMP Update requests, additional information should be submitted for Requests 1, 9 and 10. Highlands Council consideration will proceed as quickly as possible. The municipality may propose to address RMP Update Requests 2, 3, 5-8 via other means as noted previously. RMP Update Request 4 and 11 have been processed and Exhibit 1 of the Highlands Land Use Ordinance incorporates the results.
  - b. **Map Adjustments, Highlands Center Designation and Highlands Redevelopment Area Designations:** The Township may pursue suggested opportunities for Map Adjustments, Highlands Center or Highlands Redevelopment Designations noted previously with support and guidance from the Highlands Council. Specifically, Highlands Council Staff recommends designation of the Historic Long Valley Highlands Center subject to the conditions listed and discussed in detail at Appendix C.

**E. MUNICIPAL RESPONSE PERIOD**

The Highlands Council provided a Draft Consistency Review and Recommendations Report dated November 18, 2010 (sent to the municipality on November 19, 2010). The Municipal Response Period expired on March 25, 2010. The municipality provided supplemental documents and deliberative revised materials in support of the Petition for Plan Conformance, 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. **Municipal Planning & Regulatory Documents** – The submission fully addresses the Plan Conformance requirement for submission of current planning/regulatory documents in Adobe® pdf format.
  - a. 2003 Master Plan, in Adobe pdf format
  - b. Reexamination Report 2009 in Adobe pdf format
  - c. Adopted Downtown Plan, in Adobe pdf format
  - d. Land Use Inventory in Adobe pdf format
  - e. Stormwater Management Plan (2005) in Adobe pdf format
2. **Wastewater Management Plan Documents** – The submission furthers the requirement for development of the Wastewater Management Plan, as discussed at D.1(i) above.
3. **Proposed Historic Long Valley Center Exhibit in Adobe pdf format** – The submission is a part of the collaborative process between the municipality and the Highlands Council

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

regarding designation of a Highlands Center in the Township. Review and discussion are provided in Appendix C of this Report.

4. **Draft Master Plan Highlands Element & Exhibits** – The submission addresses and incorporates comments and edits last provided to the Township by the Highlands Council, bringing the document substantially closer to completion and full consistency with the Regional Master Plan.
5. **Draft Highlands Area Land Use Ordinance & Exhibits** – The submission addresses and incorporates comments and edits last provided to the Township by the Highlands Council, bringing the document substantially closer to completion and full consistency with the Regional Master Plan.

**F. COMMENTS FROM THE PUBLIC**

Following 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 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 ([keri.benscoter@highlands.state.nj.us](mailto:keri.benscoter@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 E.

**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 Washington, [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.**

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

**3. Item #3. ]**

In conclusion, the Highlands Council Staff recommends that the Petition for Plan Conformance of the Township of Washington, 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  
Petition for Plan Conformance – Final Draft Consistency Review and Recommendations Report**

**APPENDIX A**

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

**Final Certified Housing Element & Fair Share Plan**

**Township of Washington, Morris County**

**Date of Certification: January 10, 2007**

**Review Form Follows**

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

**MODULE 3 REVIEW FORM December 8, 2009 Submission**

<b>MUNICIPAL INFORMATION</b>			
<b>Municipal Code:</b> 1438		<b>Date:</b> 02/11/10	
<b>Municipality:</b> Washington Twp, Morris County			
<b>REVIEW CHECKLIST</b>			
	<b>Yes</b>	<b>No</b>	<b>N/A</b>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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)			
3. Housing Transfer (RAHDP) Letter of Interest (Optional)			
a. Sending	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Receiving	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>HIGHLANDS COUNCIL STAFF REVIEW</b>			
<b>Follow up Required?</b>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Comments:</b> Plan previously certified by COAH. Development approvals already in place for site listed in Fair Share Plan.			
<b>Reviewer Name:</b> James Humphries			
<b>Initial:</b> pjh		<b>Date:</b> 02/11/10	

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

**APPENDIX B**

**HIGHLANDS COUNCIL REVIEW**

**REQUESTS FOR RMP UPDATES**

**Township of Washington, Morris County**

**Summary of Municipal Requests and Highlands Council Staff Findings**

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

**Summary of Municipal Requests and Highland Council Staff Findings**

The Township of Washington submitted 11 requests for Regional Master Plan Updates with the December 2009 petition materials. Highlands Council Staff reviewed these requests and provided a formal response to the requests on March 15, 2010. Further reviews have resulted in the proposed Historic Long Valley Highlands Center (See Appendix C) and RMP Updates (see Request #4 & #11). The 11 requests and Highlands Council findings have been summarized below.

