State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JACK J. SCHRIER
Acting Chairman

EILEEN SWAN
Executive Director

June 13, 2011

Timothy Conway
Hackettstown Congregation of Jehovah's Witness
16 Parkway Drive
Hackettstown, NJ 07840

Re: Highlands Redevelopment Area Designation
Sand Shore Road Highlands Redevelopment Area
Mount Olive Block 8300 (Lots 5, 5.01, 5.02, 6, 7, 8 and 9)

Dear Mr. Conway:

On behalf of the Highlands Water Protection and Planning Council (Highlands Council), I am pleased to provide you with a final copy of the Highlands Council's recent resolution approving the Township of Mount Olive's petition for a Highlands Redevelopment Area Designation for the Sand Shore Road Highlands Redevelopment Area, with supporting materials. This approval is a necessary prerequisite for the Hackettstown Congregation of Jehovah's Witness (owner of Block 8300 Lot 5.01) to apply for a Highlands Preservation Area Approval (HPAA) with Redevelopment Waiver from the New Jersey Department of Environmental Protection (NJDEP).

As part of the Highlands Council staff review of the proposed Highlands Redevelopment Area designation and in order to assist you in your next steps, a matrix of checklist items was prepared by Highlands Council staff regarding HPAA with Redevelopment Waiver submittal requirements, which provides information to both the applicant and the NJDEP. The matrix notes those items that we feel have already been addressed by the Highlands Council review, and those remaining items that need to be provided to the NJDEP on your behalf. Please find enclosed the matrix for the Sand Shore (Hackettstown Congregation of Jehovah's Witness) redevelopment project.

While we will be forwarding the attached matrix directly to NJDEP, we recommend that you also submit a copy as part of your HPAA application package. Please be advised that the matrix is provided for advisory purposes only; it is recognized that NJDEP may require additional information from you as part of their review of the HPAA application. It is our hope that this matrix will assist the NJDEP staff in their review of your HPAA application package, and will

facilitate an efficient review by identifying required application items that have already been fulfilled by the analysis prepared by the Highlands Council. Lastly, please be advised that in accordance with the Highlands Act, the Highlands Council's resolution of this matter shall have no force and effect until the end of the Governor's review period of the Council's meeting minutes, which is June 20, 2011. In order to assist you in your application moving forward please be advised that we would be happy to attend meetings with you and NJDEP in support of your application.

If you have my questions, please do not hesitate to contact me directly or you may also contact my Executive Assistant, Annette Tagliareni, at (908) 879-6737 ext. 111, or you may reach her via e-mail at annette.tagliareni@highlands.state.nj.us.

Yours sincerely,

Eileen Swan
Executive Director

Enclosures -
Highlands Council Resolution
Consistency Determination
Final Staff Recommendation Report
HPAA Application Checklist Items (Summary Matrix)

c: David M. Scapicchio, Mayor of Mount Olive Township (no enclosures)
Nicholas Wunner (enclosures)
Richard Wade (no enclosures)

State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us

HIGHLANDS RMP CONSISTENCY DETERMINATION REVIEW

PROJECT INFORMATION		
Project Name: Sand Shore Road (Mount Olive Township) Highlands Redevelopment Area (Including Hackettstown Congregation of Jehovah's Witness) **Date**: May 19, 2011		
Name of Applicant: Township of Mount Olive		
Areawide WQMP: Upper Raritan (no change)	**WMP**: Mount Olive (no change)	
Municipality: Mount Olive Township	**County:** Morris	
Exempt project? No	**Project specific amendment?** No	**WMP review?** No
NJDEP Activity #: None	**HPAA#**:	
Lot and Block, if applicable: Block 8300, Lots 5, 5.01, 5.02, 6, 7, 8, and 9		
Sewer Service Area/WWTP Facility: New on-site septic system on Block 8300, Lot 5.01		
Sewer Service Area/WWTP Facility: New ☐ Existing ☐ *If existing provide the following*:		
Proposed Change in Service Area or Wastewater Flow?: Projected wastewater flow 456 gallons per day		
NJPDES #: N/A	**Permit Discharge (MGD)**: N/A	
Type of Discharge: GW ☒ SW ☐	**Total Proposed Service Area (acres): <1 acre**	
Total Existing Service Area (acres):		

Description of Project: The proposed Sand Shore Road Highlands Redevelopment Area consists of properties in the Preservation Area zoned as Light Industrial located in portions of Block 8300 (Lots 5, 5.01, 5.02, 6, 7, 8, and 9) along the north side of Sand Shore Road in Mount Olive Township, Morris County. The proposed Highlands Redevelopment Area is mostly developed and contains a commercial building on each lot with the exception of Lot 5.01, which is largely an open field with some surface disturbance (compacted dirt surface.) According to information provided by the Township of Mount Olive regarding maximum lot coverage and Floor Area Ratio (FAR) based on municipal zoning, future development on Lots 5, 5.02, 6, 7, 8, and 9 is highly constrained. The proposed Highlands Redevelopment Area incorporates the developed portions of those lots, and excludes any extensive portions that are in lawn and field. The Hackettstown Congregation of Jehovah's Witness (owner of Lot 5.01) proposes to construct a 4,296 sq ft one-story building (for use as the Congregation's Kingdom Hall), associated parking area, drainage, and a new individual subsurface disposal system (i.e., septic system) (there is an existing well on the lot.). The Congregation also proposes to deed restrict approximately 1.65-acres (72,131 square feet) of Lot 5.01 as a Deed Restricted Conservation Easement. The area of proposed disturbance is approximately 2.03 acres. The total Highlands Redevelopment Area is 18.92 acres, with an existing impervious surface of 13.46 acres, or 71.17%. The Township of Mount Olive is seeking a Highlands Redevelopment Area Designation from the Highlands Council. The Congregation MAY subsequently apply for a Highlands Preservation Area Approval (HPAA) with redevelopment waiver permit from the NJDEP.

[Please note that the digital parcel line data available from Morris County, which are the source data for the Highlands Council GIS data, are incorrect with respect to Lots 5, 5.01, and 5.02. Thus, the parcel lines in the Highlands resources mapping are not correct, but this does not affect the representation of the Highlands resources. The Township of Mount Olive has provided a hard copy tax map that shows the correct lot lines. A copy of that map is attached to this Consistency Determination.]

PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES

Project Area located in which Highlands Act Area? (Check all that apply.):

Preservation Area ☒ **If yes, percentage?** 100 % | **Planning Area** ☐ **If yes, percentage?** %

Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):
Protection Zone ☐ Conservation Zone ☒ Existing Community Zone ☒
Conservation – Environmentally Constrained Sub-Zone ☒ Existing Community – Environmentally Constrained Sub-Zone ☒
Lake Community Sub-Zone ☐ Wildlife Management Sub-Zone ☐

The review below is organized by Regional Master Plan Goals, Policies and Objectives for each resource and smart growth category; C stands for Consistent, I for Inconsistent, and N/A means the goal, policy, or objective is not applicable. Project specific reviews are based on the application of these Policies and Objectives to the project site, and do not require the adoption of municipal ordinances. Documents reviewed for this analysis include all appropriate documents submitted to the NJDEP, Highlands Council GIS data and technical reports, and documents related to the State Planning Commission Plan Endorsement process where applicable.

PART 1 NATURAL RESOURCES

SUBPART A FOREST RESOURCES

Project Area within Forest Resource Area? No

If yes to above, is there Encroachment into a Forest within Forest Resource Area? NA

Forest Integrity Value (check one): High ☐ Medium ☐ Low ☐

Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 1A2: To limit human development in the Forest Resource Area in the Preservation Area in order to protect and enhance forest resources, forest ecosystem integrity, Critical Habitat, and the quantity and quality of water resources.	☐	☐	☒
Objective 1A2c: To prohibit through local development review and Highlands Project Review the deforestation of lands within the Forest Resource Area of the Preservation Area for human development except where authorized as an exemption by the Highlands Act, or is an agricultural or horticultural development as defined at N.J.S.A. 13:20-31 and meets the requirement of that provision of the Highlands Act, or if qualifying as a major Highlands Development, the project must, at a minimum, be in conformance with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.9.	☐	☐	☒
Objective 1A2d: To prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into forested areas of the Forest Resource Area within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.	☐	☐	☒
Objective 1A2e: To require through local development review and Highlands Project Review that projects qualifying as major Highlands Developments, affecting or potentially affecting forests outside the Forest Resource Area in the Preservation Area, comply with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.9. All projects in the Preservation Area that are not major Highlands Developments shall comply with Policies 1A1 and 1A2.	☐	☐	☒
Policy 1A5: To prohibit through local development review and Highlands Project Review forest clear-cutting within the Forest Resource Area except in accordance with a Forest Management Plan approved by the State Forester.	☐	☐	☒
Policy 1B2: To limit through local development review and Highlands Project Review human development of forests to low impact residential development in the Protection Zone and the Conservation Zone in the Planning Area.	☐	☐	☒
Policy 1B3: To limit through local development review and Highlands Project Review deforestation in the Forest Resource Area and forested lands within High Integrity Forest Subwatersheds within the Existing Community Zone to maximum extent practicable.	☐	☐	☒
Objective 1B3a: Implementation through Plan Conformance of regulations, which limit the clearing of trees in conjunction with human development to circumstances where the clearing will not diminish the integrity of forest resources.	☐	☐	☒
Policy 1B5: To ensure that forest resources are protected on a site specific basis during local development review and Highlands Project Review.	☐	☐	☒
Objective 1B5a: Applications for local development review and Highlands Project Review require identification of any forest area on and adjacent to a site in accordance with the Highlands Council's Method for Identifying Upland Forest Areas in the Highlands Region.	☐	☐	☒
Policy 1B7: To prohibit clear-cutting of forest lands except pursuant to an approved Forest Management Plan approved by the State Forester.	☐	☐	☒
Policy 1C1: To require that conforming municipalities and counties address the protection of forested portions of Forest Resource Areas and High Integrity Forest Subwatersheds in their master plans and development regulations.	☐	☐	☒
Policy 1C3: To require that conforming municipalities adopt a tree clearing ordinance consistent with an approved community forestry plan under the New Jersey Forest Service Community Forestry Program as part of the municipal master plan and local development regulations.	☐	☐	☒

Comments: Based on review of the Highlands Council GIS data, there are no mapped forests on the proposed Highlands Redevelopment Area. However, the applicant notes that an "upland forest" exists in the southeast corner of Block 8300 Lot 5.01 (the lot where the new construction is proposed); however, the applicant notes that this area will not be disturbed as it is located within the proposed conservation easement.

SUBPART B HIGHLANDS OPEN WATERS AND RIPARIAN AREAS

Project Area includes Highlands Open Waters Buffer? Yes

Highlands Open Waters Affected: Streams ☐ Lakes & Ponds ☐ Wetlands ☒

Highlands Open Waters in Preservation Area: Yes

Watershed Value (Check one)**:** High ☒ Medium ☐ Low ☐

Area includes Riparian Area? Yes *If No, disregard remainder of Riparian Area checklist.*

Specific Riparian Area Features (Check all that apply.): Flood Prone Areas ☐ Lakes& Ponds ☐
Riparian Soils ☒ Wetlands ☒ Wildlife Corridor ☐ Streams ☒

Riparian Integrity Value (Check one per HUC14): High ☐ Medium ☒ Low ☐ HUC14: 02040105150090
High ☐ Medium ☐ Low ☐ HUC14:
High ☐ Medium ☐ Low ☐ HUC14:

Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 1D4: Highlands Open Waters shall include a protection buffer of 300 feet from the edge of the discernable bank of the Highlands Open Waters feature, or from the centerline where no discernable bank exists. With respect to wetlands and other Highlands Open Waters features (e.g., seeps, springs, etc.), the feature shall include a protection buffer of 300 feet from the delineated Letter of Interpretation (LOI) line issued by the NJDEP for wetlands, or from a field-delineated boundary for other features. In areas where existing development or land uses within the protection buffers have reduced or impaired the functional values of the buffers, the Council will seek opportunities to restore the buffer and its functions. Any proposed disturbance shall, through local development review and Highlands Project Review, comply with Highlands Open Waters buffer standards. The protection buffer width for Category 2 streams in the Planning Area may be modified through a Stream Corridor Protection/Restoration Plan, as specified in Objective 1D4i. In approved Redevelopment Areas, the Council may, at its discretion, modify the required buffer, upon a showing of no alternatives, no impact to the functional value of the buffer, and provision of alternative approaches to enhancing or protecting Highlands Open Waters and resources of the buffer area.	☐	☒	☐
Objective 1D4a: Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Open Waters.	☐	☐	☒
Objective 1D4b: Preservation Area buffers for Highlands Open Waters shall comply with the Highlands Preservation Area rules at N.J.A.C. 7:38, which provide that all major Highlands developments are prohibited within Highlands Open Waters and its adjacent 300 foot buffer in the Preservation Area except for linear development, which may be permitted provided that there is no feasible alternative for the linear development outside Highlands Open Waters or its buffer. Structures or other land improvements existing within Highlands Open Waters buffer in the Preservation Area on August 10, 2004 may remain, provided that the area of disturbance is not increased other than through a HPAA. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses."	☐	☒	☐
Objective 1D4c: Require that proposed development within all Highlands Open Waters buffers (Preservation and Planning Areas) conforms through local development review and Highlands Project Review with the buffer requirements of N.J.A.C. 7:8 (Stormwater Management Rules), N.J.A.C 7:13 (Flood Hazard Area Rules), and N.J.A.C. 7:7 (Freshwater Wetland Rules), and with any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).	☐	☐	☒
Objective 1D4d: Structures or other land improvements existing within a Highlands Open Waters buffer of the Planning Area on August 10, 2004 may remain, provided that the area of disturbance shall not be increased unless approved through local development review or Highlands Project Review in compliance with RMP policies and objectives. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses."	☐	☐	☒
Objective 1D4e: In the Protection and Conservation Zones of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the Highlands Council under Policy 7G2. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses." Such proposed disturbances must demonstrate full utilization of the following performance standards in the listed order, to demonstrate the necessity of an encroachment into Highlands Open Waters buffers: 1) avoid the disturbance of Highlands Open Waters buffers; 2) minimize impacts to Highlands Open Waters buffers; and 3) mitigate all adverse impacts to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h. Minimization and mitigation opportunities shall be considered only upon a clear and convincing demonstration by the applicant that the protection buffer cannot be avoided and in no case shall the remaining buffer be reduced to less than 150 feet from the edge of Highlands Open Waters, unless a waiver is granted by the Highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c.	☐	☐	☒

