

Washington Township Wastewater Management Plan

Prepared by the State of New Jersey Highlands Water Protection and Planning Council in support of Washington Township's approved Petition for Plan Conformance and the Water Quality Management Planning Rules, N.J.A.C. 7:15

**January 27,
2012**

WASHINGTON TOWNSHIP, MORRIS COUNTY WASTEWATER MANAGEMENT PLAN

Introduction and Methods

Of the 88 municipalities in the Highlands Region, 77 have submitted to the Highlands Water Protection and Planning Council (Highlands Council) a Notice of Intent to conform to the Highlands Regional Master Plan (RMP, effective date September 8, 2008) regarding the Preservation Area, Planning Area or (where applicable) both within their municipalities. The New Jersey Department of Environmental Protection (NJDEP) is responsible for ensuring that all areas of New Jersey are addressed by Wastewater Management Plans (WMPs) that comply with the provisions of the Water Quality Management Planning Rules at N.J.A.C. 7:15-5. Within the Highlands Region, this process will be achieved through a coordinated process with the Highlands Council as provided in N.J.A.C. 7:15-3.10 and N.J.A.C. 7:38-1.1. One of the conditions for each municipality that fully conforms to the RMP (“Plan Conformance” for the entire municipality) is the development of a municipal WMP in conformance with the RMP and N.J.A.C. 7:15. The purpose of the WMP is to ensure that future sewer service areas and septic areas for planning flows of 2,000 gallons per day (gpd) or less (individual subsurface sewage disposal systems – (ISSDS) are consistent with the Land Use Capability Zone Map designations and policies of the Highlands RMP. The WMP is therefore a direct result of the Plan Conformance process, intended to be adopted as a stand-alone document. Municipalities that do not pursue Plan Conformance for the Planning Area will address their wastewater planning responsibilities in cooperation with their counties or directly with NJDEP, which in turn will request a consistency determination from the Highlands Council.

On May 19, 2011, the Highlands Council adopted Resolution #2011-14 (attached as Attachment 1, including the Final Consistency Review and Recommendations Report) which approved Washington Township’s Petition for Plan Conformance, subject to conditions as set forth in the Final Consistency Review and Recommendation Report for Washington Township. Plan Conformance applies to the entirety of Washington Township – both the Highlands Planning and Preservation Areas. A condition of the approved Petition for Plan Conformance, as detailed in the Final Consistency Review and Recommendation Report, is the requirement that Washington Township adopt a WMP working with the Highlands Council under Plan Conformance. As such, this Washington Township WMP is developed under Plan Conformance for the entire Township (see Figures Washington Township-1 through Washington Township-3). The Highlands Council worked cooperatively with Washington Township throughout the Plan Conformance process to conduct an extensive analysis of the complete land area of the municipality, using a geodatabase that documents for each parcel the status of development, water supply and wastewater utility service, build-out potential, etc. Using the Washington Township Highlands Municipal Build-Out Report, the Final Consistency Review and Recommendation Report and additional data compiled for Washington Township, the Highlands Council has identified and mapped the following areas:

- 1. Existing Areas Served** – As defined by the RMP, these are developed lands for which sewer service exists and is connected and operational. Sewer service is defined as the service area for any NJPDES-permitted domestic treatment works, including but not limited to Highlands Domestic Sewerage Facilities as defined by the RMP. Specifically, Existing Area Served “means areas connected to ... an existing public wastewater collection system ... where such infrastructure is already constructed. It does not include areas of designated sewer service areas ... where collection, transmission, or distribution systems do not currently exist.” These areas are generally but not exclusively located within the Existing Community Zone defined by the RMP, and may be within the Preservation Area or the Planning Area.

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2. **Existing Sewer Service Area** – These areas include, in any RMP Land Use Capability Zone, as applicable for the municipality:
- a. the Existing Areas Served including for all NJPDES-permitted wastewater treatment facilities including domestic or industrial, and whether discharging to surface or ground water, including T1 sites (NJPDES general permit for sanitary wastewater discharges to ground water), and
 - b. any other lands previously approved by the NJDEP as sewer service areas for which a currently valid municipal development approval and valid NJDEP treatment works approval have been received and are currently in effect, where such information was documented by the municipality or the NJDEP and provided to the Highlands Council, including through the geodatabase for the Highlands Municipal Build-Out Report. Specifically included is the following projects:
 - i. Planning Area – Block 19, Lots 5, 6 and 7: A development project (“Greenbriar Riverview”) has been locally approved and received NJDEP treatment works approvals (TWP #06-0636), within the previously-approved Future SSA of the Hackettstown Municipal Utilities Authority (HMUA), on Route 517 (Schooley’s Mountain Road) near Newburgh Road across from Heath Village. The project involves 360 age-restricted condominiums and a clubhouse, with a design flow of 126,300 gpd, according to the treatment works approval. This project does have Highlands resource constraints but has obtained all local and NJDEP approvals and thus is not regulated by the Washington Township Highlands Land Use Ordinance for such time as prior approvals remain valid. Therefore, the property is included within the Existing SSA for this WMP.
 - ii. Planning Area – Block 8 Lot 6: This parcel has been subdivided into two additional parcels with Lots designated as 6.02 (formally Lot 6), 6.03, and 6.04. This subdivision has previous approvals but not built.

NOTE: For any Existing Area Served parcel that is greater than 1 acre in total size and located in the Conservation Zone, Protection Zone or Existing Community Zone Environmentally-Constrained Sub-Zone, the map shows as Existing Sewer Service Area (SSA) only the developed portion of the parcel. Undeveloped portions of such parcels are not shown as Existing SSA. Within the Existing Community Zone and Lake Community Sub-Zone only, the undeveloped portions of such Existing Area Served parcels are included as Existing SSA regardless of size. For any Existing Area Served parcel that is less than or equal to 1 acre in total size, the map shows the entire parcel as Existing SSA regardless of development status and Land Use Capability Zone. Such parcels are considered fully developed.

3. **General Service Area for Wastewater Facilities with Planning Flows of Less Than 2,000 gpd which Discharge to Ground Water** – Included in Figure Washington Township-1 are areas served by septic systems (ISSDS) and other wastewater systems with planning flows of less than 2,000 gpd. This term incorporates such areas in WMPs adopted under previous versions of N.J.A.C. 7:15.

4. **Future Sewer Service Area**

- a. Planning Area: These areas include all lands in the Existing SSA, plus all lands in the Highlands Planning Area identified by the RMP as being both within the Existing Community Zone (not including the Environmentally-Constrained Sub-Zone) and Lake Community Sub-Zone, and also are located within areas identified by the municipality for sewer service and approved by the Highlands Council as part of the municipality’s Petition for Plan Conformance. Under this WMP, permits will not be granted by NJDEP for extension of sewer service into any other lands of the Planning Area unless:
 - i. The extension is consistent with municipal plans and ordinances approved by the Highlands Council pursuant to the municipal Petition for Plan Conformance; or
 - ii. A consistency determination has been approved by the Highlands Council, pursuant to N.J.A.C. 7:38-1.1(k) and 7:15-3.10(a); and for either (a) or (b).

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- iii. An amendment or revision to this WMP has been approved by NJDEP pursuant to N.J.A.C. 7:15.

The NJDEP and Highlands Council will coordinate regarding potential provision of sewer service to any areas facing imminent public health and safety threats due to failing septic systems within the Planning Area, which may be addressed as a revision to this WMP if found eligible.

- b. Planning Area – Historic Long Valley Center: The approved Petition for Plan Conformance for Washington Township incorporated approval of a Highlands Center Designation for the Historic Long Valley Highlands Center. This Highlands Center is within a previously approved NJDEP sewer service area associated with the Washington Center (expired May 19, 2010), as designated by the State Planning Commission pursuant to the standards and criteria of the State Development and Redevelopment Plan. Therefore, the Historic Long Valley Highlands Center is part of the Future SSA, to the extent depicted in this WMP on Figure Washington HC-1 and incorporated in Figure Washington Township-2. Most of this Highlands Center is developed, including a public school, commercial businesses and homes within the Long Valley Historic District. A portion is currently undeveloped, and was reserved for municipal use during preservation of the “Scott Farm.” This area was previously approved by NJDEP as part of the Future Sewer Service Area. With approval of the Historic Long Valley Highlands Center, continuation of the Future Sewer Service Area mapping for this area is consistent with the RMP.
- c. Planning Area – Valley View Chapel: The approved Petition for Plan Conformance for Washington Township also incorporated approval of sewer service to the Valley View Chapel (115 East Mill Road, Block 36 Lots 43 and 43.01), which shall be limited to the footprint of the locally approved development at the flow of 4,300 gpd (as previously approved by NJDEP for an on-site wastewater disposal facility), within the developed portion of the property only.
- d. Preservation Area: The Highlands Act limits future sewer service in the Highlands Preservation Area to those developments for which an exemption from the Highlands Act has been determined and remains valid, or where a Highlands Preservation Area Approval (HPAA) with waiver has been granted by the NJDEP. For all other areas of the Preservation Area, Future SSA were rescinded by the Highlands Act (Section 42, N.J.S.A. 58:11A-7.1). However, the NJDEP entered into a settlement agreement with the Black Oak Golf Course certifying an exemption from the Highlands Act for construction of a clubhouse with a flow of 2,000 gallons per day or less. On June 23, 2011, the NJDEP notified the Black Oak Golf Course that “a sewer connection is not prohibited under the terms of the settlement agreement. More specifically, a sewer line is described on Sheet 8 of the plans referenced in settlement agreement [sic].” Therefore, in response to requests by Washington Township, the clubhouse of the Black Oak Golf Course is shown within the Future SSA of the Long Valley Village STP.
- e. Failing Septic Systems in the Preservation Area: The Washington Township Health Officer has identified failing septic systems in the Preservation Area. The Highlands Council has determined that certain parcels should be connected to sewer service due to an imminent threat to public health and safety that cannot be rectified through replacement septic systems due to site constraints. (See the Final Consistency Review and Recommendations Report, Appendix D, in Attachment 1.) In each case, sewer service shall be provided in a manner that minimizes sewer line extensions and the secondary potential for new sewer development. Additional parcels have been identified as potential areas of concern, but have not been included in the Future SSA at this time. Future revisions to the WMP may be processed upon specific findings that failing septic systems meet the requirements of the RMP and NJDEP regulations for connection to sewer service.
 - i. Municipal facilities: Palmer Park on Bartley Road (Block 18 Lot 28), and Harrington Park on Rock Road (Block 22 Lot 3.03 & 3.27). The Future SSA shall be limited to the comfort stations area of the parks.

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ii. Residential properties:

- 266 Bartley Road (Block 16 Lot 12) and three homes directly to the west of the West Morris Regional High School between the current sewer line and 266 Bartley Road; and
- The cluster of development surrounding Sandt Lane. The Highlands Council conditioned inclusion of this area upon formal verification by the Washington Township Health Office of a pattern of failing septic systems. Attachment 2 is the Highlands Council evaluation of the resulting information. The Highlands Council concludes that the Sandt Lane area, including the adjacent homes on East Springtown Road, evidences a pattern of failing septic systems on small lots (generally 1 acre or less) with highly constraining soils such that replacement with new septic systems is not a viable option. Therefore, the following parcels are included in the Future Sewer Service Area: Block 23 Lots 13.01, 14 (house area only), 9.01, 9.02 and 9.03; and Block 23.01 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14. Note: Block 23 Lot 13 and Block 23.01 Lot 13 are currently connected to the sewer line along Rock Road.

iii. Commercial property: 141 Schooley's Mountain Road (Block 33 Lots 2 and 3).

5. Septic Area (Planning Flows of 2,000 gallons per day (gpd) or less) – This category applies to all lands not included within the above categories, for which the density of new septic system development will be consistent with applicable septic density/nitrate dilution analyses. At a minimum, areas identified by the Highlands RMP as Protection Zone, Conservation Zone and Existing Community Zone-Environmentally Constrained Sub-Zone, which are outside of the Existing or Future SSA, are designated as “Septic Area (Planning Flows of 2,000 gallons per day (gpd) or less).” Portions of the Existing Community Zone that are not sewered and are not intended to receive sewer service may be designated in the same manner.

- a. Permits or approvals for projects in this area with cumulative wastewater flows of 2,000 gpd or less shall not be permitted by NJDEP unless:
 - i. The project is approved under septic system density provisions of the Highlands Land Use Ordinance (# to be included upon adoption) adopted by Washington Township pursuant to Highlands Council approval of its Petition for Plan Conformance. (NOTE: Approval pursuant to these provisions of the Highlands Land Use Ordinance is deemed in conformance with the septic system density requirements of N.J.A.C. 7:15); or
 - ii. Within the Preservation Area, the development activity is exempt from the Highlands Act or receives a Highlands Preservation Area Approval from NJDEP. Within the Planning Area, the development activity is exempt from the Highlands Act. Such development shall be in conformance with N.J.A.C. 7:15 regarding septic system densities.
- b. Permits or approvals for projects in this area with cumulative wastewater flows in excess of 2,000 gpd shall not be permitted by NJDEP unless:
 - i. The project is approved under septic system density provisions of the Highlands Land Use Ordinance adopted by Washington Township pursuant to Highlands Council approval of its Petition for Plan Conformance. (NOTE: Approval pursuant to these provisions of the Highlands Land Use Ordinance is deemed in conformance with the septic system density requirements of N.J.A.C. 7:15); or
 - ii. The Highlands Council has determined that the discharge is consistent with the RMP and the discharge is approved by NJDEP as a revision or amendment to this Wastewater Management Plan; or

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- iii. Within the Planning Area, the development activity is exempt from the Highlands Act and the discharge is approved by NJDEP as a revision or amendment to this Wastewater Management Plan; or
 - iv. Within the Preservation Area, the development activity is exempt from the Highlands Act or receives a Highlands Preservation Area Approval from NJDEP and the discharge is approved by NJDEP as a revision or amendment to this Wastewater Management Plan. Such development shall be in conformance with N.J.A.C. 7:15 regarding septic system densities.
6. **Consistency Determinations:** Any proposed modification to this Wastewater Management Plan will not be approved without a determination of consistency from the Highlands Council as required by N.J.A.C. 7:38-1.1(k) and 7:15-3.10(a).