- 1. *Municipal Request:*** *Black Oak Golf Course property - Change from Protection Zone to Existing Community Zone.*

**Highlands Council Finding:** This facility is under construction. RMP Updates are based on existing Land Use / Land Cover conditions, and even where an RMP Update is approved, do not necessarily result in change in Land Use Capability Map (LUCM) Zones, which reflect regional patterns of development and Highlands resources rather than conditions on a specific site. The golf course it is not eligible for an RMP Update until completion of construction, and at that time the RMP Update will affect Land Use / Land Cover and potentially resource features such a Total Forest, Critical Habitat, etc., but these RMP Updates will not necessarily cause a change in the LUCZ. It should also be noted that this Preservation Area property is served by septic systems, including a septic system for the Golf Course clubhouse, under an agreement between NJDEP and the owner. Regardless of LUCM Zone affecting the property, any modification allowing sewerage connections on this property are subject to confirmation from NJDEP and approval of an HPAA, as the project is within the Preservation Area.

- 2. *Municipal Request:*** *ORI Zone. Change overlay zone designation for all Planning Area lands lying west of Schooley's Mountain Road and north of Newburgh Road in Tax Block 19 (including Heath 2) from Conservation Zone to Existing Community Zone.*
- 5. *Municipal Request:*** *C-2 Parcels in US 46 corridor. Change all lands along Route 46 lying west of East Avenue to the Hackettstown municipal boundary to Existing Community Zone.*
- 6. *Municipal Request:*** *Newburg Road / Esna Road Parcels – Proposed R-1-T Zone – Change this area from Protection Zone to Existing Community Zone.*

**Highlands Council Findings for #2, #5 and #6:** RMP Updates reflect existing conditions and may not always directly result in LUCM Zone Changes. For Requests #5 and #6, the portions of the parcels known to be currently developed are already mapped as Existing Community Zone. To the extent that remaining areas under all three requests are not currently developed, the municipality may propose to make use of other policies of the RMP to propose a change in LUCM Zone, including the Map Adjustment program. However, there are two significant considerations that may make such steps unnecessary for certain parcels or development projects until RMP Updates may be appropriate. First, projects affecting specific parcels may be eligible for a Highlands Exemption. Second, certain Planning Area projects may be excluded from regulation under the Highlands Land Use Ordinance due to prior municipal approval, as is currently the case with the proposed Heath 2 development (Request #2). The Wastewater Management Plan will reflect the existence of such approvals within Future Sewer Service Areas where applicable. Where an RMP Update is not appropriate at this time, but a previously approved project is later constructed and changes the Land Use / Land Cover of the parcel, the municipality may submit an RMP Update at that time to reflect the new land use.



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

3. **Municipal Request:** *Mine Brook Golf Course property. Change overlay zone designation for floodplain portion Block 3, Lot 21 from Existing Community to Protection Zone.*

**Highlands Council Finding:** The municipal information provided on current and existing land conditions is consistent with that of the Highlands Council therefore the request does not constitute an RMP Update. To the extent that environmental features on the property require protection from future development activities, the Highlands Land Use Ordinance to be adopted by the Township will achieve that result.

4. **Municipal Request:** *OR Zoned Lands. Change overlay zone designation on LUCM for all lands lying north of EB US 46 to the municipal boundary (Drakestown Road) from Protection Zone to Existing Community Zone.*

**Highlands Council Finding:** The Highlands Council found the petition and supporting materials provided information sufficient for processing portions of #4 as a Regional Master Plan Update which has been incorporated into the Highlands spatial database. Based on the changes in Land Use / Land Cover, the Land Use Capability Map Zone has been changed from the Protection Zone and Existing Community Environmentally Constrained Sub-Zone to Existing Community Zone. Please refer to Exhibit 1 of the Highlands Land Use Ordinance Exhibits

7. **Municipal Request:** *Cucinella School and West Morris Regional High School Properties – Change to Existing Community Zone.*

**Highlands Council Finding:** Based on the procedures for designation of LUCM Zones, the developed areas proposed here are isolated and do not meet the criteria for Existing Community Zone. It should be noted that both properties are within the Preservation Area, but both facilities are public education facilities subject to Exemption #6 regarding any future improvements to the schools. Therefore, LUCM Zone designation has no legal effect on the schools or their operations under the Highlands Act. Further, West Morris Regional High School is already connected to public sewers.