Objective 1D4f: In the Existing Community Zone of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the Highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses." Such disturbances shall employ performance standards such that all proposed disturbances of Highlands Open Waters buffers shall employ Low Impact Development Best Management Practices to mitigate all adverse modification to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h.	☐	☐	☒
Objective 1D4i: Develop through Plan Conformance and implement stream corridor or subwatershed-based Stream Corridor Protection/Restoration Plans which shall include Steps 1, 2, and 3, and may include Steps 4 and 5: **1.** Identify areas where existing development, land disturbances, or land uses are within Highlands Open Waters buffers have removed or substantially impaired natural vegetation communities, and have significantly reduced or impaired the functional values of Highlands Open Waters buffers. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses"; **2.** Identify and require opportunities for restoration of areas identified in Step 1 as part of mitigation requirements under a Highlands Act waiver or Objectives 1D4e and 1D4f, and public or nongovernmental restoration/stabilization projects; **3.** Identify the extent of stream corridor features that are critical to supporting the functions of a healthy Highlands Open Waters buffer and that extend beyond the buffers required by Objectives 1D4b and 1D4c. The 300 foot buffer in these areas may be expanded to be most protective of these features which may include, but are not limited to, Critical Habitat, pollutant source areas identified through scientific techniques, and steep slopes; 4. Where Highlands Open Waters buffers include areas identified in Step 1, regarding Category 2 surface waters in the Planning Area only, the Stream Corridor Protection/Restoration Plan may identify where, based on scientific analysis of site-specific conditions (e.g., topography, vegetation cover type, habitat, soil type, upstream land uses and pollution inputs, width of floodplain, rate and volume of run-off), a buffer of less than the full 300 feet (but including the undisturbed buffer area at a minimum) is sufficient to maintain or improve the protection of Highlands Open Waters and Riparian Areas. The plan must identify alternative buffers that provide functional buffer values at least equivalent to existing conditions and are no less than 150 feet or no less than the extent allowed in State or municipal regulation (including Objectives 1D4b and 1D4c), whichever is greater. Further, the plan shall include a functional value assessment to ensure that there is no net loss in the overall functional value of the subwatershed's stream buffers. Buffers established through this process shall be determined based on site conditions rather than fixed distances, reflecting findings of the scientific analysis, and shall be used in the site design and development review process regarding determinations of restoration, continued use, or increased use of the disturbed buffer area. Buffer averaging for the purpose of accommodating development proposals is deemed not to meet the requirements of this provision; and **5.** Where a proposed Highlands Redevelopment Area would not meet, in full, Objectives 1D4b through 1D4h but affects an undisturbed buffer area determined to not be necessary for the protection of the functional values for Highlands Open Waters buffer (as determined through scientific analysis of site-specific conditions), modification of the undisturbed buffer may be allowed to no less than the extent allowed in State or municipal regulation. However the Council shall first determine that there is no alternative to the proposed reduction of the buffer, and require a showing of no impact to the functional values of the buffer and provision of alternative approaches to enhancing or protecting the Highlands Open Waters and resources of the buffer area. Restoration or enhancement of buffer functional values shall be provided on-site or within the same stream reach to achieve a net improvement of existing buffer functional values.	☐	☐	☒
Objective 1D4j: The Highlands Council may require on a case-by-case basis, through Highlands Project Review, an expansion of the 300 foot buffer to protect the habitat of a water or wetlands-dependant rare, threatened or endangered species, to the minimum expansion necessary to achieve protection of that species.	☐	☐	☒
Policy 1D5: Protect the integrity of the Riparian Areas through the application of RMP standards during local development review and Highlands Project Review.	☐	☐	☒
Objective 1D5a: Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Riparian Areas, including those identified by the Highlands Council and by site-specific analysis.	☐	☐	☒
Objective 1D5b: Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.	☐	☒	☐
Objective 1D5c: Prohibit modifications to Riparian Areas in the Protection Zone except where a waiver is approved by the NJDEP or the Highlands Council under Policy 7G1 or 7G2.	☐	☐	☒
Objective 1D5d: Restrict modifications to Riparian Areas in the Existing Community Zone, other than those addressed by Objective 1D5b, that would alter or be detrimental to the water quality and habitat value of a Riparian Area.	☐	☐	☒
Objective 1D5e: Implement Low Impact Development Best Management Practices for any development activity proposed within a Riparian Area, which minimize both alterations of natural vegetation and increases in impervious area, in compliance with Policies 6N3 and 6N4 and provide for mitigation through restoration of impaired Riparian Areas in the same HUC14 subwatershed.	☐	☐	☒
Objective 1D5f: Require that development within Riparian Areas conforms through local development review and Highlands Project Review to any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).	☐	☐	☒
Objective 1D5g: Require identification and implementation of opportunities where the restoration and enhancement of previously impaired Riparian Areas are feasible and appropriate as mitigation to any allowable modification to Riparian Area requirements.	☐	☐	☒
Comments: The Highlands Council GIS data indicate that no Highlands Open Waters exist on the tract. An area			

along the northern boundary of Block 8300 Lot 5.01 (the lot where the new construction is proposed) is within a Highlands Open Waters buffer, for a wetland located across the street (Stephens Park Road) from Lot 5.01. This Highlands Open Waters buffer would be encroached upon by the proposed construction. This buffer is currently disturbed (open field with considerable compacted dirt surface.) The entire tract lies within a Moderate Integrity Highlands Riparian Area. The proposed construction activities would encroach upon the Riparian Area, which as previously described, is currently disturbed. The Highlands Regional Master Plan requires that disturbance of the Highlands Riparian Area shall be permitted only upon a finding that the proposed disturbance can neither be avoided nor reduced in extent or loss of quality, and will result in no net loss of the quality of adjacent Highlands Open Waters. As one component of that evaluation, the Riparian Area of the subject parcel is isolated from the Highlands Open Waters with which the Riparian Area is associated, because of the existence of Stephens Park Road.