Mapping Requirements Pursuant to N.J.A.C. 7:15-5

The relevant mapping requirements of the Water Quality Management Planning Rules at N.J.A.C. 7:15-5 are met through the following mapping for Washington Township, as developed specifically for the Wastewater Management Plan or as incorporated by reference from the Highlands Plan Conformance documents approved by the Highlands Council. Maps of existing and future domestic treatment works and service areas are used by the NJDEP for WQMP consistency reviews regarding proposed Treatment Works Approvals and NJPDES permits. They have been developed specifically for this WMP and are incorporated herein. Maps of environmental and administrative features are used by NJDEP as basis and background information for the identification of future sewer service areas. However, in the case of Washington Township, the Washington Township WMP is based upon approval of Plan Conformance by the Highlands Council, which includes requirements that are as or more stringent than those of N.J.A.C. 7:15. Therefore, the relevant maps are incorporated by reference to the Highlands Council approval of Plan Conformance. These features are included in maps associated with the Highlands Municipal Build-Out Report, Highlands Environmental Resource Inventory (ERI), Highlands Element and Highlands Land Use Ordinance (as specified below) for Washington Township, approved for Plan Conformance by the Highlands Council: http://www.highlands.state.nj.us/njhighlands/planconformance/wash_twp_morris.html. GIS spatial data have also been provided to NJDEP, Morris County and the municipality.

- **Jurisdictional Boundaries** – The affected WMP Area is Morris County, within the Upper Raritan and Upper Delaware Areawide Water Quality Management Plans, as shown on the municipal maps. Washington Township is entirely within the Highlands Region, with the Planning and Preservation Areas and major roads being shown in the WMP Figures Washington Township-1, -2 and -3.
- **Existing domestic treatment works and service areas** – See Figure Washington Township-1
- **Existing industrial treatment works and service areas** – See Figure Washington Township-1
- **Future domestic treatment works and service areas** – See Figure Washington Township-2
- **Future industrial treatment works and service areas** – See Figure Washington Township-2
- **Freshwater wetlands** – Washington Township Highlands ERI
- **Flood prone areas**, including flood hazard areas – Washington Township Highlands ERI
- **Public open space and recreational areas** – Washington Township Highlands ERI
- **Preserved agricultural lands** – Washington Township Highlands ERI
- **Wild and Scenic River** areas designated under the New Jersey Wild and Scenic Rivers Act or the Federal Wild and Scenic Rivers Act – Washington Township Highlands ERI. Applicable to Musconetcong River.
- **Category One Water, trout production waters, and trout maintenance waters** – Washington Township Highlands ERI (NOTE: Under the Regional Master Plan, all Highlands Open Waters in both the Preservation and Planning Areas are associated with 300 foot buffers.)
- **Surface waters and HUC14 boundaries** – Washington Township Highlands ERI

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- **Suitable habitat for endangered and threatened wildlife species** – Washington Township Highlands ERI
- **Natural Heritage Priority Sites** – Washington Township Highlands ERI
- **Riparian Zones** – Washington Township Highlands ERI (NOTE: this map uses the Highlands Council definition, which is more expansive than the NJDEP definition.)
- **Steep slopes** – Washington Township Highlands ERI (NOTE: this map uses the Highlands Council definition and LiDAR data)
- **Current composite or municipal zoning** – Highlands Land Use Ordinance Exhibit 1, “Highlands Zones and Sub-Zones.” (In addition, Highlands Council approval of Plan Conformance and municipal adoption of the Highlands Land Use Ordinance addresses this requirement.)
- **Municipal parcel mapping and Roads** – WMP Figures Washington Township-1, -2 and -3, and also on all Highlands Land Use Ordinance Exhibits
- **Undeveloped and underdeveloped property** – Washington Township Highlands Municipal Build-Out Report
- **Public water supply service area** – See Figure Washington Township-3

Special Provisions Regarding Future Sewer Service Areas

The following are required statements of constraints, jurisdiction and caveats regarding the map of Future Sewer Service Areas (Figure Washington Township-2) used in the Washington Township WMP:

1. **Highlands Restrictions:** New, expanded, or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-constrained Sub-Zones of the Planning Area are prohibited unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding purposes 1, 2 and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas (ARAs), Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding purpose 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes, and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of ARAs, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are:
 - 1) To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity;
 - 2) To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or
 - 3) To serve a cluster development that meets all requirements of Objective 2K3d.
2. **Highlands Open Water Buffers/Riparian Zones:** Pursuant to the Highlands Regional Master Plan, Highlands Open Water buffers extend to 300 feet from top of bank (or centerline of a first order stream where no bank is apparent). This requirement applies to all Highlands Open Waters within the Highlands Region, regardless of stream classification in the Surface Water Quality Standards at N.J.A.C. 7:9B. The Highlands Open Water buffers have not been graphically removed from the sewer service area but are not proposed for sewer service. Such buffers will be regulated through the Highlands Land Use Ordinance adopted by the Township, applicable to both the

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Planning and Preservation Areas. The Highlands Land Use Ordinance is equivalent with or more stringent than the Department's riparian zone standard, the Flood Hazard Control Act Rules (N.J.A.C. 7:13) and Water Quality Management Rules (N.J.A.C. 7:15).

3. **NJDEP Riparian Zones:** For any proposed development that is not subject to the Highlands Land Use Ordinance or Highlands Regional Master Plan (i.e., exempt from the Highlands Act), pursuant to N.J.A.C. 7:15, riparian zones are:
 - a. 300 feet from top of bank (or centerline of a first order stream where no bank is apparent) for waters designated as Category One (C1) and all upstream tributaries within the same HUC 14 subwatershed;
 - b. 150 feet for waters designated Trout Production and all upstream waters;
 - c. 150 feet for water designated Trout Maintenance and all upstream waters within one linear mile as measured along the length of the regulated water;
 - d. 150 feet for any segments of water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the surface water body;
 - e. 150 feet for waters that run through acid-producing soils; and
 - f. 50 feet for all waters not designated as C1, trout waters, critically water dependent Threatened and/or Endangered Species Habitat, or associated with acid soils.

Surface waters that are designated C1 are listed in the Surface Water Quality Standards at N.J.A.C. 7:9B. The Department's "Surface Water Quality Standards" GIS data layer was utilized to determine these waters. Jurisdictional determinations by the Department will be utilized to determine the extent of the sewer service area on individual lots. The riparian zones have not been graphically removed from the sewer service area but are not proposed for sewer service.

4. **Industrial Pretreatment Facilities:** All existing, new, or expanded industrial pretreatment facilities requiring Significant Indirect User (SIU) permits and/or Treatment Works Approvals, and which are located within the specified sewer service area, are deemed to be consistent.
5. **Applicability of Grant Conditions:** Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities) that provide for restriction of sewer service to environmentally sensitive areas are unaffected by adoption of this WMP and compliance is required.
6. **Limitations on Individual Subsurface Sewage Disposal Systems:** Individual subsurface sewage disposal systems (ISSDS) for individual residences may be constructed in depicted sewer service areas (Figure Washington Township-2) only if legally enforceable guarantees are provided, before such construction, that use of such systems will be discontinued when the depicted sewer service becomes available. This applies to ISSDS that require certification from the Department under the Realty Improvement Sewerage and Facilities Act (N.J.S.A. 58:11-23) or individual Treatment Works Approval or New Jersey Pollutant Discharge Elimination System Permits (under N.J.A.C. 7:14A). It also applies to ISSDS which require only local approvals. However, this provision does not apply in the Preservation Area for properties not specifically denoted as Future Sewer Service Area in Figure Washington Township-2. Additional properties may be included in Figure Washington Township-2 through NJDEP approval of revision(s) to this Wastewater Management Plan, where determined to be exempt from the Highlands Act or consistent with (through a Highlands Council consistency determination) the Regional Master Plan. Specifically, revisions may be approved to address public health and safety issues related to failure of ISSDS on properties upon which repair or replacement with compliant systems is not practicable. Further, in both the Preservation Area and the Planning Area, connection of additional properties or expansion of flows from existing connections is subject to municipal approval regarding availability of utility capacity, regarding both remaining available utility capacity (i.e., wastewater flows) and infrastructure capacity (e.g., pump stations, mains).

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Compliance with the connection requirement has been demonstrated through adoption of Washington Township Ordinance [insert ordinance #].

7. **Environmental Features:** Development in areas mapped as wetlands, flood prone areas, suitable habitat for endangered and threatened species as identified on the Department's Landscape Project Maps of Habitat for Endangered, Threatened and Other Priority Wildlife as Rank 3, 4 and 5 (Version 3.0 or more recent), Natural Heritage Priority Sites, riparian zones as defined above, steep slopes (including steep slopes as defined and mapped in the Highlands Land Use Ordinance of Washington Township), or designated river areas may be subject to special regulation under Federal or State statutes or rules, and interested persons should check with the Department for the latest information. Depiction of environmental features shall be for general information purposes only, and shall not be construed to define the legal geographic jurisdiction of such statutes or rules.
8. **Future Treatment Works:** Locations of future pump stations, major interceptors, and trunk sewers are being provided for general information only and will not serve as the basis for any future WQMP consistency determinations or permit reviews unless the pump station, major interceptor or trunk sewer is part of a State or federally funded project.
9. **Water Quality Standards:** Areas located within the watershed of a Freshwater One (FW1) stream, as classified in the Surface Water Quality Standards, and/or that have Class 1-A ground water (Ground Water of Special Ecological Significance), as classified in the Ground Water Quality Standards, are identified as "Non-degradation water area based on the Surface Water Quality Standards at N.J.A.C. 7:9B, or the Ground Water Quality Standards at N.J.A.C. 7:9C." Non-degradation water areas shall be maintained in their natural state (set aside for posterity) and are subject to restrictions including, but not limited to, the following:
 - a. The Department will not approve any pollutant discharge to ground water nor approve any human activity which results in a degradation of natural quality except for the upgrade or continued operation of existing facilities serving existing development.
 - b. For additional information please see the Surface Water Quality Standards at N.J.A.C. 7:9B, and/or the Ground Water Quality Standards at N.J.A.C. 7:9C.

Municipal Build-Out Results

Washington Township is located within both the Preservation Area and Planning Area. The Highlands municipal build-out analysis reported in this document for Washington Township is based upon the Washington Township Highlands Municipal Build-Out Report,¹ available information on developments with prior and valid approvals, and the Highlands Council approval of the Historic Long Valley Highlands Center and other specific sewer service areas. The Highlands Council estimated the following new development results for potential developable lands for the entire municipality, as summarized in **Table 1** below. As specified in the Highlands Municipal Build-Out Report, the results of the municipal build-out analysis are designed to be utilized at a municipal scale and are not appropriate for determining if a particular parcel or development project is consistent with the RMP (for example, the report includes certain results regarding residential or non-residential development that may be altered through a specific development review). Affected public water supply and wastewater facilities are discussed below. As noted in the Washington Township Highlands Municipal Build-Out Report, the municipal results are a result of current conditions and application of RMP requirements. The Report and the analysis below provide a critical planning tool but cannot be used as a definitive prediction of the future or as a basis for parcel-based development potential.

¹ See [www.highlands.state.nj.us/njhighlands/morris_county/washington_township/2_Washington_\(Morris\)_Buildout_Report.pdf](http://www.highlands.state.nj.us/njhighlands/morris_county/washington_township/2_Washington_(Morris)_Buildout_Report.pdf)

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1. **Development in Sewer Service Areas:** All new developments proposed to be served by public wastewater systems are within the Planning Area portion of Washington Township. No new wastewater demand for domestic treatment works is projected in the Preservation Area.

- a. Total Projected Development: As summarized in **Table 1**, zero (0) residential dwelling units and 252,339 square feet of non-residential development, resulting in a wastewater demand of 25,076 gallons per day (gpd), or 0.025076 million gallons per day (MGD), and estimated public water supply demands of 25,981 gpd, or 0.025981 MGD. However, it should be noted that these values do not include the potential water supply demand and wastewater generation associated with inclusionary residential projects that may be or are approved by the Township, as the build-out model used for the Highlands Municipal Build-Out Reports are based upon local zoning in place, rather than development plans that may have taken place through court settlements or other processes, such as the “Greenbriar Riverview” project discussed below.