8. **Municipal Request:** *Long Valley Middle School and Township Community Facilities Property – Change to Existing Community Zone.*

**Highlands Council Finding:** The developed portion of the Long Valley Middle Schools parcel is currently Existing Community Zone. The Township Community Facilities property is a portion of a much larger parcel that has been preserved as farmland. The remaining portion is municipally owned, and was mapped as Conservation Zone-Environmentally Constrained. Both parcels are now proposed to be designated within the Historic Long Valley Highlands Center. The entire Highlands Center will then be included as Future Sewer Service Area in the Washington Township Chapter of the Morris County Wastewater Management Plan, in conformance with the Regional Master Plan. Please refer to further discussion regarding the proposed Historic Long Valley Highlands Center at Appendix C.

9. **Municipal Request:** *Existing Neighborhoods - Change from Protection Zone to Existing Community.*

10. **Municipal Request:** *Beattystown area – Change to Existing Community Zone.*

**Highlands Council Findings for #9 and #10:** In order for the Highlands Council to appropriately review these requests for RMP Updates, more supporting information is required.

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

It should be noted that the Protection and Conservation Zones do include developed areas, including residential neighborhoods that are not sufficient large, dense or served by utilities to qualify as Existing Community Zone. The municipality may make use of other policies of the RMP to propose a change in LUCM Zone, including the Map Adjustment program, though a change in LUCM Zone may not have a significant effect on the policies applicable to existing developed areas, especially in the Preservation Area. Many developed properties may be eligible for a Highlands Exemption.

11. **Municipal Request:** *Combe Fill South Landfill & Cleveland Industrial Chemical – designate these parcels “Highlands Redevelopment Areas”*

**Highlands Council Finding:** Both parcels are within the Preservation Area, and both are potentially eligible for designation as Highlands Redevelopment Areas based on their contaminated status. As required by the Highlands Act, designation by the Highlands Council will require verification by NJDEP of their brownfields status, followed by proposal to the Highlands Council of a Highlands Redevelopment Area boundary that is within or congruent to the brownfields boundary. The Highlands Council will work with the Township to develop the necessary information for such designation, and is providing grant funding in support of this activity.

In addition, the Highlands Council reviewed these parcels for their eligibility regarding RMP Updates. For the Combe Fill South Landfill, the Highlands Council found the petition and supporting materials provided information sufficient for processing this as a Regional Master Plan Update which has been incorporated into the Highlands spatial database. The result is a Land Use Capability Map Zone change from the Existing Community Environmentally Constrained Sub-Zone to Existing Community Zone.

For the Cleveland Industrial Chemical property, the information provided on current and existing land conditions is consistent with that of the Highlands Council. This request does not constitute a Regional Master Plan Update.

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

**APPENDIX C**

**HIGHLANDS COUNCIL REVIEW**

**REQUESTS FOR HIGHLANDS CENTER DESIGNATION**

**Washington Township, Morris County**

## Highlands Council Staff Draft Recommendation Report

### Proposed Highlands Center Designation

#### Washington Township, Morris County

Re:	Application Type:	<i>Proposed Highlands Center Designation</i>
	Name:	<i>Historic Long Valley Highlands Center</i>
	Municipality:	<i>Washington Township</i>
	County:	<i>Morris County</i>
	Highlands Act Area:	<i>Planning Area</i>
	Proposed:	<i>Highlands Center for a portion of the Planning Area</i>

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The Highlands Council conditionally approves a Highlands Center as described below, incorporating a portion of the Planning Area within Washington Township. With Highlands Center Designation (refer to Figure below for details), Washington Township’s revised Highlands Element should: a) set aside specified areas intended to be preserved open space and of other areas within the Highlands Center that are essential to the protection of critical Highlands Environmental Resources; b) provide for areas of infill development and redevelopment that are both consistent with available water supply and wastewater treatment capacities, and designed in accordance with center-based, smart growth development standards; and c) maintain applicability of the Highlands resource protection standards and requirements in the Highlands Land Use Ordinance to the maximum extent that is compatible with center-based development patterns. These modifications will, in large part, supplant the density and intensity of development provisions currently included in Washington Township’s Highlands Element with respect to the Highlands Center itself, and will be highly dependent upon the adoption by NJDEP of an approved Washington Township Chapter of the Morris County Wastewater Management Plan.