SUBPART C STEEP SLOPES

Project Area includes: Steep Slopes >20% in Any Areas (severely constrained)? No

Steep Slopes >15% in Forested Areas (severely constrained)? No

Steep Slopes >10% in Riparian Area in Undeveloped Lands (moderately constrained)? No

Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 1E6: To require through local development review and Highlands Project Review that applications for development include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development.	☐	☐	☒
Policy 1E7: To require through local development review and Highlands Project Review that applications for development involving parcels of land with slopes of 10% or greater include identification of forested lands, areas which are highly susceptible to erosion, depth to bedrock and Soil Capability Classes.	☐	☐	☒
Policy 1E8: To prohibit through local development review and Highlands Project Review land disturbance within areas which are Severely Constrained Slopes and Moderately Constrained Slopes, except for linear development in both the Preservation and Planning Areas that meets the requirements of N.J.A.C. 7:38-3.8(c)1-4.	☐	☐	☒
Policy 1E9: To require through local development review and Highlands Project Review the use of Low Impact Best Development Practices for any land disturbance or human development within areas, which are Constrained or Limited Constrained Slopes, or that involves an approved disturbance of a Severely Constrained or Moderately Constrained Slope.	☐	☐	☒
Policy 1E10: To require that conforming municipalities and counties implement the steep slope protection provisions of Policies 1E2 through 1E9 through master plans and development regulations.	☐	☐	☒

Comments: Based on review of the Highlands Council GIS data, there are no steep slopes on the proposed Highlands Redevelopment Area. However, the applicant notes that (based on site-specific data) slopes between 10% and 20% and 20% or greater exist in the southeast corner of Block 8300 Lot 5.01 (the lot where the new construction is proposed); though the applicant notes that this area will not be disturbed as it is located within the proposed conservation easement.

SUBPART D CRITICAL HABITAT

Project Area includes:
Critical Wildlife Habitat? Yes **Significant Natural Area(s)?** No **Vernal Pool(s) +1,000 ft?** No

Species of Concern:	Bobolink						
Landscape Rank:	S2B, S3N						

Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 1F2: To prohibit through Plan Conformance, local development review and Highlands Project Review the direct impact of new human development or expansion or increased intensity of existing development within Critical Habitat.	☐	☒	☐
Policy 1F5: To establish a Habitat Conservation and Management Program, including minimum performance standards and criteria for the protection, enhancement, and restoration of lands within Critical Habitat.	☐	☐	☒
Policy 1F6: To require that applications for any local development review and Highlands Project Review for Critical Habitat be subject to minimum standards and criteria outlined in the Habitat Conservation and Management Plan.	☐	☐	☒
Objective 1F6a: Prohibit direct impacts from new development or expansion or increased intensity of existing development that will jeopardize the continued existence of, or result in the likelihood of the destruction or adverse modification of Critical Habitat, except as permitted through the issuance of a waiver under Policy 7G1 or 7G2.	☐	☐	☒
Objective 1F6b: Prohibit indirect impacts from activity that is off-site, adjacent to, or within Critical Habitat that will jeopardize the continued existence of, or result in the likelihood of the destruction or adverse modification of Critical Habitat, except as permitted	☐	☐	☒

through the issuance of a waiver under Policy 7G1 or 7G2.			
Objective 1F6c: Waiver applications under Policy 7G2 for local development in a municipality with a Council-approved Critical Habitat Conservation and Management Plan shall be subject to the minimum standards and criteria for waiver provisions as set forth in the plan, to the maximum extent practicable.	☐	☐	☒
Objective 1F6d: Waiver applications under Policy 7G2 for development in a municipality without a Council-approved Critical Habitat Conservation and Management Plan shall be subject to the Low Impact Development Best Management Practices required in Objective 1F5b.	☐	☐	☒
Objective 1F6e: A vernal pools protection buffer may be reduced only if an applicant can demonstrate, to the satisfaction of the Highlands Council in coordination with the NJDEP's Endangered and Nongame Species Program, that the reduction is the minimum feasible and that: • In an undisturbed wetland, documented and field-determined vernal pool-breeding wildlife require a smaller protective buffer, as documented in scientific literature; or • Existing land uses present a significant, insurmountable and permanent barrier to the migration or viability of vernal pool-breeding wildlife that is infeasible to mitigate. Requirements for demonstrating the above criteria shall be included in the Critical Habitat Conservation and Management Plan.	☐	☐	☒
Objective 1F6f: A Critical Wildlife Habitat area or Significant Natural Area delineation may be modified if an applicant can demonstrate, to the satisfaction of the Highlands Council in coordination with the NJDEP's Endangered and Nongame Species Program or Natural Heritage Program, that: • The nature of the site is such that it does not provide habitat for species of concern; • The species of concern are not present on the site during any critical part of their life cycle, do not depend upon the site for food, shelter or breeding, and the habitat; on the site is either unsuitable or not critical to species' recovery in the Region; or • Existing land uses present a human, natural or development barrier to the use of the site by species of concern. Requirements for demonstrating the above criteria shall be included in the Critical Habitat Conservation and Management Plan.	☐	☐	☒
Policy 1F7: To require through local development review and Highlands Project Review that projects qualifying as major Highlands Developments, affecting or potentially affecting Critical Habitat in the Preservation Area, comply with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.11 and with the minimum standards and criteria outlined in the Critical Habitat Conservation and Management Plan. All projects in the Preservation Area that are not major Highlands Developments shall comply with Policies 1F1 through 1F6.	☐	☐	☒

Comments: The Highlands Council GIS data indicate that portions of Block 8300 Lots, 5, 5.01, and 6 are mapped as Critical Habitat. However, review of aerial photography indicates that Lots 5 and 6 have been completely cleared and a building has been constructed on each lot – no natural habitat remains. With respect to Lot 5.01 (the lot where the new construction is proposed), the northern and southern borders are mapped as Critical Habitat for bobolink (*Dolichonyx oryzivorus*), a New Jersey threatened species of Special Concern. Some development activities may encroach upon the mapped area to the north. Suitable habitat for bobolink in New Jersey is grasslands, which occur mostly in the form of hay fields, pastures, and fallow cropland. Block 8300 Lot 5.01 is disturbed with considerable compacted dirt surface; it appears that while portions of the lot are mapped as Critical Habitat for bobolink, it is highly unlikely that these areas are functioning as bobolink habitat.