	Preservation Area	Planning Area	Totals
Residential units – Sewered	0	0	0
Septic System Yield	63	38	101
Total Residential Units	63	38	101
Non-Residential – Sewered	0	252,339 sq ft	252,339 sq ft

- b. Historic Long Valley Highlands Center: Most parcels in the Highlands Center are fully developed and are part of the Existing SSA for the Long Valley Village Wastewater Treatment Plant. One parcel proposed for municipal use is not currently served but will be included within the Future SSA and is proposed to be connected to the Long Valley Village Wastewater Treatment Plant. The anticipated flow from this project has not been determined, but the flow based on existing zoning would be approximately 7 residential units generating 2100 gpd. However, the current R-5 zoning will not be applicable to the municipal project, which may generate more or less wastewater flow depending on the selected use. The Long Valley Village WTP has sufficient capacity to address any reasonable flows from this area, as discussed below.
- c. Valley View Chapel (115 East Mill Road, Block 36 Lots 43 and 43.01): Limited to 4,300 gpd as previously approved by NJDEP for an on-site wastewater treatment system with discharge to ground water. Based upon Highlands Council approval of the Township’s Petition for Plan Conformance, incorporation of the developed portion of the parcel within the Future SSA for the Long Valley Village WTP is consistent with the RMP (See Attachment 2).
- d. Block 19, Lots 5, 6 and 7: As noted on page 4, a development project (“Greenbriar Riverview”) has been locally approved and received NJDEP treatment works approvals (TWP #06-0636), within the previously-approved Future SSA of the Hackettstown Municipal Utilities Authority (HMUA), on Route 517 (Schooley’s Mountain Road) near Newburgh Road across from Heath Village. The project involves 360 age-restricted condominiums and a clubhouse, with a design flow of 126,300 gpd, according to the treatment works approval. This project does have Highlands resource constraints but has obtained all local and NJDEP approvals and thus will not be regulated by the Washington Township Highlands Land Use Ordinance for such time as prior approvals remain valid.
- e. Preservation Area Public Health and Safety Waivers: As noted on pages 4 and 5, several properties are included for sewer service that pose imminent threats to public health and safety due to failing septic systems or the absence of wastewater service to major public parks. These properties are:

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- a. Palmer Park on Bartley Road (Block 18 Lot 28), and Harrington Park on Rock Road (Block 22 Lot 3.03 & 3.27). The Future SSA shall be limited to the comfort stations area of the parks. Wastewater flow has not been estimated, but will be seasonal in nature and primarily on evenings and weekends.
 - b. Residential properties:
 - i. Bartley Road Cluster: Block 16 Lots 12, 12.01 and 13, and Block 17, Lot 1. Four existing homes, with a planning flow of 1,000 gallons per day.
 - ii. Sandt Lane Cluster: Block 23 Lots 13.01, 14 (house area only), 9.01, 9.02 and 9.03; and Block 23.01 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14. 18 existing homes, with a planning flow of 5,040 gallons per day.
 - iii. Block 33 Lots 2 and 3. Commercial property with restaurant area and florist. Total planning flow is not available at this time, but is estimated at 2,000 gallons per day based on a 50 seat restaurant and 200 customers per day.
 - f. Black Oak Golf Course: Based on the NJDEP settlement agreement with the Black Oak Golf Course certifying an exemption from the Highlands Act for construction of a clubhouse with a flow of 2,000 gallons per day or less, and NJDEP correspondence of June 23, 2011 clarifying that a sewer connection is not prohibited under the terms of the settlement agreement, the clubhouse of the Black Oak Golf Course is shown within the Future SSA of the Long Valley Village STP. Sewage flows shall be 2,000 gpd or less.
2. **Development Reliant on Septic Systems:** 63 septic systems in the Planning Area for all RMP Land Use Capability Zones and HUC14 subwatersheds, and 38 septic systems in the Preservation Area. (See **Table 10** for details.)

The build-out results based on potential developable lands are not constrained by wastewater supply utility capacity and water supply utility capacity, as discussed in the next sections. The water supply demands from the build-out are constrained by water availability, defined as Net Water Availability per the RMP. Assuming that all water demand for development in Washington Township is derived from wells within the local HUC14 subwatershed, Net Water Availability represents a constraint on build-out potential of 0.005258 MGD. Therefore, impacts on Net Water Availability will be addressed through the development and implementation of Water Use and Conservation Management Plans for any affected subwatersheds.

Available Wastewater Utility Capacity and Municipal Build-Out Results

NJPDES permitted facilities affecting Washington Township are listed in **Table 6**.

Washington Township MUA - Long Valley

A Highlands Domestic Sewerage Facility (HDSF) serving Washington Township is the Long Valley Village Wastewater Treatment, which at this time has an approved and operative total permitted system capacity of 0.244 MGD, as described in NPDES Permit No. NJ0109061. The current available Highlands Region and municipal capacity for the utility is 0.054 MGD, based on flow data of January 2005 through July 2010 (see **Table 2**), using the Highlands Regional Master Plan method which subtracts the maximum 3-month flow (MAX3MO) from the permitted capacity, with the most limiting MAX3MO from 2007. However, more recent data support information from the WTMUA that improvements to the system have reduced both peak flows and the ratio of MAX3MO to annual average flows (i.e., from 1.46 in 2007 to values of 1.16 to 1.23 in 2008 through 2010). Therefore, it is more appropriate to conclude that the current available capacity based on the most limiting recent flow data (2010) is approximately 0.84 MGD. Note: NJDEP calculates available

Wastewater Management Plan: Washington Township

capacity by subtracting the most recent available 12-month average, which is 0.134 MGD for Long Valley Village Wastewater Treatment for the period of January 2010 through December 2010, from the permitted capacity resulting in an available capacity of 0.11 MGD. This method applies to all non-conforming municipalities in the Highlands Region, and to NJDEP determinations regarding whether a facility expansion is required to accommodate existing or necessary future flows. The Highlands Council’s calculations used in the RMP are more conservative, and are used to determine whether extension of sewer service beyond the Existing Sewer Service Area may occur, other than for activities eligible for a waiver from the Regional Master Plan or Highlands Act.

Regardless of the method used, some available capacity is contracted to individual customers or allocated for specific future projects, including several inclusionary connections due to failing septic systems in Washington Township. The total estimated wastewater generation from the Washington Township build-out report for the Long Valley Village Wastewater Treatment facility is 0.003027 MGD for the Planning Area and 0 MGD for the Preservation Area. With inclusion of the Historic Long Valley Highlands Center, Valley View Chapel, Black Oak Golf Course clubhouse, and limited connections for failing septic systems, the totals do not exceed the utility capacity conditions. Therefore, the build out demands associated with the wastewater utility are supported by utility available capacity. **Table 8** provides additional information.

	Permitted Flow	Maximum Three Month (MAX3MO) Average Flow	Remaining Available Capacity (RMP)	Annual Average Flow	Remaining Available Capacity (NJDEP)
2005	0.244	0.120	0.124	0.106	0.138
2006	0.244	0.147	0.097	0.095	0.147
2007	0.244	0.190	0.054	0.130	0.114
2008	0.244	0.133	0.111	0.115	0.129
2009	0.244	0.130	0.114	0.106	0.138
2010	0.244	0.160	0.084	0.134	0.104
NOTE: All flows are in MGD. Any allocations identified in this document are neither NJDEP-determined nor NJDEP-enforced. They are used by the utility and its customers for internal allocation and billing purposes.					

Washington Township MUA - Schooley’s Mountain WTP

Another Highlands Domestic Sewerage Facility (HDSF) serving Washington Township is the Washington Township MUA- Schooley’s Mountain WTP, which at this time has an approved and operative total permitted system capacity of 0.5 MGD, as described in NPDES Permit No. NJ0023493. The current available Highlands Region capacity for the utility is -0.097 MGD (2008 data), based on flow data of January 2005 through July 2010 (see **Table 3**), using the Highlands Regional Master Plan method which subtracts the maximum 3-month flow (MAX3MO) from the permitted capacity. Note: NJDEP calculates available capacity by subtracting the most recent available 12-month average, which is 0.401 MGD for Washington Township MUA- Schooley’s Mountain for the period of January 2010 through December 2010, from the permitted capacity resulting in an available capacity of 0.099 MGD. This method applies to all non-conforming municipalities in the Highlands Region, and to NJDEP determinations regarding whether a facility expansion is required to accommodate existing or necessary future flows. The Highlands Council’s calculations used in the RMP are more conservative, and are used to determine whether extension of sewer service beyond the Existing Sewer Service Area may occur, other than for activities eligible for a waiver from the Regional Master Plan or Highlands Act. As the RMP calculations show a deficit, the Future SSA is limited to the Existing SSA except where necessary to address public health and safety issues, for which the Highlands Council will provide a Consistency Determination. Specifically, the only expansions approved for the sewer service area for the Schooley’s Mountain WTP are for the properties discussed in Attachment 1, as approved by the Highlands Council through its approval of the Township’s Petition for Plan Conformance, as noted in Attachment 2.

Wastewater Management Plan: Washington Township

Regardless of the method used, this Existing SSA is within the Preservation Area, and therefore new flows should only be incurred to address threats to public health and safety, where existing buildings are located adjacent to or within short distances of existing sewer lines. There is no estimated future wastewater generation from the Washington Township build out for the Washington Township MUA- Schooley's Mountain facility. **Table 8** provides additional information on planned flows from Washington Township.

Table 3 – Schooley's Mountain WTP Remaining Available Capacity					
	Permitted Flow	Maximum Three Month (MAX3MO) Average Flow	Remaining Available Capacity (RMP)	Annual Average Flow	Remaining Available Capacity (NJDEP)
2005	0.5	0.580	-0.080	0.446	0.054
2006	0.5	0.560	-0.060	0.449	0.051
2007	0.5	0.497	0.003	0.405	0.095
2008	0.5	0.597	-0.097	0.419	0.081
2009	0.5	0.470	0.03	0.397	0.103
2010	0.5	0.560	-0.060	0.401	0.099
NOTE: All flows are in MGD. Any allocations identified in this document are neither NJDEP-determined nor NJDEP-enforced. They are used by the utility and its customers for internal allocation and billing purposes.					

Hackettstown MUA

The third Highlands Domestic Sewerage Facility (HDSF) serving Washington Township is the Hackettstown MUA, which at this time has an approved and operative total permitted system capacity of 3.39 MGD, as described in NPDES Permit No. NJ0021369. Hackettstown MUA is a utility authority that provides sewer service to Washington Township and other municipalities (primarily Hackettstown). Hackettstown MUA does not have a specific contract with Washington Township to treat a specific flow, but rather serves all customers within its approved Future SSA equitably. The current available Highlands Region capacity for the utility is 0.785 MGD (2010 data) for all municipalities served by the system, based on flow data of January 2005 through July 2010 (see **Table 4**), using the Highlands Regional Master Plan method which subtracts the maximum 3-month flow (MAX3MO) from the permitted capacity, with 2010 being the most limiting year (other than 2006 which is only marginally lower). Note: NJDEP calculates available capacity by subtracting the most recent available 12-month average, which is 2.249 MGD for Hackettstown MUA for the period of January 2010 through December 2010, from the permitted capacity resulting in an available capacity of 1.141 MGD. This method applies to all non-conforming municipalities in the Highlands Region, and to NJDEP determinations regarding whether a facility expansion is required to accommodate existing or necessary future flows, including some municipalities within the Hackettstown MUA service area. The Highlands Council's calculations used in the RMP are more conservative and are used to determine whether extension of sewer service beyond the Existing Sewer Service Area may occur, other than for activities eligible for a waiver from the Regional Master Plan or Highlands Act.

Regardless of the method used, a portion of the available capacity is contracted to individual customers or allocated for specific future projects, including the "Greenbriar Riverview" inclusionary housing projects in Washington Township. All development planned for connection to the Hackettstown MUA sewer service area have commitments of flow from the MUA, and are within current available capacity. The total estimated wastewater generation from the build out for the Hackettstown MUA facility is 0.141967 MGD (including the 0.1263 MGD from Block 19 Lots 5, 6 and 7, "Greenbriar Riverview") for the Planning Area and 0 MGD for the Preservation Area. Estimated flows from Washington Township other than Greenbriar Riverview are 0.015667 MGD, based on the Washington Township Highlands Municipal Build-Out Report, as modified. The combined Washington Township flows of 0.141967 MGD do not exceed the utility capacity conditions. Therefore, the build out associated with the wastewater utility is supported by utility available capacity. **Table 8** provides additional information on planned flows from Hackettstown MUA.

Wastewater Management Plan: Washington Township

	Permitted Flow	Maximum Three Month (MAX3MO) Average Flow	Remaining Available Capacity (RMP)	Annual Average Flow	Remaining Available Capacity (NJDEP)
2005	3.39	2.571	0.819	2.250	1.140
2006	3.39	2.636	0.754	2.347	1.043
2007	3.39	2.461	0.929	2.246	1.144
2008	3.39	2.485	0.905	2.315	1.075
2009	3.39	2.393	0.997	2.234	1.156
2010	3.39	2.605	0.785	2.249	1.141

NOTE: All flows are in MGD. Any allocations identified in this document are neither NJDEP-determined nor NJDEP-enforced. They are used by the utility and its customers for internal allocation and billing purposes.

Other NJPDES Permitted Facilities

There are three NJPDES permitted T1 facilities that serve in Washington Township (see **Table 7**). They include Hacklebarney State Park (NJG0133230), St Luke Parish (NJG0155748), and Sherwood Village (NJG0105902). There is no additional wastewater generation for these facilities from the build-out analysis (see **Table 8**).

Available Public Community Water System Utility Capacity and Municipal Build-Out Results

Public Water Supply utilities serving and proposed to serve Washington Township are listed in **Table 5**. The primary public water supply utility serving Washington Township is the Washington Township MUA (Hagar and Schooley’s Mountain facilities). The 2003 available Highlands Region and municipal capacity for the utility is 11.56 million gallons per month (MGM). The total estimated public water demand from the build out is 0.003784 MGD for the Planning Area and 0 MGD for the Preservation Area (0.001 MGD of consumptive water use) and does not exceed the utility capacity conditions.

The second facility serving Washington Township is the Hackettstown MUA. The 2003 available Highlands Region capacity for the utility is 27.58 million gallons per month (MGM). The current capacity available to Washington Township is approximately 9.02 MGM. The total estimated public water demand from the build out is 0.022197 MGD for the Planning Area and 0 MGD for the Preservation Area (0.006 MGD of consumptive water use) and does not exceed the utility capacity conditions.

See Figure Washington Township-3 for additional details regarding all of the above facilities.

Purveyor (Approval ID)	Water Allocation/ Approved Diversion (MGM)	Water Allocation/ Approved Diversion (MGD)	Projected Water Demand (MGD)	Excess (Deficit) MGD*
Washington Twp MUA-Hagar System (PWSID #1438004)	35	1.167	0.003784	0.0243
Washington Twp MUA-Schooley’s Mountain System (PWSID #1438003)	Included in above	Included in above	Waivers only	0.0
Hackettstown MUA (PWSID #2108001)	123.7	4.123	0.022197	0.9724

* Reflects maximum monthly demands and reported commitments for the complete system; see <http://www.nj.gov/dep/watersupply/pws.htm>.

Wastewater Management Plan: Washington Township

Designation of Wastewater Service Areas within Washington Township

The following maps are provided to show the existing and future sewer service areas for NJPDES-permitted sanitary wastewater treatment facilities, and to show the existing water supply service areas for major public water systems serving the municipality:

1. **Existing Sewer Service Area** – This map (**Figure Washington Township-1**) shows the parcels and portions of parcels within the Existing Sewer Service Area as described in the Introduction, for the facilities discussed under the section Available Wastewater Utility Capacity and Municipal Build-Out Results and listed in **Table 6**.
2. **Future Sewer Service Area** – This map (**Figure Washington Township-2**) shows the parcels and portions of parcels within the future sewer service area as described in the Introduction, for the facilities discussed under the section Available Wastewater Utility Capacity and Municipal Build-Out Results and listed in **Table 6**. Finally, Figure Washington Township-2 indicates all “Septic Area (Planning Flows of 2,000 gallons per day (gpd) or less).” The septic system yields associated with this latter area are listed in **Tables 9 and 10**.
3. **Public Community Water System Utilities** – This map (**Figure Washington Township-3**) shows the parcels and portions of parcels within the existing service area for public community water supply systems as described in the Introduction, for the facilities discussed under the section Available Public Community Water System Utility Capacity and Municipal Build-Out Results.