The Historic Long Valley Highlands Center area is comprised of developed or partially developed lands and lands for infill development that center on the Long Valley Historic District. The Highlands Center will also incorporate the Washington Township Middle School in Long Valley, and the municipal property located at Block 34 Lot 46.04, which was specifically reserved for municipal use by the Township from the major agricultural preservation of the Scott Farm in Long Valley. Finally, the Highlands Center includes a small area east of Route 517 and south of Route 513, contiguous to the Historic District, which will provide for a new road linking Route 513 north and south of the Long Valley Historic District, through the Highlands Center. The size and development potential of the Historic Long Valley Highlands Center is limited by the presence of Preservation Area, steep slopes, Highlands Open Waters and buffers, and preserved lands surrounding the area, and the large number of historic buildings within the proposed Highlands Center. Much of the development potential is associated with Block 34 Lot 46.04. The remainder of the Highlands Center incorporates a small business core with long-term potential for continued commercial reuse and adaptive reuse within the setting of an Historic District.

Having reviewed all aspects of the municipality’s proposal, the Highlands Council staff concludes that designation of the Historic Long Valley Highlands Center will advance the intents and purposes of both the Highlands Act and the Highlands Regional Master Plan (RMP). Highlands Center Designation would have

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

no negative impact upon the public good nor be detrimental to goals and purposes of the RMP or the local master plan. Designation would confer substantial benefits upon the municipality and the Highlands Region. The Highlands Council staff recommends Highlands Council approval with conditions of this Highlands Center as a component of Plan Conformance for Washington Township.

Rationale for Approval with Conditions of the Historic Long Valley Highlands Center Designation

1. Highlands Center designation directly addresses the goals of the Highlands Act and of the RMP Future Land Use Program, which seek to identify suitable locations within the Planning Area of the Highlands Region in which to permit and encourage appropriate, growth and development that is compatible with the existing community character.
2. The Historic Long Valley Highlands Center addresses the center designation requirements of the State Development and Redevelopment Plan, which are supported by RMP Policy 6F6 and Objective 6C1a. The plans provide for concentrated development within the community core; ensure protection of the surrounding environs; call for infill and redevelopment in appropriate locations that optimize the use of existing infrastructure; protect and enhance environmental and agricultural features within the area; and importantly, focus development outside of the Highlands Preservation Area of the community.
3. The Historic Long Valley Highlands Center addresses the Sustainable Regional Economy component of the RMP by maintaining and expanding the existing job and economic base by promoting appropriate, sustainable, and environmentally compatible economic development in the Highlands Region.
4. Incorporation of a condition for development of a Water Use and Conservation Management Plan (WUCMP) for affected HUC14 subwatersheds provides opportunity for enhanced water resource protections in a key location of the Highlands Region. The purpose of the WUCMP is to avoid creation of a deficit or achieve the reduction or elimination of a deficit in Net Water Availability, as applicable, for any source HUC14 subwatershed through measures for conservation and recharge protection and augmentation.
5. The Historic Long Valley Highlands Center will incorporate the Low Impact Development principles espoused by the RMP Low Impact Development Program.
6. The Historic Long Valley Highlands Center offers opportunity for sustainable economic development and an opportunity to provide needed retail goods and services to the community and surrounding areas, and responding to local shopping, social, and recreational needs at an appropriate scale, within proximate distances.