SUBPART E LAND PRESERVATION AND STEWARDSHIP

Project Area within Conservation Priority Area? No **If yes, percentage?** %

Project Area within Special Environmental Zone? No **If yes, identify properties (B/L):**

Project Area includes preserved land? No **If yes, identify properties (B/L):**

Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 1H7: To identify and designate a Special Environmental Zone in 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, fee simple acquisition, easement acquisition, transfer of development rights programs, and development regulations.	☐	☐	☒
Objective 1H7b: Adopt and enforce development regulations which prohibit the development of those portions of a parcel of land which are located within a Special Environmental Zone.	☐	☐	☒
Objective 1H7c: Require through Plan Conformance, local development review, Highlands Project Review, and NJDEP review under N.J.A.C. 7:38 that development shall not occur within a Special Environmental Zone. In any Special Environmental Zone, any exemption identified through Policy 7F1 or waiver issued under the Highlands Act under Policy 7G1 or 7G2 shall be conditioned upon a determination that the State or local government unit has exhausted all means for the permanent preservation of these lands through use of preservation tools including, but not limited to, fee simple acquisition, easement acquisition, and transfer of development rights.	☐	☐	☒
Policy 1I3: To require conforming municipalities and counties to require conservation or land stewardship easements, enforceable by the Highlands Council and at least one of the following: the appropriate municipality, the County Agriculture Development Board, the SADC, Green Acres, or a non-profit land trust organized pursuant to § 501 (c)(3) of the federal tax code and engaged in the protection of land for the purpose of providing long-term stewardship of important resources as a condition of development approval for lands within parcels proposed for development that are identified for preservation on a proposed site plan or subdivision plat.	☐	☐	☒

Comments: The proposed Highlands Redevelopment Area does not lie within a Special Environmental Zone or a Conservation Priority Area and it does not include preserved land.

SUBPART F CARBONATE ROCK (KARST) TOPOGRAPHY

Project Area within or contributing to Carbonate Rock Area? No

Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 1K2: To identify and delineate through local development review and Highlands Project Review land areas that drain surface water into the Carbonate Rock Area, as changes in the quantity, quality and rate of discharge of surface water runoff from upslope lands can impair ground water resources in the Carbonate Rock Area.	☐	☐	☒
Policy 1K4: To ensure through Plan Conformance that municipalities in, or within subwatersheds draining directly to, the Carbonate Rock Area protect public health and safety and the quality of ground waters from inappropriate land uses and pollutant discharges.	☐	☐	☒
Objective 1K4b: Applications for site plan or subdivision approval will include a multi-phased geotechnical site investigation (e.g., test borings, test pits) to locate any potential karst features and potential hazards to public health and safety, structures and ground water quality.	☐	☐	☒
Objective 1K4c: Local development reviews and Highlands Project Reviews and requirements shall ensure that all potential hazards to public health and safety, structures and ground water quality, including but not limited to concentrated surface water flows that dissolve carbonate rock, are fully addressed and mitigated in the construction plans and subsequent approval process, with the maximum emphasis on nonstructural measures, including, but not limited to, avoidance of modifications to the karst features.	☐	☐	☒
Objective 1K4d: Public works projects, including but not limited to water supply, sewerage, stormwater and transportation facilities, shall be constructed and maintained such that the potential for damage from karst features and the contamination of ground water are avoided.	☐	☐	☒
Objective 1K4e: Highlands Project Reviews and requirements and local development reviews (where applicable) shall prohibit new land uses and facilities that constitute unacceptable risks of discharge due to karst topography where karst features have been identified, including but not limited to: Underground storage tanks; Solid waste landfills; Hazardous waste storage and disposal; and Hazardous materials storage and handling.	☐	☐	☒

Comments: Based on review of the Highlands Council GIS data, the proposed Highlands Redevelopment Area is not located in a Carbonate Rock Area.

SUBPART G LAKE MANAGEMENT

Project Area within Lake Management Area? No *If No, disregard remainder of Lake Management checklist.*

If yes, which Tier: Shoreland Protection Tier No Water Quality Management Tier No
Scenic Resources Tier No Lake Watershed Tier No

Project Area within Lake Community Sub-Zone? No

If yes, which Tier: Shoreland Protection Tier No Water Quality Management Tier No
Scenic Resources Tier No Lake Watershed Tier No

Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 1L2: To establish tiers of lake management appropriate to management strategies that help protect lake water quality and community value from the impacts of present and future development.	☐	☐	☒
Objective 1L2a: Lake management programs shall use the following management tiers around all Highlands Region lakes of greater than ten acres in size: • A Shoreland Protection Tier consisting of an area measured 300 foot or the first property line perpendicular from the shoreline of the lake; • A Water Quality Management Tier consisting of an area measured 1,000 foot perpendicular from the shoreline of the lake, including the shoreland protection tier; • A Scenic Resources Tier consisting of an area measured 300 to 1,000 foot perpendicular from the shoreline of the lake, scaled based upon the view distance from the opposite shoreline, and determined through the size and layout of the lake, with wider portions of lakes having longer view distances; and • A Lake Watershed Tier consisting of the entire land area draining to the lake, through the evaluation of drainage areas using LiDAR topographic analyses or other topographic data where LiDAR data are not available.	☐	☐	☒
Policy 1L3: To establish unique standards (as compared to lakes within the Protection and Conservation Zones) for the Lake Community Sub-Zone within the Existing Community Zone within 1,000 feet of lakes, particularly with respect to the Shoreline Protection Tier, to prevent degradation of water quality, harm to lake ecosystems, and promote aesthetic values within the Existing Community Zone.	☐	☐	☒
Policy 1L4: To establish and implement management strategies to help protect lake water quality and ecosystem values from the impacts of present and future development for all lakes.	☐	☐	☒
Objective 1L4a: Implementation of standards through Plan Conformance regarding lake ecosystem and water quality in the Shoreland Protection Tier to address direct and proximate impacts upon the lake, including but not limited to shoreline modification and development (including limits to the hardscaping of shorelines using bulkheads, rip-rap and walls), docks, piers,	☐	☐	☒