Municipal Ordinances Required by N.J.A.C. 7:15-5.25

The following ordinances are required by the Water Quality Management Planning Rules. Most of the ordinance requirements are implemented through municipal adoption of the Highlands Land Use Ordinance in compliance with the Plan Conformance approval of the Highlands Council, as noted. Others are adopted independently by the municipality, where noted.

- **Zoning** – See Highlands Land Use Ordinance (**ordinance # inserted upon adoption**). All extensions of sewer service must be in conformance with the Highlands Land Use Ordinance and subject to Plan Conformance approval and requirements of the Highlands Council. The Highlands Land Use Ordinance also regulated septic system density for new development that is subject to the ordinance.
- **Water Conservation** – See Highlands Land Use Ordinance, which is more stringent than the NJDEP model ordinance provisions.
- **Stormwater Management** – Washington Township has adopted the required stormwater management ordinance in compliance with its NJPDES MS4 stormwater permit (Chapter 170 of the General Ordinances of Washington Township, Adopted 12-19-2005 by Ord. No. 46-05). Also, see Highlands Land Use Ordinance, which is more stringent than the NJDEP model ordinance provisions.
- **Riparian Zone** – See Highlands Land Use Ordinance, which is more stringent than the NJDEP model ordinance provisions.
- **Steep Slope** – See Highlands Land Use Ordinance, which is more stringent than the NJDEP model ordinance provisions.
- **Septic System Maintenance** – NJDEP has determined that municipality-wide septic system maintenance ordinances are not required at this time under N.J.A.C. 7:15, but rather that septic system maintenance plans are required. NJDEP has further deferred applicability of this requirement for a mandatory maintenance program, during the current round of WMP development, although the WQMP rules at N.J.A.C. 7:15 continue to require such programs. The RMP also requires a septic system maintenance program, but this provision has not been triggered by inclusion in Plan Conformance approvals for Washington Township, through the relevant Highlands Implementation

Wastewater Management Plan: Washington Township

Plan & Schedule. Compliance with this requirement will be demonstrated through the Wastewater Management Plan, which will incorporate a plan for septic system maintenance.

- **Required Connection of Septic Systems to Sanitary Sewers in Adopted Sewer Service Areas –** Compliance with this requirement has been demonstrated through adoption of Washington Township Ordinance Chapter 155, Adopted 10-18-1993 by Ord. No. 30-93 (Sec. 14A of the Revised General Ordinances). Not addressed by Highlands Land Use Ordinance.

Wastewater Management Plan: Washington Township

Table 6 – NJPDES Permitted Wastewater Facilities in or Serving Washington Township							Discharge Location	
NJPDES Permit #	PI #	Facility Name	Discharge Category Code	Street Address	Post Office	ZIP	Longitude	Latitude
NJ0021369	46415	Hackettstown MUA	A	Esna Dr	Washington Twp	07840	74 48' 04"	40 50' 59"
NJ0023493	47067	Washington Township MUA (Schooley's Mountain WTP)	A	Sylvan Circle	Washington Twp	07853	75 45' 42"	40 47' 42"
NJ0109061	47764	Washington Township MUA (Long Valley Village WTP)	A	46 East Mill Rd	Long Valley	07853	74 46' 31"	40 47' 10"
NJG0105902	47585	Sherwood Village	T1	RT 24 & East Mill Rd	Long Valley	07853		
NJG0133230	49667	Hacklebarney State Park	T1	119 Hacklebarney Rd	Long Valley	07853-9525		
NJG0155748	222779	St. Luke Parish	T1	255 West Mill Rd	Long Valley	07853		

Selected NJPDES Discharge Activity Category Codes

Discharge to Surface Water (DSW)

- A – Domestic Surface Water Discharge

Discharge to Ground Water (DGW)

- T1 – General Permit Sanitary Subsurface Disposal

Table 7. Washington Township NJPDES T1 Facilities								
NJPDES	Facility Name	Project Summary	Block	Lot	Street Address	Street City	X Coord. Number	Y Coord. Number
NJG0105902	Sherwood Village	The facility is a residential mobile home park which is served by an onsite septic system with septic tanks and 15,600 square feet of disposal area. The system authorized for the discharge of sanitary waste only.	29	13	RT 24 & East Mill Rd	Washington Twp	424,419	711,727
NJG0133230	Hacklebarney State Park	The existing facility consists of two 1000 gallon septic tanks, one for each building, and a 1140 square foot disposal field. The system authorized for the discharge of sanitary waste only.	62	7	119 Hacklebarney Rd	Washington Twp	426,844	698,611
NJG0155748	St. Luke Parish	Existing church with 14 classrooms. Design flow is 2,265 gpd. Existing septic designed for 1,350 gpd. Septic is comprised of 2 septic tanks discharging to existing disposal field.	34	38.01	255 West Mill Rd	Washington Twp	407,587	704,513

Wastewater Management Plan: Washington Township

Facility	Facility Type	NJPDES Permit	Permitted Flow (GPD)	2010 Flow (GPD)*	I&I Portion (GPD)**	Projected Washington Township Wastewater Generation by Source	Projected Flow (GPD)
Hackettstown MUA	DSW	NJ0021369	3,390,000	2,605,000 (2,249,000)	67,000	Existing Flows (NJDEP, 2010)	2,249,000
						Township Projected Residential	126,300
						Township Projected Commercial	15,667
						Total Projected	2,390,967
Washington Township MUA (Schooley's Mountain WTP)	DSW	NJ0023493	500,000	560,000 (401,000)	108,000	Existing Flows (NJDEP, 2010)	401,000
						Township Projected Residential	Waiver only
						Township Projected Commercial	Waiver only
						Total Projected	401,000+
Washington Township MUA (Long Valley Village WTP)	DSW	NJ0109061	244,000	160,000 (134,000)	10,000	Existing Flows (NJDEP, 2010)	134,000
						Township Projected Residential	1,000
						Township Projected Commercial	6,300
						Total Projected	141,300

* 2010 Maximum Three Month Flows (Annual Average Flows). Based upon RMP and NJDEP methods.

** Infiltration and Inflow, provided from NJDEP.

HUC14 Subwatershed	Subwatershed Name	Density (Average Recharge) NJAC 7:15	Density (Drought Recharge) RMP	Total Units Allowed (Average Recharge) NJAC 7:15	Total Units Allowed (Drought Recharge) RMP (See Table 8)
02030105010050	Raritan R SB (Long Valley br to 74d44m15s)	N/A	By LUCZ	N/A	2
02030105010060	Raritan R SB(Califon br to Long Valley)	N/A	By LUCZ	N/A	1
02030105050030	Lamington R (Furnace Rd to Hillside Rd)	N/A	By LUCZ	N/A	1
02030105050040	Lamington R (Pottersville gage-FurnaceRd)	N/A	By LUCZ	N/A	39
02030105050070	Lamington R (HallsBrRd-Pottersville gage)	N/A	By LUCZ	N/A	11
02030105050080	Rockaway Ck (above McCrea Mills)	N/A	By LUCZ	N/A	0
02040105150090	Mine Brook (Morris Co)	N/A	By LUCZ	N/A	4
02040105150100	Musconetcong R (Trout Bk to SaxtonFalls)	N/A	By LUCZ	N/A	2
02040105160010	Musconetcong R (Hances Bk thru Trout Bk)	N/A	By LUCZ	N/A	3

Wastewater Management Plan: Washington Township

Table 10. Washington Township RMP Build-Out Septic System Yield Analysis: Planning Area				
HUC14 Subwatershed	Subwatershed Name	CZ Yield	ECZ Yield	PZ Yield
02030105010050	Raritan R SB (Long Valley br to 74d44m15s)	1	1	0
02030105010060	Raritan R SB (Califon br to Long Valley)	0	0	1
02030105050030	Lamington R (Furnace Rd to Hillside Rd)	0	1	0
02030105050040	Lamington R (Pottersville gage-FurnaceRd)	38	1	0
02030105050070	Lamington R (HallsBrRd-Pottersville gage)	11	0	0
02030105050080	Rockaway Ck (above McCrea Mills)	0	0	0
02040105150090	Mine Brook (Morris Co)	0	0	4
02040105150100	Musconetcong R (Trout Bk to SaxtonFalls)	0	0	2
02040105160010	Musconetcong R (Hances Bk thru Trout Bk)	0	0	3
	totals	50	3	10
Preservation Area	38 units (Not disaggregated by HUC14)			

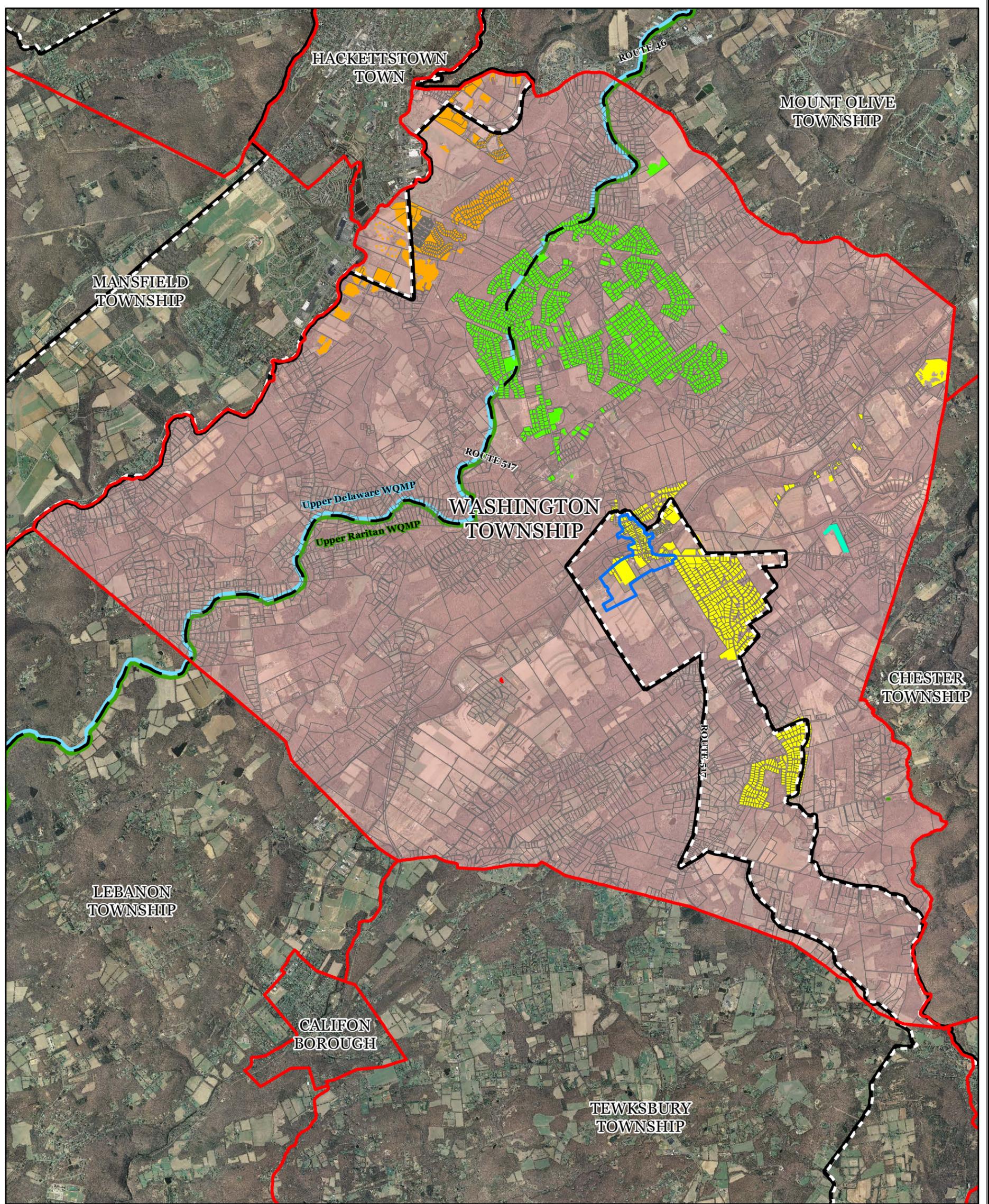
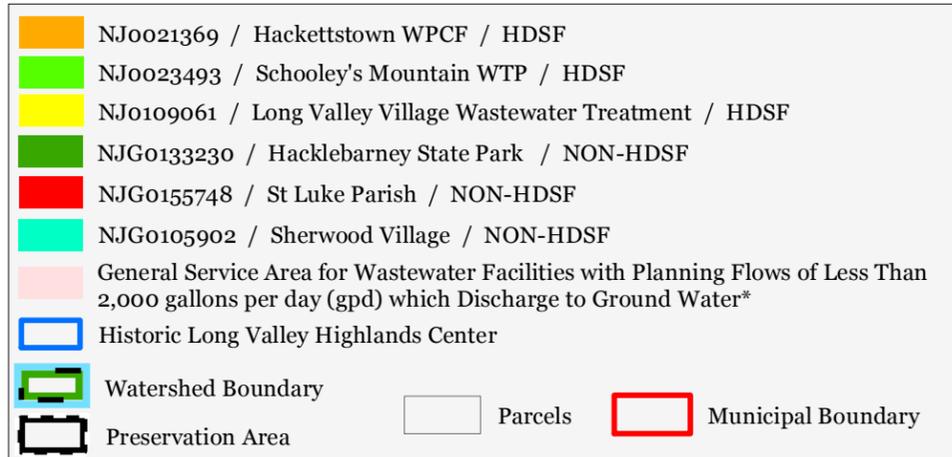
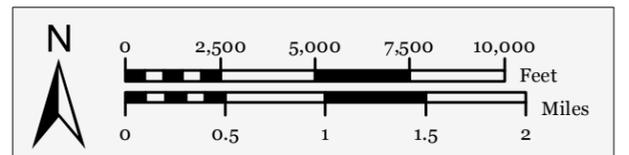
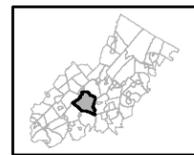


FIGURE WASHINGTON TOWNSHIP - 1
EXISTING SEWER SERVICE AREAS
 Wastewater Management Plan
 Washington Township, Morris County, New Jersey
 December 21, 2011



Locator Map



The information contained on this map is the best available according to the Highlands Council. However, unintentional inaccuracies may occur, particularly where data or information is derived from sources other than the Highlands Council. The Highlands Council cannot be responsible for the misuse or misinterpretation of the information presented herein. Therefore, under no circumstances shall the State of New Jersey or specifically, the Highlands Council be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the State be liable for any other consequences from any such reliance. Additional sources of information may have been used to collect the GIS digital data, but this secondary product has not been verified by those sources.