Conditions of Historic Long Valley Highlands Center Designation

1. The Historic Long Valley Highlands Center ordinance shall: identify environmentally sensitive lands as Highlands Environmental Resources and restrict future disturbance activities; maximize protection of Highlands resources within the context of center-based development; incorporate already-developed areas having potential for infill development and redevelopment; and achieve compact development of the mixed-use area.
2. The Historic Long Valley Highlands Center shall align development plans with available water supply and wastewater treatment capacities in accordance with an NJDEP approved Wastewater

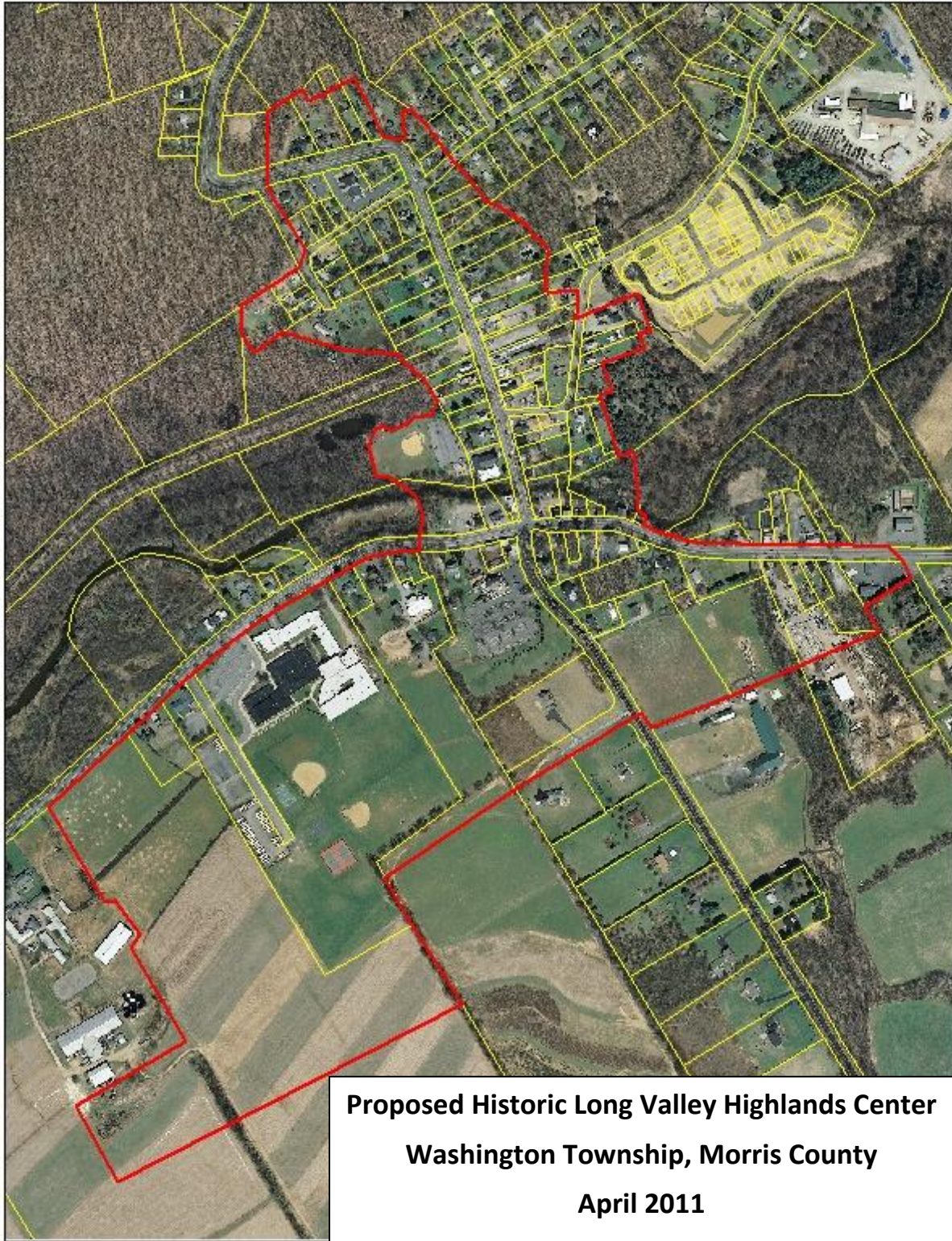
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final Draft Consistency Review and Recommendations Report**

Management Plan, which shall be developed through a coordinated effort of the Highlands Council and the Township.