boathouses, dredging, vegetation removal, and increased impervious cover. Pollutant discharges shall also be addressed, including the potential for contamination from septic systems, cesspools and other wastewater management systems within the tier that are failing or are inadequately designed and constructed. As such systems fail, landowners should be required to provide upgraded treatment (whether on-site or through public or community systems) to minimize pollutant movement to the lake. Standards for the Lake Community Sub-Zone and for the Protection and Conservation Zones may be distinct to the extent necessary to recognize the existence of significant development within the Lake Community Sub-Zone.			
Objective 1L4b: Implementation of standards through Plan Conformance regarding land use compatibility and water quality in the Water Quality Management Tier, to prevent or minimize continuous pollutant sources that can contribute pollutants overland or through ground water to the lake from greater distances than the Shoreland Protection Tier.	☐	☐	☒
Objective 1L4c: Implementation of standards through Plan Conformance regarding the protection of visual and scenic resources in the Scenic Resources Tier, including but not limited to requirements for vegetative screening of buildings, building height limitations, and limits on tree and understory removal for reasons other than public health and safety or as the minimum necessary to make reasonable use of the designated building envelope for the parcel proposed for development. Standards for the Lake Community Sub-Zone and for the Protection and Conservation Zones may be distinct to the extent necessary to recognize the existence of significant development within the Lake Community Sub-Zone.	☐	☐	☒
Policy 1L5: To require that conforming municipalities adopt and implement for all lakes the standards applicable to the Shoreland Protection and Water Quality Management Tiers; the standards applicable to the scenic resources tier shall be adopted and implemented for all public lakes (i.e., with shorelines that are not entirely privately-held and managed through a lake association), and for privately-held lakes to the extent feasible under law, recognizing the existence of previously approved lake community development plans.	☐	☐	☒
Objective 1L5a: Shoreland Protection and Water Quality Management Tier requirements shall apply to all new development, regardless of lake ownership.	☐	☐	☒
Objective 1L5b: Scenic Resource Tier requirements shall apply to all lakes with public access and to lakes with no public access that are not entirely managed by a single homeowner or lake community association. For lakes that are privately-held and managed by a single homeowner or lake community association, the scenic resource tier requirements shall be voluntary.	☐	☐	☒
Policy 1L6: To require that conforming municipalities develop and adopt lake restoration plans, with sufficient input from lake community residents and landowners, for each of the municipality's developed lakes that has been identified as water quality impaired, to include watershed delineation, description of point and nonpoint sources of pollution in the watershed, lake monitoring schedules, existing and proposed in-lake management techniques, and recommended watershed best management practices. TMDLs adopted by the NJDEP to address known pollution problems may be used as lake restoration plans. For lakes that are privately-held and managed by a single homeowners or lake community association, the municipality may require that the association share in or assume the costs of developing such plans.	☐	☐	☒
Policy 1M4: To establish and implement performance and development standards through local development review and Highlands Project Review for shoreline uses which achieve compatibility among shoreline activities and nearby neighborhoods.	☐	☐	☒

Comments: Based on review of the Highlands Council GIS data, the proposed Highlands Redevelopment Area is not located in a Lake Management Area.

PART 2 WATER RESOURCES AND WATER UTILITIES

SUBPART A WATER RESOURCES AVAILABILITY

Source HUC14(s):	Net Availability (MGD):	HUC14 Constraint - Current Deficit Area (Y/N):	HUC14 Constraint - Existing Constrained Area (Y/N):	Conditional Availability (MGD):
1. 02040105150090	-0.063052	Yes	Y	0.00123

Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 2B4: To strictly limit consumptive and depletive water uses to the water availability in each HUC14 subwatershed and to establish priorities for water uses that implement the policies and objectives of the RMP.	☐	☐	☒
Objective 2B4a: Give highest priority for the use of non-agricultural Net Water Availability or Conditional Water Availability within Protection Zone and Conservation Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review, and Highlands Project review: 1. To address a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for Net Water Availability; 2. To serve a designated Highlands Redevelopment Area; 3. To serve a cluster development that complies with Objective 2J4b; and 4. To serve affordable housing projects where at least 10% of the units are affordable.	☐	☐	☒
Objective 2B4b: The highest priority for use of Net Water Availability or Conditional Water Availability within Existing Community Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review and Highlands Project review to serve documented threats to public health and safety from contaminated water supplies, designated TDR Receiving Zones, infill development, designated Highlands Redevelopment Area, affordable housing projects where at least 10% of the units are affordable, or new areas for development that meet all other requirements of the RMP.	☐	☐	☒
Objective 2B4c: Establish and implement mandatory stormwater reuse for recreational and other non-agricultural irrigation, as well as other non-potable water purposes to minimize both the volume of stormwater discharges and water withdrawals for these purposes.	☐	☐	☒

Objective 2B4d: The highest priority for agricultural water uses in the Conservation Zone shall be those Preservation Area uses that promote agricultural and horticultural uses and opportunities that are compatible with protection of the Highlands environment, and those Planning Area uses that promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities. Compatible agricultural and horticultural uses shall minimize consumptive water uses through efficiency measures.	☐	☐	☐
Policy 2B5: To require, through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review, the use of water conservation, recycling and reuse methods (where appropriate) and devices for any redevelopment or development activity, including renovations to existing residential, institutional, commercial or industrial buildings, to minimize consumptive water use tailored to meet the resource protection and other goals for each Zone and considering subwatershed-specific conditions and Net Water Availability status.	☐	☐	☒
Policy 2B6: To require through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, Highlands Project Review, and interagency coordination that proposed public water supply and wastewater service areas, new or increased water allocations and bulk water purchases will not directly or indirectly cause or contribute to a Net Water Availability deficit, and where feasible will help mitigate any existing deficit.	☐	☐	☒
Objective 2B6a: Areawide Water Quality Management Plans, Wastewater Management Plans or their amendments shall ensure that the proposed service area will not directly or indirectly cause or contribute to a Net Water Availability deficit, and shall be in conformance with any Water Use and Conservation Plan developed under Objective 2B8c.	☐	☐	☒
Objective 2B6b: NJDEP Water Allocation decisions and Highlands Project Reviews shall ensure that any new or increased water allocation permits within the Highlands Region are in conformance with the policies and objectives of the RMP and do not result in significant reductions in safe yields for any water supply facility with an existing water allocation permit and the NJDEP-approved safe yield.	☐	☐	☒
Policy 2B7: To ensure through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review that the use of Net Water Availability and Conditional Water Availability within each subwatershed supports development patterns that are in conformance with RMP policies and objectives.	☐	☐	☒
Policy 2B8: To require through Plan Conformance, local development review, and Highlands Project Review the efficient and effective use of water availability, the planning for future water needs, the reduction and elimination of water deficits, and the mitigation of new consumptive or depletive use in any Current Deficit Areas or subwatersheds that could become deficit areas based on projected development and water uses, to ensure sustainable water supply, water resource and ecological values in conformance with RMP policies and objectives.	☐	☒	☐
Objective 2B8a: Prevent net increases in consumptive or depletive water uses in Current Water Deficit Areas to prevent exacerbation of and help reduce or eliminate the deficit to ensure sustainable water supply, water resource and ecological values, emphasizing techniques including, but not limited to water reuse, recycling and conservation.	☐	☒	☐
Objective 2B8b: Proposed new consumptive or depletive water uses within a Current Deficit Area shall only occur under the auspices of a Water Use and Conservation Management Plan approved under Objective 2B8c or through mitigation of the proposed consumptive or depletive use within the same HUC14 subwatershed through: a permanent reduction of existing consumptive and depletive water uses; ground water recharge in excess of the requirements of N.J.A.C. 7:8 (Stormwater Management Rules); or other permanent means. Where a Water Use and Conservation Management Plan has not been approved: 1. Each project shall achieve mitigation ranging from 125% to 200%, based on the severity of the Current Deficit and the amount of consumptive or depletive water use proposed; 2. Total consumptive and depletive water uses from any single project and all projects combined are not to exceed the Conditional Water Availability of Objectives 2B3a or 2B3b for any HUC14 subwatershed; 3. Mitigation shall be successfully completed prior to initiation of the water use, except as required by #4, below. Mitigation may be phased in keeping with project development; 4. For water uses where the combination of proposed consumptive and depletive water uses and current subwatershed deficit is high, according to a schedule established by the Highlands Council, off-site mitigation shall be successfully completed prior to any on-site construction. On-site mitigation shall be successfully completed prior to initiation of the water use but may be implemented concurrent with on-site construction. Mitigation may be phased in keeping with the level of consumptive or depletive water uses; and Mitigation plans for a project shall include: specific objectives for each mitigation component; monitoring and reporting requirements; methods by which shortfalls in meeting the mitigation objectives shall be addressed through additional action; and be guaranteed through performance bonds.	☐	☒	☐
Objective 2B8c: Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.	☐	☐	☒
Objective 2B8d: All water users within a Current Deficit Area shall seek funding and opportunities to meet the intent of Objective 2B4b.	☐	☐	☒
Objective 2B8e: Allow water resource transfers between or from Highlands subwatersheds only when there is no other viable alternative and where such transfers would demonstrably not result in impairment of resources in any subwatershed. Potential effects on upstream and downstream subwatersheds should be included in any such evaluation.	☐	☐	☒
Comments: The proposed Highlands Redevelopment Area is located in HUC14 subwatershed 02040105150090			