*Wastewater flows in excess of 2,000 gpd shall not be permitted in this area unless the Highlands Council has determined that the discharge is consistent with the Regional Master Plan and the discharge is approved by NJDEP as a revision or amendment to this Wastewater Management Plan. This designation includes restriction of individual subsurface sewage disposal system development or subdivisions of 6 units or greater, unless approved under septic system density provisions of the Highlands Land Use Ordinance adopted by Washington Township pursuant to Highlands Council approval of its Petition for Plan Conformance.

Note: This figure incorporates by reference the Mapping Requirements pursuant to N.J.A.C. 7:15-5. See page 6 of the Washington Township Chapter of the Morris County Wastewater Management Plan.

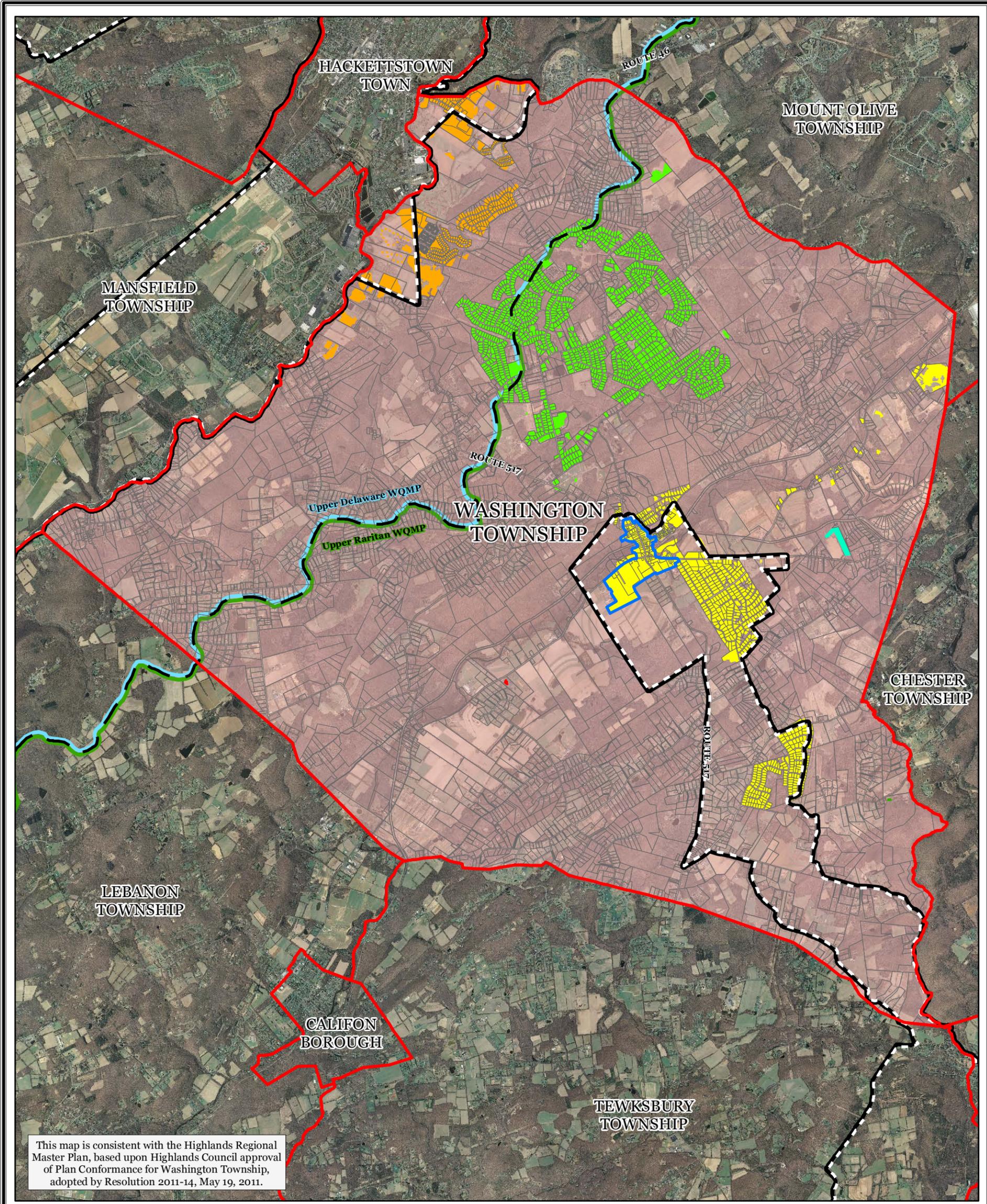
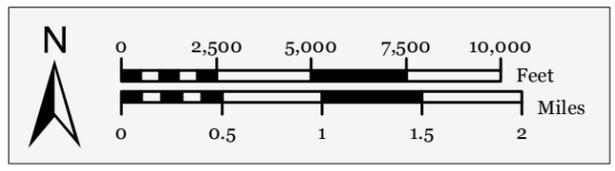


FIGURE WASHINGTON TOWNSHIP - 2
FUTURE SEWER SERVICE AREAS
 Wastewater Management Plan
 Washington Township, Morris County, New Jersey
 December 21, 2011

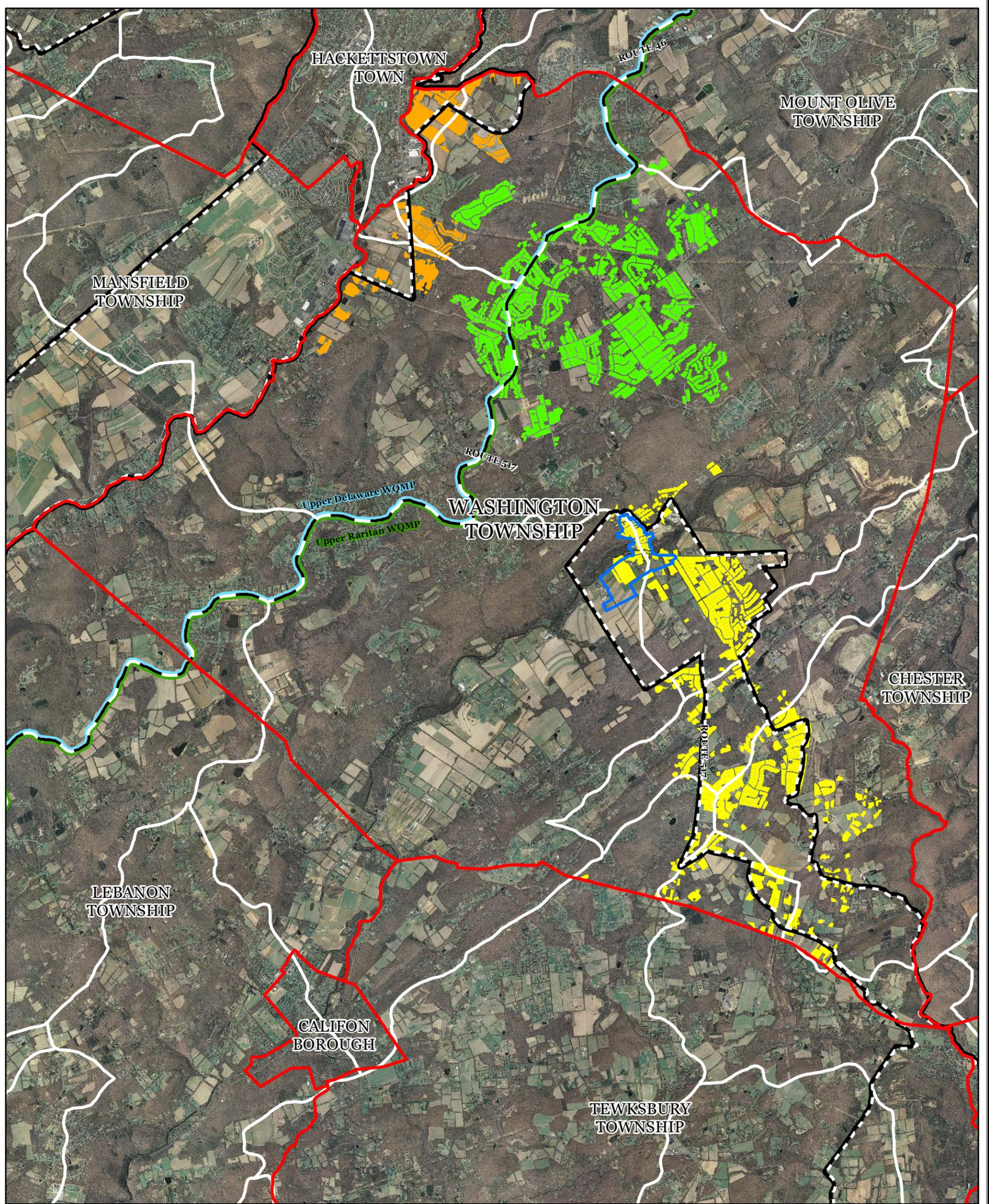
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- NJ0023493 / Schooley's Mountain WTP / HDSF
- NJ0109061 / Long Valley Village Wastewater Treatment / HDSF
- NJG0133230 / Hacklebarney State Park / NON-HDSF
- NJG0155748 / St Luke Parish / NON-HDSF
- NJG0105902 / Sherwood Village / NON-HDSF
- Septic Area (Planning Flows of 2,000 gallons per day (gpd) or less)*
- Historic Long Valley Highlands Center
- Watershed Boundary
- Municipal Boundary
- Preservation Area
- Parcels



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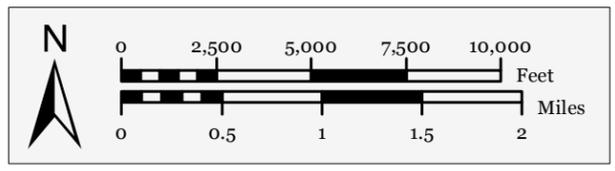
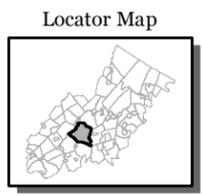
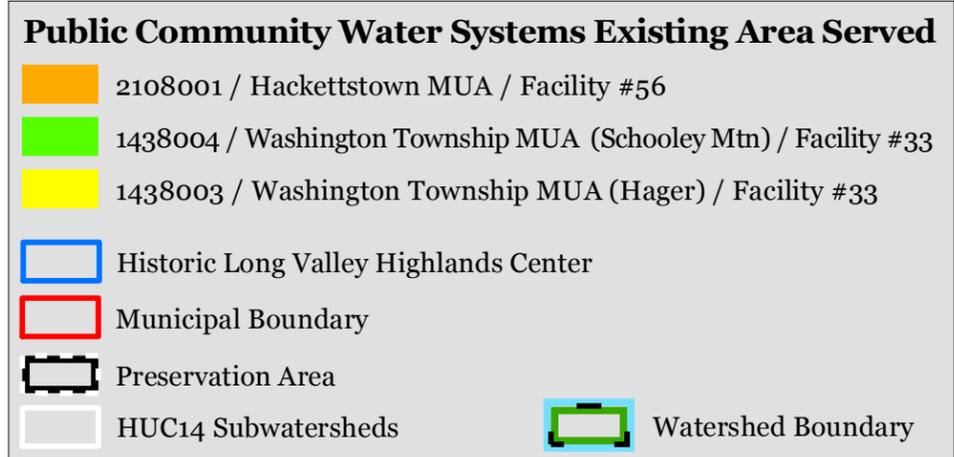
*Wastewater flows in excess of 2,000 gpd shall not be permitted in this area unless the Highlands Council has determined that the discharge is consistent with the Regional Master Plan and the discharge is approved by NJDEP as a revision or amendment to this Wastewater Management Plan. This designation includes restriction of individual subsurface sewage disposal system development or subdivisions of 6 units or greater, unless approved under septic system density provisions of the Highlands Land Use Ordinance adopted by Washington Township pursuant to Highlands Council approval of its Petition for Plan Conformance.

Note: This figure incorporates by reference the Mapping Requirements pursuant to N.J.A.C. 7:15-5. See page 6 of the Washington Township Chapter of the Morris County Wastewater Management Plan.