3. In conjunction with the Township's Farmland Preservation Plan Element and the long-term and highly successful efforts by the Township and Morris County to preserve agricultural lands, Washington Township shall develop a municipal-wide Agricultural Retention Plan through the Plan Conformance program that identifies methods for improving the economic viability of agriculture, using funds provided by the Highlands Council.
4. Washington Township shall develop a Stream Corridor Protection and Restoration Plan through the Plan Conformance program using funds and models provided by the Highlands Council.
5. All Plan Conformance municipalities are required to adopt a Water Use and Conservation Management Plan (WUCMP), however in support of Highlands Center designation the municipality shall expedite the adoption of WUCMP for three HUC14 subwatersheds ((02030105010050 [South Branch Raritan River], 02030105050030 [Lamington River], 02040105150090 [Mine Brook]), and ultimately, for the municipality as a whole, with the Highlands Council serving as project lead.
6. Preparation for Highlands Council approval of Highlands Center ordinance provisions (to be incorporated as a component of the Highlands Area Land Use Ordinance) that include the relevant development and redevelopment conditions required by the RMP Water Resources and Water Utilities Program, and the Future Land Use Program – Low Impact Development, Redevelopment and Housing and Community Facilities components. The ordinance provisions shall incorporate Highlands resource protection requirements as provided within the model Highlands Land Use Ordinance to the maximum extent practicable within the context of center-based development, and shall comply with relevant State laws and regulations.
7. The Historic Long Valley Highlands Center designation and associated ordinance provisions shall incorporate existing developed areas and areas that are appropriate for redevelopment in the Planning Area. Highlands Center designation allows for redevelopment to occur within the Center area without further Highlands Planning Area Redevelopment Designation requirements.
8. Additional Highlands Center conditions may be identified based on Highlands Plan Conformance activities.



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



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

**APPENDIX D**

**EVALUATION OF FAILING SEPTIC SYSTEMS**

**Township of Washington, Morris County**



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

**EVALUATION OF FAILING SEPTIC SYSTEMS**

**Township of Washington, Morris County**

Washington Township referred a number of Preservation Area parcels to the Highlands Council for assessment regarding potential or confirmed septic system failure and whether these properties could be connected to the sewer lines of the Washington Township Municipal Utilities Authority (MUA). This process was initiated following action by the New Jersey Department of Environmental Protection (NJDEP) requiring that the Township work with the Highlands Council on development of a new Wastewater Management Plan (WMP), which will be adopted as a chapter of the Morris County WMP. NJDEP determined that this cooperative approach was necessary and appropriate, as Washington Township has submitted a Notice of Intent and Petition for Plan Conformance for both the Preservation and Planning Areas within the Township, so that the entire township will be within the jurisdiction of the Highlands Regional Master Plan (RMP). Within the Preservation Area, the Highlands Act generally prohibits extension of sewers unless a waiver is approved through a Highlands Preservation Area Approval (HPAA).

Approval of any extensions to address Preservation Area parcels must be in compliance with the Regional Master Plan (RMP) and N.J.A.C. 7:38 (Highlands Rules), and be addressed through an amendment or revision to the wastewater management plan. Washington Township cooperated with the Highlands Council in this process, to ensure that these issues are addressed through a coordinated approach leading to Highlands Council approval of the Township’s Petition for Plan Conformance, and NJDEP approval of the Wastewater Management Plan and, as needed, HPAA with public health and safety waiver. These parcels have been examined for a potential threat to public health and safety based upon documented evidence provided by the Township Health Officer. All involve existing structures, not new development. In addition to the specific parcels, the Highlands Council worked with Washington Township to determine whether the existing failing systems reflected a broader pattern of threats to public health that should be addressed at the same time.

<b>Parcels of Concern</b>	<b>Land Use</b>	<b>WTMUA Facility</b>	<b>Soils and Constraints*</b>	<b>Connect?</b>
266 Bartley Road (Bl. 16 Lot 12)	SF Home	Long Valley	Turbotville loam, part hydric, very limited	Yes (4 SFD)
Sandt Lane (Multiple parcels)	SF Homes in Subdivision	Schooley’s Mountain	Parker gravelly-loam, excessive stone, very limited	Yes (Cluster)
141 Schooley’s Mountain Road (Bl. 33 Lot 2 & 3)	Commercial	Schooley’s Mountain	Annandale gravelly loam, part hydric, very limited	Yes
Palmer Park – Bartley Road (Bl. 18 Lot 28)	Park	Long Valley	Turbotville loam, part hydric, very limited	Yes, w/ conditions
Harrington Park – Rock Road (Bl. 22 Lot 3.03 & 3.27)	Park	Schooley’s Mountain	Annandale gravelly loam, part hydric, very limited	Yes, w/ conditions

\* All soil data come from the SSURGO database, developed by the US Dept. of Agriculture.