(Mine Brook [Morris Co.]). This HUC14 subwatershed has a current Net Water Availability Deficit of -0.063052 million gallons per day (MGD). The applicant for Lot 5.01 proposes using an on-site well for water supply and discharging treated wastewater back to ground water. The anticipated total demand for the project is 456 gpd. Because the project will have its wastewater return on-site, the use is considered consumptive with a consumptive coefficient of 0.29 applied. The consumptive use is calculated at 132 gpd (456 gpd *0.29). Because the on-site well is located within a Current Deficit Area, the consumptive use of 132 gpd represents exacerbation of a net water availability deficit, which is inconsistent with Objective 2B8a. Mitigation of 125% is required under Objective 2B8b (equating to 165 gpd [132*125%] or 60,334 gallons/year). Consistency can be achieved with on-site enhanced ground water recharge through the site's stormwater management. The quantity of 60,334 gallons/year annual mitigation recharge is in addition to the ground water recharge requirements of N.J.A.C. 7:8. With respect to stormwater management, the applicant will be required to comply with N.J.A.C. 7:8 and local stormwater ordinances. Management of stormwater shall be addressed through the HPAA with redevelopment waiver permit process, to be consistent with Policy 2G5.

SUBPART B PROTECTION OF WATER RESOURCES QUANTITY

Project Area includes Prime Ground Water Recharge Area? No

Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 2D3: To protect, enhance, and restore the quantity and quality of Prime Ground Water Recharge Areas.	☐	☐	☒
Objective 2D3c: Implement master plans and development review ordinances through Plan Conformance that protect Prime Ground Water Recharge Areas and minimize the potential for disruption of recharge in such areas by development.	☐	☐	☒
Objective 2D3g: Require through Plan Conformance and local health ordinances, that existing land uses that have a significant potential to result in major discharges of pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a Prime Ground Water Recharge Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.	☐	☐	☒
Policy 2D4: To apply standards through Plan Conformance, local development review and Highlands Project Review to protect, restore and enhance the functionality and the water resource value of Prime Ground Water Recharge Areas by restricting development and uses of land within a Prime Ground Water Recharge Area that reduce natural ground water recharge volumes or may directly or indirectly contribute to or result in water quality degradation.	☐	☐	☒
Objective 2D4a: Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.	☐	☐	☒
Objective 2D4b: Any development activity approved to occur in a Prime Ground Water Recharge Area shall provide an equivalent of 125% of pre-construction recharge volumes for the affected Prime Ground Water Recharge Area of the site within the following areas, in order of priority: (1) the same development site where feasible; (2) the same HUC14 subwatershed, or (3) an interrelated HUC14 subwatershed as approved by the Highlands Council where no feasible option exists in the same HUC14 subwatershed. This requirement shall apply to all portions of the Prime Ground Water Recharge Area where the recharge is disrupted through impervious surfaces, routing of stormwater runoff and recharge from natural flow paths, and other similar changes.	☐	☐	☒
Objective 2D4c: Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area shall be minimized through the implementation of Low Impact Development Best Management Practices meeting the requirements of Objective 2D3a.	☐	☐	☒
Objective 2D4d: Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area, after conformance with Objectives 2D4a, 2D4b and 2D4c is achieved, shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall be preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest ground water recharge rates and the lowest potential for aquifer recharge.	☐	☐	☒
Objective 2D4e: Prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into a Prime Ground Water Recharge Area within the Protection or Conservation Zone within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.	☐	☐	☒
Objective 2D4f: Prohibit through Plan Conformance, local development review and Highlands Project Review new land uses, including those identified through Objective 2D3d, that have a significant potential to result in the discharge of persistent organic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a Prime Ground Water Recharge Area, such that they may degrade or contribute to the degradation of ground water quality.	☐	☐	☒
Objective 2D4g: Require conformance with applicable components of regional stormwater management plans, where applicable, as a mandatory requirement for any site plan application.	☐	☐	☒
Objective 2D4h: Achieve a net improvement in ground water recharge volume and maintenance of water quality as required through compliance with and implementation of any related provisions of an adopted regional stormwater plan.	☐	☐	☒