**FIGURE WASHINGTON TOWNSHIP - 3
PUBLIC COMMUNITY WATER SYSTEMS**

Wastewater Management Plan
Washington Township, Morris County, New Jersey
December 21, 2011

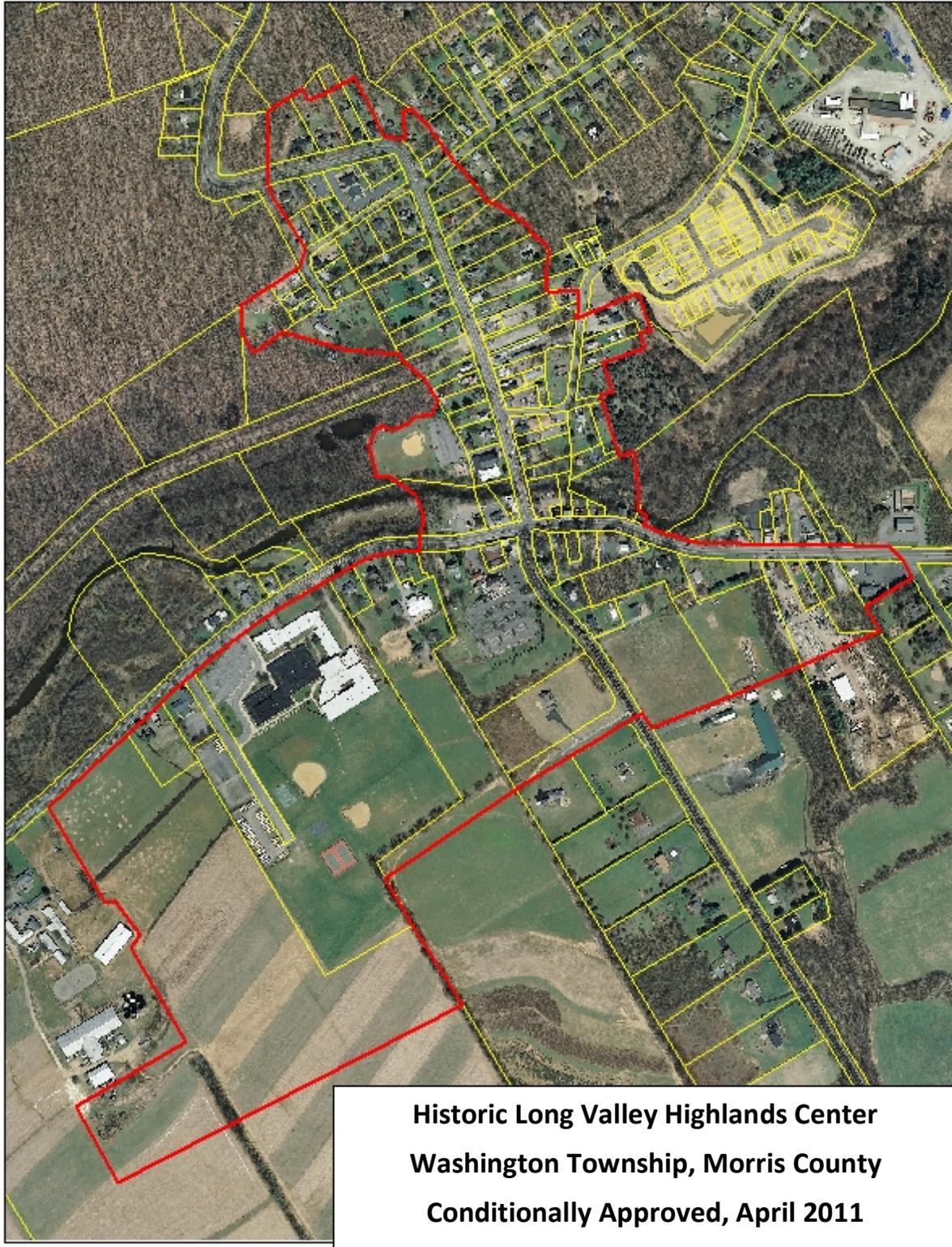


The information contained on this map is the best available according to the Highlands Council. However, unintentional inaccuracies may occur, particularly where data or information is derived from sources other than the Highlands Council. The Highlands Council cannot be responsible for the misuse or misinterpretation of the information presented herein. Therefore, under no circumstances shall the State of New Jersey or specifically, the Highlands Council be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the State be liable for any other consequences from any such reliance. Additional sources of information may have been used to collect the GIS digital data, but this secondary product has not been verified by those sources.

Note: This figure incorporates by reference the Mapping Requirements pursuant to N.J.A.C. 7:15-5. See page 6 of the Washington Township Chapter of the Morris County Wastewater Management Plan.

Wastewater Management Plan: Washington Township

Figure Washington HC-1



Wastewater Management Plan: Washington Township

Attachment 1: Appendix D of Final Consistency Review and Recommendations Report

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

APPENDIX D

**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). 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.

Parcels of Concern	Land Use	WTMUA Facility	Soils and Constraints*	Connect?
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-

Wastewater Management Plan: Washington Township

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 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

Wastewater Management Plan: Washington Township

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.

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

March 2011

DNB Source: NADPH
 Morris County, Barrister Associates, Inc.

B.A.M.I.C.H.
 Environmental Design

Proposed Future Sewer Service Area
 Palmer Park Parcels
 Road

Adjusted Palmer Park Lot Line

Scale: 0 25 50 Feet



Harrington Park Proposed Future Sewer Service Area
 Book 22 Lot 303
 Washington Township
 Morris County, New Jersey

March 2011

DNB Source: NADPH
 Morris County, Barrister Associates, Inc.

B.A.M.I.C.H.
 Environmental Design

Proposed Future Sewer Service Area
 Harrington Park
 Road

Parcel

Scale: 0 25 50 Feet

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Attachment 2: Excerpt from Conditions of Approval, Final Consistency Review and Recommendations Report

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

D. STAFF RECOMMENDATIONS

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

- 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 stand-alone document 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

Wastewater Management Plan: Washington Township

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 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.

Wastewater Management Plan: Washington Township

Attachment 3: Sandt Lane Evaluation

Washington Township Wastewater Management Plan: Inclusion of Sandt Lane Area within Future Sewer Service Area

Executive Summary

The Highlands Water Protection and Planning Council (Highlands Council) approved with conditions the Petition for Plan Conformance of Washington Township, Morris County, on May 19, 2011 (see http://www.highlands.state.nj.us/njhighlands/planconformance/wash_twp_morris.html). As part of that approval, the Highlands Council deemed conditionally acceptable the identification of the Sandt Lane neighborhood in the Preservation Area as Future Sewer Service Area within the to-be-developed Washington Township Wastewater Management Plan due to failing septic systems. Upon approval by the New Jersey Department of Environmental Protection (NJDEP), such identification would allow provision of sewer services. Approval of a waiver from the Regional Master Plan for the Sandt Lane area was conditioned upon confirmation from the Township Health Officer that a pattern of failing septic systems exists.

The Highlands Council has evaluated the information provided by Cristianna Cooke-Gibbs, MPH, Health Officer for Washington Township. The Highlands Council concludes that the Sandt Lane neighborhood, including the immediately adjacent homes on East Springtown Road, evidences a pattern of failing septic systems on small lots (generally 1 acre or less) with highly constrained soils such that replacement with new septic systems is not a viable option. Therefore, the Highlands Council concludes that inclusion of the following parcels in the Future Sewer Service Area for the Schooley's Mountain Sewage Treatment Plant, owned and operated by the Washington Township Municipal Utilities Authority, is consistent with the Regional Master Plan (see Figure 1): Block 23 Lots 13.01, 14 (house area only, not including the rear yard area), 9.01, 9.02 and 9.03; and Block 23.01 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14. Note: Block 23, Lot 13 and Block 23.01, Lot 13 are currently connected to the sewer line that traverses Rock Road. The sewer extension shall be designed to minimize the potential for connections from properties not within the depicted Future Sewer Service Area, particularly those that are not currently developed.

Background on Regional Master Plan Policies and Highlands Council Approvals

Extension of sewer service in the Preservation Area beyond the Existing Area Served may be approved by the Highlands Council under Objective 2I1a of the Regional Master Plan (RMP), which reflects requirements of the Highlands Act and states:

Objective 2I1a: Designated sewer service areas in the Preservation Area shall be restricted to the Existing Area Served as of August 10, 2004, except to serve development that is approved through a HAD or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.

Policy 7G1 further states (emphasis added):

Policy 7G1: For the Preservation Area, coordinate with NJDEP during Highlands permit review for any major Highlands development including the review of waivers on a case-by-case basis: **1) if determined to be necessary in order to protect public health and safety;** 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation.

The Highlands Council will only issue a determination of consistency with the RMP in such cases, which in turn supports NJDEP approval of the Future Sewer Service Area within the Wastewater Management Plan

Wastewater Management Plan: Washington Township

and also NJDEP approval of a Highlands Preservation Area Approval with waiver for public health and safety pursuant to N.J.A.C. 7:38.

The Sandt Lane neighborhood is designated by the RMP as being in the Protection Zone of the Preservation Area. The Highlands Council, in considering sewer extensions under Objective 2I1a, uses Objective 2K3c of the RMP (which applies to the Planning Area) as further guidance regarding a waiver to protect public health and safety (emphasis added):

Objective 2K3c: Prohibit new, expanded, or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2 and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of ARAs, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. ... The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are:

1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; ...

Likewise, while applicable to the Planning Area, Objective 2K3d is useful in providing guidance on the issue of wastewater infrastructure choice regarding clusters, or in this case, areas of existing concentrated development (emphasis added):

Objective 2K3d: Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met:

1. ...

2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity;

3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served; ...

The Final Consistency Review and Recommendations Report, Appendix D, includes the following discussion and conditions for approval regarding sewerage in the Sandt Lane area:

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

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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 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.

Health Officer Evaluation

Highlands Council received detailed information from the Health Officer of Washington Township, Cristianna Cooke-Gibbs, MPH. In summary, Ms. Cooke-Gibbs identified the following issues related to septic system function in the Sandt Lane area:

1. **Currently Connected Parcels:** Block 23 Lot 13 and Block 23.01 Lot 13, both at the intersection of Sandt Lane and Rock Road, were previously connected to the existing sewer line running down Rock Road due to failing septic systems. See Figure 1.
2. **Failing Septic Systems:** Four septic systems have been confirmed by the Health Department as failing. They are Block 23 Lot 9.01, and Block 23.01 Lots 2, 4 and 7. As shown on Figure 1, the first three of these parcels are near the eastern end of the Sandt Lane cul de sac, and the final parcel (Lot 7) is along East Springtown Road directly to the south of Lots 2 and 4. Specific findings are as follows:
 - a. *Block 23 Lot 9.01* – Onsite inspection in 2003 confirmed failing system. Owner has septic tank pumped regularly, in response to Health Department requirement of 2003. Berms constructed to divert surface water from septic field area as temporary expedient. System remains inadequate. Original soil log indicates 80% clay content.
 - b. *Block 23.01 Lot 2* – Onsite inspection in 2011 confirms level of effluent above invert in septic tank, with water level static. Owner states that backups into the house can occur if water use is not highly restricted during high water seasons, and that laundry must be done offsite.

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- c. *Block 23.01 Lot 4* – Onsite inspection in 2011 confirms malfunction, with deep depressions in septic field, spongy area, and water pooled at one end of the field. Owners directed to pump septic tank pending permanent solution.
 - d. *Block 23.01 Lot 7* – Certified septic inspector in 2011 confirmed “unsatisfactory condition” based upon existence of a cesspool with effluent levels above the inlet, indicating capacity has reached maximum and the system no longer functions as designed.
 3. **Parcel Constraints:** The septic systems for four parcels (Block 23 Lots 9.02 and 9.03, Block 23.01 Lots 1 and 14) were previously reconstructed or modified. At that time, soil limitations were noted that raised concerns about the potential for eventual failure of the septic systems. As shown on Figure 1, these parcels are interspersed with those having confirmed failing septic systems.
 - a. *Block 23 Lot 9.02* – Septic system alteration in 2001 required deviation from N.J.A.C. 7:9A. Ground water encountered at 24 inches.
 - b. *Block 23 Lot 9.03* – Septic system alteration in 1988 revealed poor soil, requiring curtain drain to divert high ground water from bed.
 - c. *Block 23.01 Lot 1* – Septic system repair in 1988 on a “best efforts” basis, as soils did not meet requirements for a new system. Clay soils encountered from 16 – 66 inches, with decomposing rock clay below that.
 - d. *Block 23.01 Lot 14* – Septic system alteration in 1989 revealed poor soils, with soil mottling at 27 inches, and soils with significant clay content.
 4. **Domestic Well Contamination:** Eight domestic wells in the Sandt Lane area have been identified as having elevated nitrate levels at concentrations (4 mg/L or higher) that clearly indicate anthropogenic impacts. The surrounding area is not agricultural in nature, indicating that the elevated nitrate concentrations are related to the residential development. Most of the homes in the area are on septic systems. As noted above in the Background section, the Highlands Council staff evaluated parcel constraints and concluded that 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 (21 homes on roughly 21 acres). This estimate correlates well with the elevated nitrate levels. While not above the safe drinking water standard, the concentrations are significantly higher than the state average (approximately 2 mg/L) and the averages for both developed and agricultural areas in the Highlands Region (slightly lower and higher than 2 mg/L, respectively).
 - a. Block 23 Lot 13.01 – Nitrate levels of 4.23 mg/L in 2006
 - b. Block 23 Lot 14 – Nitrate levels of 4.95 mg/L in 2001
 - c. Block 23.01 Lot 1 – Nitrate levels of 6.77 in 1995.
 - d. Block 23.01 Lot 5 – Nitrate levels of 4.2 mg/L in 1989
 - e. Block 23.01 Lot 9 – Nitrate levels of 5.12 mg/L in 2000
 - f. Block 23.01 Lot 3 – Nitrate levels of 5.3 mg/L in 1985, and 4.85 mg/L in 2005
 - g. Block 23.01 Lot 11 – Nitrate levels of 9.24 mg/L in 2005
 - h. Block 24 Lot 7.01 – Nitrate levels of 4.9 mg/L in 2011
 5. **Summary:** The Health Officer states that the cumulate data presented herein support the need for sewers in the Sandt Lane-East Springtown Road area. “Poor soils, average lot sizes of less than one acre, and onsite wells with elevated nitrate levels in an area absent of historical farming activities render this area marginally suitable for the continued reliance on onsite septic systems. Providing the opportunity for residents in this area to connect to sewers when necessary would be a benefit to both the public health and environmental well being of our community.”

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Highlands Council Evaluation

Highlands Council staff evaluated information provided by the Health Officer of Washington Township, summarized above. The evaluation addresses conformance with RMP policies and objectives for extension of sewers in the Preservation Area pursuant to Objective 2I1a and Policy 7G1, using as guidance the general approach of Objectives 2K3c and 2K3d.