A GIS analysis was conducted for each parcel. By evaluating proximity of Existing Area Served (EAS), identifying Highlands resource constraints (as per the RMP), and analyzing utility information about in-the-road sewer lines, a determination regarding the suitability of connecting each parcel of concern to existing sewer mains or laterals has been developed. A very brief history of the parcel and reported problems with existing septic is summarized below. In addition, Washington Township has proposed providing sewer service to a municipal property in the Planning Area, which will be incorporated into the Historic Long Valley

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

Highlands Center discussed in Appendix C. Finally, other properties have been identified where septic system failure may be occurring but has not been verified. Upon verification of failure, an analysis similar to the current evaluation will be conducted to determine whether the WMP should be revised to allow further connections to sewer service within the Preservation Area.

**Evaluation and Recommendations**

**266 Bartley Road (Block 16 Lot 12):** Confirmed malfunctioning septic system in the Preservation Area; homeowner under extreme water conservation measures and routinely pumps the system to avoid overflows. The home was constructed in 1969. This system has been documented as failing for at least 6 years. A sewer connection fee was paid by the homeowner in 2007. The parcel is located in the floodplain of the South Branch of the Raritan River; the soils are hydric. Installation of a new system is constrained by unsuitable soils, hydrology and setting. The Health Officer states that soils are clay to 10 feet. The nearest EAS is across Bartley Road at the West Morris Regional High School, less than 300 feet to the southeast. Three additional homes (260, 262, & 271 Bartley Road) are in close proximity to the High School and lateral and could be considered for connection. The four properties are on approximately 3 acres of land total, equating to one system per 0.75 acres, which is significantly less than the one system per 1.90 acres required to achieve a nitrate target of 10 mg/L, using the Highlands Council nitrate dilution model for clusters of septic systems. The soils and the environmental setting for the other three lots are also constrained in the same manner as for Block 16, Lot 12. A review of other nearby properties did not identify additional homes that should be considered for sewerage.

- **Recommendation:** Approve for four existing homes. A connection to the existing line would be an appropriate solution to the confirmed failure at this property, and should be approved for the other three properties as well given the high density and existing site constraints. The short extension of the sewer line in Bartley Road would require that the WTMUA apply for a Highlands Preservation Area Approval (HPAA) with public health and safety waiver, through the NJDEP. A WMP revision is appropriate pursuant to N.J.A.C. 7:15-3.4(b)ix. The Future Sewer Service Area (SSA) should be limited in size to the developed area of these parcels only.

**Sandt Lane (Multiple Parcels):** One residential property in a neighborhood of 21 similarly-sized parcels of approximately 1 acre each, all in the Preservation Area, is reported but not formally verified to have a malfunctioning septic system. Soils in the area are mapped as Parker gravelly loam; excessively stony. According to the Health Department however, the soils are deep clays, and the Health Officer states that creating mounded septic systems on deep clays does not work, as the systems don't have enough depth for infiltration of the effluent (4 feet of treatment depth plus 4 feet of native soils that infiltrate). Two parcels at the entrance to the Sandt Lane cul de sac are served by sewers and a lateral could be extended to serve the Sandt Lane parcel of concern and the remainder of the neighborhood if a pattern of failures is established. The farthest distance to the EAS is less than 400 feet from any part of the subdivision. The Health Officer conducted a confidential survey of homeowners in the neighborhood to determine existing septic system conditions, and numerous owners reported ongoing problems with their septic systems. At the 10 mg/L nitrate level, the target maximum density would be 1 septic system per 1.6 acres, significantly lower in density than the existing cluster. This is the only situation among the parcels recommended by Washington Township that is associated with significant neighborhood cluster of this nature.

- **Recommendation:** Conditional approval. The cluster could be served without development impacts, as it is completely built out, with a sewer service area delineated tightly around the cluster. This area can qualify for a WMP revision pursuant to N.J.A.C. 7:15-3.4(b)4ix for the failing systems. To the extent there are homes without failing systems in the neighborhood, they would also qualify for a WMP revision under N.J.A.C. 7:15-3.4(b)4v (i.e., maximum of 100 acres and 8,000 gpd, and not

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

creating a significantly new pattern of development), except for the lack of a current WMP affecting the area and their existence in the Preservation Area. The primary condition of approval is formal verification by the Washington Township Health Department of the failing septic system (for the target parcel) and of a broader pattern of failing septic systems such that inclusion of the full Sandt Lane area is justified, for existing homes only. The Future SSA should be limited in size to the developed area of these parcels only.

**141 Schooley’s Mountain Road (Block 33 Lot 2 & 3):** A commercial restaurant property in the Preservation Area that is a pre-existing, non-conforming use. Two buildings are both on the same parcel facing a parking area. The septic system has been confirmed as malfunctioning for many years. It was replaced in 1989 and quickly had problems. The property owner must routinely pump the system to avoid overflows. The soils are quite shallow and hydric and a small mapped stream runs through the rear of the property. The parcel would connect with the EAS present across Schooley’s Mountain Road, approximately 150 feet away, at the Washington Township Police Department. The line would avoid vacant lots.

- **Recommendation:** Approve. Linkage through the Police Department lot would be an appropriate solution to address the current failure, pursuant to N.J.A.C. 7:15-3.4(b)ix. The parcels would then be restricted from further development by Preservation Area rules and the Township. The Future SSA should be limited in size to the developed area of these parcels only.

Municipal Facilities

**Palmer Park (Bartley Road, Block 18 Lot 28):** Municipally owned baseball complex in the Preservation Area currently served by portable comfort stations. The majority of the parcel is underlain by hydric and shallow soils, specifically Turbotville loam, described as very limited for septic field disposal. The closest sewer line to the parcel is in Bartley Road at the entrance to the park. Connection of this park to the sewer service is appropriate pursuant to N.J.A.C. 7:15-3.4(b)v. However, special consideration should be made regarding the location of the comfort station in order to limit the length of any future lateral.

- **Recommendation:** Approval of sewer extension to serve a single, small area within the park, as shown in the figure below. A simple lateral that would be solely for the purposes of connecting this parcel of concern would be an appropriate WMP revision pursuant to N.J.A.C. 7:15-3.4(b)v, except for the lack of a current WMP affecting the area. It would be critical to ensure no further extensions, by limiting the use of the lateral.

**Harrington Park (Rock Road, Block 22 Lots 3.03 & 3.27):** Municipally owned recreational fields in the Preservation Area currently served by portable comfort stations. The parcels are fully underlain by hydric, shallow soils. The parcels are surrounded on three sides by sewer EAS. Connection of this park to the sewer service is appropriate pursuant to N.J.A.C. 7:15-3.4(b)v. However, special consideration should be made regarding the location of the comfort station in order to limit the length of any future lateral.

- **Recommendation:** Approval of sewer extension to serve a single area within the park, as shown in the figure below. A simple lateral that would be solely for the purposes of connecting this parcel of concern would be an appropriate WMP revision pursuant to N.J.A.C. 7:15-3.4(b)v, except for the lack of a current WMP affecting the area. It would be critical to ensure no further extensions, by limiting the use of the lateral.

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



**Palmer Park Proposed Future Sewer Service Area**  
 Book 18, Lots 28 and 29  
 Washington Township  
 Morris County, New Jersey

March 2011

DNB Source: ADEP  
 Morris County, Berwick Associates, Inc.

**B.A.M.I.C.H.**  
 CONSULTANTS  
 Planning & Design

Legend:  
 [Yellow Box] Proposed Future Sewer Service Area  
 [Red Dashed Line] Adjusted Palmer Park Lot Line  
 [Black Dashed Line] Palmer Park Parcels  
 [Black Line] Road  
 [White Box] Parcel

Scale: 0 25 50 Feet



**Harrington Park Proposed Future Sewer Service Area**  
 Book 22 Lot 3.03  
 Washington Township  
 Morris County, New Jersey

March 2011

DNB Source: ADEP  
 Morris County, Berwick Associates, Inc.

**B.A.M.I.C.H.**  
 CONSULTANTS  
 Planning & Design

Legend:  
 [Red Dashed Line] Harrington Park  
 [Yellow Box] Proposed Future Sewer Service Area  
 [Black Line] Road  
 [White Box] Parcel

Scale: 0 25 50 Feet

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

**APPENDIX E**

**PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES**

**Petition for Plan Conformance**

**Washington Township, Morris County**