1. **Pattern of failing septic systems:** The Health Officer's report clearly indicates that multiple systems are failing and that the systems are not concentrated in one area of the neighborhood. In addition, prior reports on septic system alterations and repairs clearly indicate that the soil conditions causing the current failures are common to the entire neighborhood. The Highlands Council recognizes that septic systems will not all fail simultaneously, and looks for patterns and concentrations. In this case, four of 18 septic systems (22%) are verified as currently failing, and four additional septic systems were identified as having previously experienced problems, with soil conditions noted as constrained, for a total of 44% of the systems with clear evidence of problems. These septic systems are not concentrated in any one portion of the neighborhood. Therefore, the Highlands Council concludes that a pattern of failing septic systems has been proved.
2. **Ability to reasonably address the failing systems through rehabilitation or replacement:** Recent inspections and reports as far back as 1988 indicate that rehabilitation and replacement are not viable options due to the small lot size and poor soil conditions. Further, rehabilitation and replacement would not address the issue of elevated nitrate levels in the domestic wells, given that properly functioning septic systems discharge nitrates at concentrations generally estimated at 35-40 mg/L. Related to this issue, it should be noted that nitrates are both a health threat themselves, when above 10 mg/L, and an indicator for other pollutants that are not generally monitored other than at the sale of residential property. The water quality of one well is nearly 10 mg/L, and a number of wells exceed 4 and even 5 mg/L, indicating that other pollutants are likely present in the wells. Therefore, the Highlands Council concludes that rehabilitation and replacement of failing septic systems will not address the public health issues in this neighborhood.
3. **Highly concentrated septic systems:** Based on use of a mass balance nitrate dilution model, the smallest average lot size to support septic systems at an average nitrate concentration of 10 mg/L (the safe drinking water standard) is 1.6 acres. In this case, average lot sizes for the Sandt Lane area are approximately 1 acre or less. (Conversely, surrounding parcels are generally greater than 2.5 acres.) Therefore, based on RMP requirements for the approval of cluster development, the Highlands Council concludes that the targeted homes constitute an area of highly concentrated septic systems.
4. **Scale of threat:** The pattern of failing septic systems, confirmed soil limitations and elevated nitrate levels in domestic wells clearly indicates that the entire neighborhood is at risk. Therefore, the Highlands Council concludes that the public health threat is significant enough to require action.
5. **Documented existing or imminent threat to Public Health and Safety:** Based on the findings in #1 through #4, the Highlands Council concludes that the Sandt Lane neighborhood faces an existing or imminent threat to public health and safety due to both failing septic systems and elevated pollutant levels in domestic wells. Therefore, a waiver under Policy 7G1 is appropriate.
6. **Feasible alternatives to sufficiently assure long-term protection of public health and safety:** Once a threat to public health and safety has been confirmed, alternatives must be considered to address the threat. Objective 2K3d indicates that at least two options should be considered.
 - a. *Community on-site wastewater treatment system:* A community on-site wastewater treatment system could be constructed to collect effluent from the neighborhood and discharge treated effluent to ground or surface water. The effluent could be liquids only (where the septic tank is retained to process solids but the liquid effluent outlet is connected to a sewer line) or

Wastewater Management Plan: Washington Township

for the complete household waste stream (where the entire septic system is eliminated and the house is connected directly to a sewer line). This alternative is most feasible for new construction, but can be implemented in existing neighborhoods if land is available for the treatment system and disposal site. However, such systems are expensive in general and even more so where the number of homes is small. While no firm threshold is available, in general the minimum number of homes for new construction is considered somewhere between 25 and 40. In this case, 18 homes are targeted for connection to a wastewater system. Therefore, the Highlands Council concludes that a community on-site wastewater treatment system is not a feasible alternative for this case.

- b. *Connection to Schooley's Mountain STP sewer service:* An existing sewer line runs along Rock Road at the western terminus of Sandt Lane, and two homes in the immediate neighborhood are already connected to that line due to failing septic systems. In addition, application of the approach of Objective 2K3d(2) would suggest that community on-site wastewater treatment system should only be implemented where the extension would serve development that is not contiguous to the Existing Area Served. The Sandt Lane neighborhood is directly adjacent to, and in fact partially within, the Existing Area Served for the Schooley's Mountain STP. It should be noted that this facility has limited capacity based on the NJDEP approach for evaluating remaining capacity (permitted flow minus annual average flow) and has no remaining capacity based on the RMP approach (permitted flow minus maximum average flow). In situations where remaining utility capacity using the RMP approach is zero or negative, no further expansion of the Future Sewer Service Area may be deemed consistent with the RMP except where a waiver is appropriate under Policy 7G1. As noted above (#5), the Highlands Council concludes that a waiver is appropriate. Therefore, the Highlands Council concludes that an extension of sewer lines from Rock Road is feasible to serve the Sandt Lane neighborhood.

Highlands Council Finding

In conclusion, based upon the condition within the Highlands Council's approval of the Washington Township Petition for Plan Conformance (as documented in Appendix D of the Final Consistency Review and Recommendations Report), the report of the Health Officer of Washington Township, and the analysis above, the Highlands Council concludes that the following action is consistent with the Regional Master Plan:

Future Sewer Service Area for the Schooley's Mountain Sewage Treatment Plant owned and operated by the Washington Township Municipal Utilities Authority to include the following parcels in the Sandt Lane-East Springfield Road area near Rock Road (see Figure 1): Block 23 Lots 13.01, 14 (house area only, not including the rear yard area), 9.01, 9.02 and 9.03; and Block 23.01 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14. Note: Block 23 Lot 13 and Block 23.01 Lot 13 are currently connected to the sewer line along Rock Road. The sewer extension shall be designed to minimize the potential for connections from properties not within the Future Sewer Service Area, particularly those that are not currently developed.

Attachment 1

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE TOWNSHIP OF WASHINGTON, MORRIS COUNTY

WHEREAS, the New Jersey Highlands Region (Highlands Region) is an area of over 859,358 acres that consists of 88 municipalities in parts of seven counties – Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren; and

WHEREAS, the New Jersey Legislature found that the Highlands Region is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the population of the State of New Jersey, and also contains other exceptional natural resources such as clean air, contiguous forest lands, agricultural lands, wetlands, pristine watersheds, and habitat for fauna and flora, as well as sites of historic significance and recreational opportunities; and

WHEREAS, the Legislature found that the Highlands Region also provides a desirable quality of life and place where people live and work, that it is important to ensure the economic viability of Highlands communities and that residential, commercial, and industrial development, redevelopment, and economic growth in certain appropriate areas of the Highlands are also in the best interests of all the citizens of the State, providing innumerable social, cultural, and economic benefits and opportunities; and

WHEREAS, the Legislature found that the Highlands Region contains agricultural lands in active production and that these lands are important resources of the State that should be preserved, that the agricultural industry in the Region is a vital component of the economy, welfare, and cultural landscape of the Garden State and that maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible; and

WHEREAS, the Legislature found that the pace of development in the Highlands Region has dramatically increased, that the Region, because of its proximity to rapidly expanding suburban areas, is at serious risk of being fragmented and consumed by unplanned development and that the existing land use and environmental regulation system cannot protect the water and natural resources of the Highlands against the environmental impacts of sprawl development; and

WHEREAS, deeming protection of the Highlands Region an issue of State level importance, the Legislature enacted the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), to establish a regional approach to land use planning for the Highlands Region to replace the uncoordinated land use decisions of 88 municipalities, seven counties and a myriad of private landowners; and

WHEREAS, the Highlands Act delineates two areas in the Highlands Region: a Preservation Area, containing approximately 415,000 acres, and a Planning Area, containing approximately 445,000 acres; and

WHEREAS, the Legislature created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council) to advance a new regional approach to land use planning and to prepare a Regional Master Plan to protect and enhance the significant values of the Highlands resources throughout the entire Highlands Region; and

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WHEREAS, the Preservation Area is an area with exceptional natural resource value that should be subject to stringent water and natural resource protection standards, policies, planning and regulation; and

WHEREAS, the Planning Area is the area outside of the Preservation Area that should likewise be part of a comprehensive planning approach that serves to protect the water and other significant resources of the entire Highlands Region while also accommodating appropriate patterns of development, redevelopment and economic growth; and

WHEREAS, the Legislature found that such a new regional approach to land use planning shall be complemented by increased standards more protective of the environment established by the New Jersey Department of Environmental Protection (NJDEP) for development in the Preservation Area of the Highlands; and

WHEREAS, the Legislature found that this comprehensive approach should be guided, in heart, mind, and spirit, by an abiding and generously given commitment to protecting the incomparable water resources and natural beauty of the New Jersey Highlands so as to preserve them intact, in trust, forever for the pleasure, enjoyment, and use of future generations while also providing every conceivable opportunity for appropriate economic growth and development to advance the quality of life of the residents of the Highlands Region and the entire State; and

WHEREAS, Sections 8 and 10 of the Highlands Act mandate that the Highlands Council prepare and adopt the Regional Master Plan with the goal of protecting and enhancing the significant values of the resources in the Highlands Region; and

WHEREAS, Section 10 of the Highlands Act establishes goals for the Regional Master Plan for both the Preservation Area and Planning Area, including to protect, restore, and enhance the quality and quantity of the waters of the Highlands, to preserve environmentally sensitive lands, to preserve lands needed for recreation and conservation, to promote brownfield remediation and redevelopment, to preserve farmland, historic sites and other historic resources, to preserve outdoor recreation opportunities, to promote water resource conservation, and to promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities; and

WHEREAS, the Highlands Act establishes development goals in the Preservation Area, to prohibit or limit, to the maximum extent possible, construction or development which is incompatible with the Preservation Area; and

WHEREAS, the Highlands Act establishes development goals in the Planning Area, to encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local

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and regional growth and economic development in an orderly way while protecting the Highlands environment from individual and cumulative adverse impacts; and

WHEREAS, Sections 11 and 12 of the Highlands Act specifically require that the Regional Master Plan be comprised of (a) a Resource Assessment that seeks to determine the amount and type of human development and activity that can be sustained by the Highlands Region's ecosystem while maintaining the Region's overall ecological values; (b) a Financial Component that details the costs of implementing the Regional Master Plan, and details the sources of revenue for covering those costs; (c) a Local Participation Component that provides for the maximum feasible local government and public input; (d) a Coordination and Consistency Component that details the ways in which local, State, and federal programs and policies may be best coordinated to promote the goals, purposes, policies, and provisions of the Regional Master Plan; (e) a Transportation Component that provides a plan for transportation system preservation; (f) a Smart Growth Component that assesses opportunities for appropriate development, redevelopment, economic growth and a transfer of development rights program, and includes a Land Use Capability Map; (g) a Land Use Capability Map for the Preservation Area and a comprehensive statement of policies for the development and use of land in the Preservation Area; and (h) a statement of policies, including a preservation zone element that identifies zones within the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights and minimum standards governing municipal and county master planning and development regulations; and

WHEREAS, after a careful analysis of the best available scientific and planning data and consultation with State, federal and local agencies pursuant to the Highlands Act, the Highlands Council adopted Resolution 2008-27 approving the Regional Master Plan on July 17, 2008 and, pursuant to the Highlands Act requirement for gubernatorial review, the Regional Master Plan thereafter became effective on September 8, 2008; and

WHEREAS, the Highlands Act creates a bifurcated system for municipal conformance with the Regional Master Plan – mandatory Plan Conformance for any portion of a municipality located wholly or partially in the Preservation Area and voluntary Plan Conformance for the municipalities with lands wholly in the Planning Area or for any portion of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan within 15 months of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of

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land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

WHEREAS, pursuant to Sections 14 and 15 of the Highlands Act, the Highlands Council shall approve, reject, or approve with conditions the revised plan and development regulations, as it deems appropriate, after public hearing, within 60 days after the date of submission thereof; and

WHEREAS, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, the Highlands Council approval of Resolution 2008-27 adopting the Regional Master Plan included the adoption of the Highlands Plan Conformance Guidelines that outlines the procedures, schedule, planning assistance, and benefits available for the submission of a Petition for Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides a process for Basic Plan Conformance requiring the submission of plans and regulations that are immediately necessary to ensure protection of the Highlands resources and resource areas with more complex tasks to be completed in accordance with an Implementation Plan and Schedule as a condition of Plan Conformance; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

WHEREAS, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to \$100,000 allocation for each individual municipality for Basic Plan Conformance; and

WHEREAS, the Bylaws of the Highlands Council authorizes the Executive Director, as chief administrative officer, to approve contracts and issue payments up to \$25,000; and

WHEREAS, as directed, the Executive Director developed the Plan Conformance Grant Program, a program that splits Plan Conformance into the following seven steps or modules for administering the authorized grant funding: (1) and (2) Highlands municipal build-out analysis and report; (3) housing element and fair share plan; (4) Highlands environmental resource inventory; (5) master

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plan Highlands element; (6) Highlands Area land use ordinance; and (7) municipal Petition for Plan Conformance; and

WHEREAS, in the Township of Washington 25,235 acres are in the Preservation Area and 3,491 acres are in the Planning Area; and

WHEREAS, on December 8, 2009, the Township of Washington submitted a Petition for Plan Conformance including one resolution for all lands lying in the Preservation Area and for all lands lying in the Planning Area; and

WHEREAS, on February 8, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on February 18, 2010, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, on November 19, 2010, the Executive Director provided the Township of Washington with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

WHEREAS, the Executive Director provided the Township of Washington with a deliberative municipal response period allowing the Township of Washington to review and respond to the Draft Consistency Review and Recommendations Report; and

WHEREAS, on April 18, 2011, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before May 3, 2011; and

WHEREAS, the Highlands Implementation Plan and Schedule includes a detailed accounting of the existing Plan Conformance Grants and the allocation of additional grant funding in order to address the Highlands Act requirements for Plan Conformance funding; and

WHEREAS, on May 13, 2011, the Executive Director posted the Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule on the Highlands Council website which addressed issues raised during the public comment period; and

WHEREAS, on May 19, 2011, the Highlands Council held a public hearing on the Township of Washington's Petition for Plan Conformance and provided an opportunity for public comment; and

WHEREAS, the Highlands Council accepts the recommendation of the Executive Director as stated in the Final Consistency Review and Recommendations Report; and

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WHEREAS, according to the Highlands Act and the Plan Conformance Guidelines, the Township of Washington's compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Implementation Plan and Schedule, the Highlands Plan Conformance Guidelines and the Highlands Act shall maintain the Township of Washington's status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by the Township of Washington of its master plan and development regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

WHEREAS, the Plan Conformance Guidelines provides that no amendment to any master plan or development regulations applicable to the development and use of land in the Township of Washington shall be effective until the Township of Washington has submitted such amendment to the Highlands Council and such amendment has been found by the Council to be in conformance with the Regional Master Plan, or the Executive Director has notified the Township of Washington that such amendment does not affect the Highlands Council's prior finding of Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides that following the receipt of any amendment to the Township of Washington's master plan or development regulations, the Executive Director is required to determine whether or not the amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations with the Regional Master Plan, and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines no such substantive issue is raised with respect to an amendment, the Executive Director shall certify such fact and notify the Clerk of the Township of Washington and the Highlands Council, and shall provide notice on the Highlands Council website, and such amendment shall thereupon take effect in accordance with its terms and applicable law; and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines that an amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations to the Regional Master Plan, the amended municipal master plan or development regulations shall be reviewed in accordance with the Plan Conformance Guidelines; and

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WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves the Township of Washington's Petition for Plan Conformance with conditions as set forth in the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

BE IT FURTHER RESOLVED that the Highlands Council hereby approves the Township of Washington's Highlands Implementation Plan and Schedule including the reallocation of the existing Plan Conformance Grant and the allocation of additional grant funding to pay for the reasonable expenses incurred to complete the Plan Conformance conditions; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to make any amendments and publicly release the Final Consistency Review and Recommendations Report, Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and to execute the Report, Schedule and Grant Agreement on behalf of the Council; and

BE IT FURTHER RESOLVED, that the Township of Washington is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines, so long as the Township of Washington remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

BE IT FURTHER RESOLVED, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor the Township of Washington's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

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CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of May, 2011.

 Jack J. Schrier, Acting Chairman

Vote of the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Cogger	✓		✓			
Councilmember Francis		✓	✓			
Councilmember Holtaway			✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Acting Chairman Schrier			✓			



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

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JACK J. SCHRIER
Acting Chairman

EILEEN SWAN
Executive Director

**INCORPORATED BY REFERENCE INTO
HIGHLANDS COUNCIL RESOLUTION 2011-14
ADOPTED MAY 19, 2011**

FINAL 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

**MAY 9,
2011**

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

INTRODUCTION

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

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

Petition Components	Consistent	Conditions of Approval
1. Modules 1-2 Build-Out Report*	X	None
2. Module 3 Housing Element/Plan	X	See Section D.1
3. Module 4 ERI	X	See Section D.1
4. Module 5 Highlands Element	X	Follow-Up Required per Section B.4; D.1
5. Module 6 Land Use Ordinance	X	Follow-Up Required per Section B.5; D.1
6. Module 7 Petition		
a. Self-Assessment Report	X	None
b. Implementation Plan/Schedule	X	Follow-Up Required per Section B.6; D.1

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

Optional Submission Items	Submission Date	Status/Recommendation
1. RMP Updates	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
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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 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 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:

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- 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

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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.

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- 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

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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 been inserted (see language in document) which should be supplemented accordingly. These provisions will result in modification of portions of

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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

- i. **Community Facilities Plan Element.** Consistent

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- j. **Sustainable Economic Development Plan Element.** Consistent
 - k. **Historic Preservation Plan Element.** Consistent.
 - i. Historic, Cultural, and Archaeological Resources. Consistent.
 - ii. Scenic Resources. Consistent.
 - l. **Development Transfer Plan Element.** Inclusion of this Section is optional and the municipality has elected not to incorporate it.
 - 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 currently included in Washington Township's Highlands Area Land Use Ordinance, with respect to the Highlands Center.

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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
 - viii. Prime Ground Water Recharge Areas. Consistent
 - ix. Wellhead Protection. Consistent

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- 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 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.

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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, (dated May 2, 2011) “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 2011-2012 State fiscal years.

In addition, the proposed Highlands Implementation Plan and Schedule includes non-mandatory Plan Conformance activities, the estimated costs and timeframes for

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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.

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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.

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D. STAFF RECOMMENDATIONS

On the basis of the comprehensive review completed and discussed in detail as described in the preceding Sections, which examined both sufficiency of administrative submittals and consistency of all substantive materials with the Highlands Regional Master Plan, Highlands Council Staff recommends that the Petition for Plan Conformance of the Township of 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

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board or applicable municipal authority, until or unless accompanied by: a) for applications under Highlands Council jurisdiction, a Highlands Council Consistency Determination indicating that the application is consistent, or can and will be made consistent with the Regional Master Plan; or b) an NJDEP Highlands Preservation Area Approval, waiver, or Highlands Applicability Determination indicating non-applicability. Upon receipt of Highlands Council approval, the Ordinance shall be prepared for purposes of public review and adoption by the municipal Governing Body. The Governing Body shall provide for and complete the adoption process, at 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

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the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Element shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Planning Board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Element by the municipal Planning Board. At the conclusion of the process, a certified copy of the adopted Highlands Element shall be provided to the Highlands Council. The process of Highlands Element adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Element, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Planning Board.

- 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

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Council delegation of such authority to the municipality in the Planning Area, or NJDEP delegation in the Preservation Area. (NOTE: NJDEP currently does not have a delegation program; the provisions in the Highlands Land Use Ordinance are provisional.) Such determinations (detailed within the current draft Ordinance) refer to the process of reviewing and making determinations concerning exemptions from the Highlands Act, which in turn, represent exemptions from the provisions of the Highlands Area Land Use Ordinance. The effective date of such provisions shall occur only after the municipality indicates readiness to proceed and receives written authorization from the Highlands Council or 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

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applicable statutes, rules, regulations and requirements, at any given time, and maintains consistency with the RMP, so as to protect the municipality from legal challenge.)

- h. **Adoption of Ordinances Implementing Fair Share Plan.** 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

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Area that pose a significant risk to public health and safety, that cannot reasonably 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

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

iii. Mandatory Components. Specific mandatory components include development and implementation of the plans/programs/ordinances herein listed (once models have been provided by the Highlands Council, if applicable, and funding provided), all intended as municipal-wide, long-term initiatives unless specifically noted otherwise. Where applicable and appropriate, these will build upon any such plans, programs, or ordinances that have already been developed or adopted by the municipality. It is the explicit intention of the Highlands Council that such plans/programs be 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.
- 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.
- Stormwater Management Plan (Updates Only)
- Land Preservation and Stewardship Program
- Septic System Management/Maintenance Plan

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- 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 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.
- 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.

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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

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

The Highlands Council established period for receipt of written public comment was April 18, 2011 until May 3, 2011. Comments were received from Erica Van Auken of the NJ Highlands Coalition, and Wilma Frey of the New Jersey Conservation Foundation. A comment/response document is attached to this document at Appendix E.

G. FINAL RECOMMENDATIONS

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

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

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APPENDIX A

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

Final Certified Housing Element & Fair Share Plan

Township of Washington, Morris County

Date of Certification: January 10, 2007

Review Form Follows

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MODULE 3 REVIEW FORM December 8, 2009 Submission

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

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APPENDIX B

HIGHLANDS COUNCIL REVIEW

REQUESTS FOR RMP UPDATES

Township of Washington, Morris County

Summary of Municipal Requests and Highlands Council Staff Findings

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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 as 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:** *Newburgh 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.

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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 School parcel is currently Existing Community Zone. The Township Community Facilities property, retained out of a much larger parcel that was preserved as farmland, 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.

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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 with 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.

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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>

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 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

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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

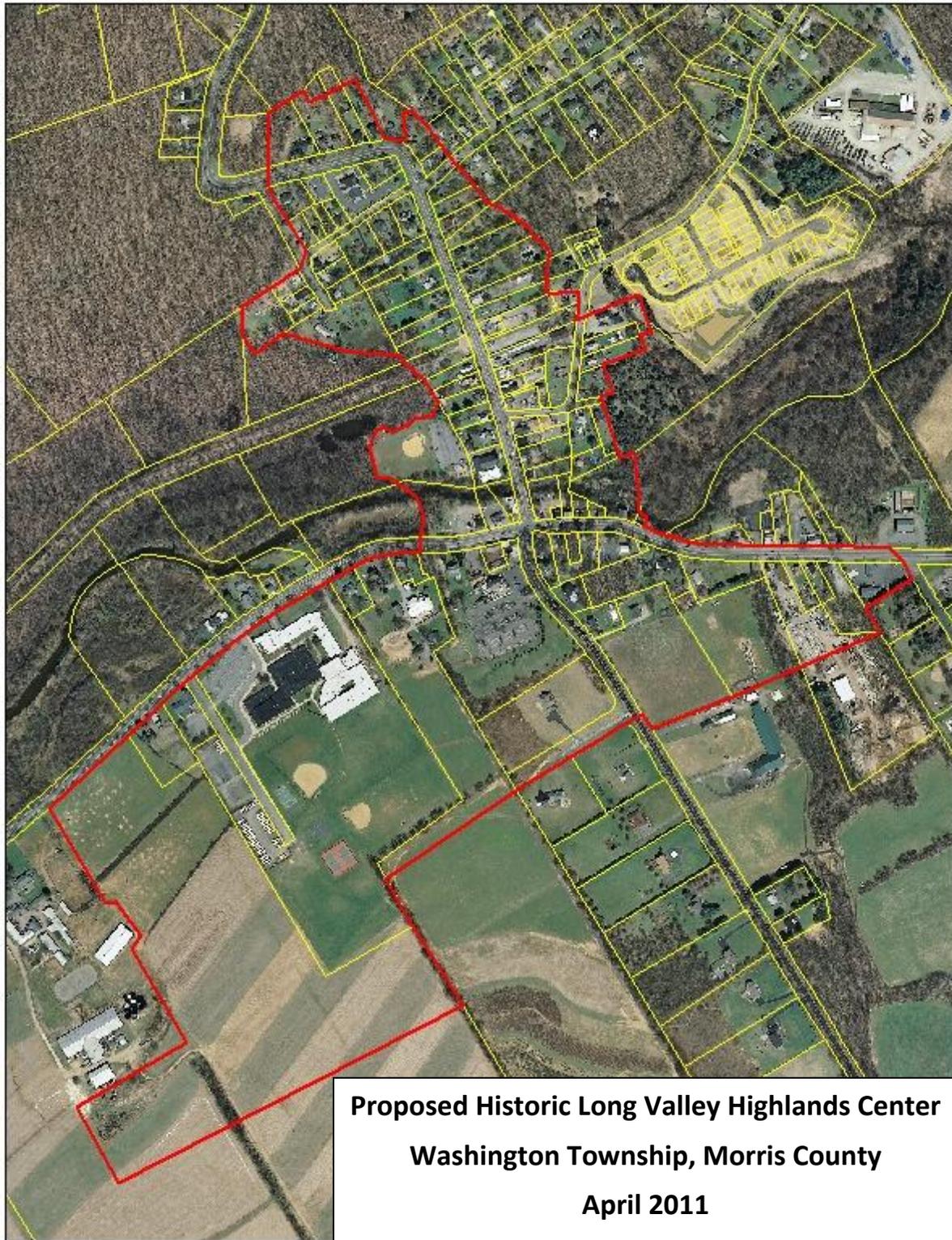
1. The Historic Long Valley Highlands Center ordinance shall: identify environmentally sensitive lands as Highlands Environmental Resources and restrict future disturbance activities; maximize protection of Highlands resources within the context of center-based development; incorporate already-developed 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

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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.

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APPENDIX D

EVALUATION OF FAILING SEPTIC SYSTEMS

Township of Washington, Morris County

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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.

Parcels of Concern	Land Use	WTMUA Facility	Soils and Constraints*	Connect?
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

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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

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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.

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

March 2011

Chris Sauer, NCEM
 Morris County Planner/Associate, Inc.

B.A.M.I.C. LLC
 Planning and Design

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



Harrington Park Proposed Future Sewer Service Area
 Book 22 Lot 303
 Washington Township
 Morris County, New Jersey

March 2011

Chris Sauer, NCEM
 Morris County Planner/Associate, Inc.

B.A.M.I.C. LLC
 Planning and Design

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

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APPENDIX E

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Washington Township, Morris County

Public Comment Period: April 18, 2011 – May 3, 2011

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PUBLIC COMMENTS RECEIVED

Written comments regarding the Township of Washington's Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on May 3, 2011. Comments were provided by the following individuals/entities:

1. Erica Van Auken, Campaign and Grassroots Coordinator, New Jersey Highlands Coalition
2. Wilma Frey, Senior Policy Manager, New Jersey Conservation Foundation

Comment: The New Jersey Highlands Coalition supports Washington Township's petition to designate a Historic Long Valley Highlands Center for promoting sound development. The Coalition does have concerns regarding a prior round site proposed for age restricted, 360 condo units, 45 affordable due to environmental constraints. The Coalition also supports the proposal to build low-income apartments and a municipal complex in the Long Valley section to be incorporated into the Historic Long Valley Highlands Center as long as care is taken to minimize the environmental impact. The Coalition further supports the proposed update to the sewer service areas.

Comment: The New Jersey Conservation Foundation supports the proposed Historic Long Valley Highlands Center, as long as constraints in Appendix C of the Final Draft Consistency Review and Recommendations Report are implemented. The NJCF further commented that the prior round site, Block 19, Lots 5, 6, and 7 do not appear to be appropriate for a 360-unit condo development due to Highlands resource constraints.

Response: The Highlands Council acknowledges the support from the New Jersey Highlands Coalition and New Jersey Conservation Foundation for the proposed Historic Long Valley Highlands Center and fully expects that all of the conditions within Appendix C of the Final Draft Consistency Review and Recommendations Report will be implemented as the Highlands Center designation process continues. The Highlands Council notes the comments regarding the inclusionary affordable housing project located at Block 19, Lots 5, 6 and 7. This project is in the Planning Area, Conservation Zone and Protection Zone, and does have Highlands resource constraints. However, the project has obtained all local and NJDEP approvals and therefore represents a reasonable potential for development as it pertains to plan conformance.