Objective 2D4i: Achieve a net improvement in ground water volume and maintenance of water quality through redevelopment, enhanced infiltration, pretreatment or other means where feasible.	☐	☐	☒
General Comments: Based on review of the Highlands Council GIS data, the proposed Highlands Redevelopment Area is not located in a Prime Ground Water Recharge Area.			
SUBPART C WATER QUALITY			
Project Area within Wellhead Protection Area? Yes Public Non-Community			
If yes to above, check all that apply: Tier 1 ☐ Tier 2 ☒ Tier 3 ☒			
Name of Nearest Waterway(s) (1000 feet of Project Area): Headwaters of an unnamed tributary of Mine Brook			
SWQS Classification:			
Description of Impairments, or TMDL:			
Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 2G2: To reduce or avoid water quality impacts using requirements for water quality protection measures for new land uses through local development review and Highlands Project Review.	☐	☐	☒
Policy 2G3: To adopt and implement water quality protections through Plan Conformance, local development review and Highlands Project Review.	☐	☐	☒
Objective 2G3a: Prohibit land uses that would increase pollutant loadings to waters for which TMDLs have been adopted by the NJDEP unless in compliance with the relevant TMDL.	☐	☐	☒
Objective 2G3b: Ensure that new land uses draining to a stream designated as impaired but lacking a TMDL (i.e., Sublist 5) avoid increased pollutant loadings for the parameter or parameters for which a TMDL is required.	☐	☐	☒
Objective 2G3c: Water Quality Management Plans, Wastewater Management Plans or amendments shall demonstrate that the proposed service area will not directly or indirectly support development that would be in violation of an adopted TMDL.	☐	☐	☒
Policy 2G5: To adopt and implement stormwater management controls through Plan Conformance, local development review and Highlands Project Review.	☐	☐	☒
Objective 2G5a: Require recharge of clean stormwater rather than contaminated stormwater wherever feasible to meet stormwater management requirements, and to pretreat contaminated stormwater wherever its recharge is required.	☒	☐	☐
Objective 2G5b: Require Low Impact Development and other Best Management Practices standards for stormwater management to minimize the discharge of stormwater-entrained pollutants to ground and surface waters.	☒	☐	☐
Objective 2G5c: Implement agricultural best management practices for water conservation, water reuse, nutrient and pesticide application, animal waste management, environmental restoration, pollution assessment and prevention, and irrigation efficiency in farm operations for the protection of ground and surface water quality.	☐	☐	☒
Objective 2G6c: Require conforming municipal and county master plans and development regulations to incorporate relevant TMDLs, additional water quality protection measures and wellhead protection for public water supply wells and nitrate standards as development standards.	☐	☐	☒
Policy 2H2: To develop and implement, through Plan Conformance, local development review and Highlands Project Review, resource protection measures to protect and enhance ground water and water supply resources within Wellhead Protection Areas consistent with the source water assessments for each water supply source.	☐	☐	☒
Objective 2H2a: Prohibit land uses that have a significant potential to result in the discharge of pathogens (including, but not limited to, septic systems and engineered stormwater infiltration from surfaces with significant potential for contact with pathogenic contaminants) to ground water or to the land surface within a designated Tier 1 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality. Require that the construction of sewer lines within Tier 1 of a Well Head Protection Area prevent seepage of untreated sewage into ground water.	☐	☐	☒
Objective 2H2b: Prohibit land uses that have a significant potential to result in the discharge of persistent organic or toxic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a designated Tier 2 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality.	☐	☐	☒
Objective 2H2c: Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.	☐	☐	☒
Objective 2H4a: Require site specific and municipal stormwater management plans to address wellhead protection requirements.	☐	☐	☒
Policy 2H5: To require that conforming municipalities revise master plans and development regulations to address wellhead protection requirements.	☐	☐	☒
Objective 2H5b: Restrict development activities that pose threats to the water quality of public water supply wells.	☐	☐	☒
Objective 2H5c: Ensure that development activities and existing land use activities implement best management practices to protect the quality of ground water within Wellhead Protection Areas.	☐	☐	☒

Objective 2H5d: Amend Areawide Water Quality Management Plans or Wastewater Management Plans for conforming municipalities and counties to ensure that any activity associated with the proposed service area will not adversely affect a Wellhead Protection Area.	☐	☐	☒

Comments: Based on review of the Highlands Council GIS data, the majority of the proposed Highlands Redevelopment Area lies within either a Tier II or Tier III Wellhead Protection Area (WHPA). No new construction will occur within the Tier II WHPA. With respect specifically to Block 8300 Lot 5.01 where the proposed construction would take place, approximately one-third of the lot lies within a Tier III WHPA. The majority of this land lies within the proposed conservation easement (about 0.1 acre lies outside of the easement.) The NJDEP's NJGeoWeb interactive mapping shows that this WHPA overlay is for a Non-Community Public Water Supply Well for the properties adjacent to the lot. The proposed septic system would be located outside of the WHPA. (Note: septic systems are not prohibited in a Tier II or Tier III WHPA, regardless.) The proposed action is consistent with Objective 2H2c as use of the building for religious practices would not pose a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface.

With respect to Objectives 2G5a and 2G5b, the applicant for Lot 5.01 proposes to install and operate a "recharge gallery" to recharge "clean rooftop runoff" from the Kingdom Hall and to install and operate a "filtration chamber" to filter parking lot stormwater runoff prior to discharge to an adjacent existing detention basin. With respect to stormwater management, the applicant will be required to comply with N.J.A.C. 7:8 and local stormwater ordinances. Management of stormwater shall be addressed through the HPAA with redevelopment waiver permit process, to be consistent with Policy 2G5.

SUBPART D SUSTAINABLE DEVELOPMENT AND WATER RESOURCES

WATER UTILITY

Potable Water Supply? No	**Domestic?** Yes
Source Water HUC(s): 02040105150090	
Public Community Water System? No	**If PCWS, Name of Facility:**
PCWS ID No: N/A	**Total Projected Water Demand of Project (MGD):** 0.000456

Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 2I1: To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.	☐	☐	☒
Objective 2I1b: The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.	☐	☐	☒
Policy 2J2: To ensure, through Plan Conformance and Highlands Project Review, that Highlands Public Community Water Systems conform with Policy 2B6.	☐	☐	☒
Objective 2J2a: Limit future water system demand and reduce existing demand where feasible by water systems that are dependent on Current Deficit Areas or Existing Constrained Areas as a source of water.	☐	☐	☒
Objective 2J2b: Limit future water system demands to levels that will not create a Current Deficit Area where one does not currently exist.	☐	☐	☒
Policy 2J3: To identify, through Plan Conformance, the RMP Water Resources Science Agenda and other means, areas of the Highlands Region with existing or imminent threats to public health and safety from contaminated domestic and other on-site water supplies that are of sufficient scale to potentially justify the extension or creation of a public water supply.	☐	☐	☒
Policy 2J4: To minimize, through Plan Conformance, local development review and Highlands Project Review, the creation or extension of public water supply systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area, and to allow for the creation or extension of public water supply systems where appropriate within the Existing Community Zone.	☐	☐	☒
Objective 2J4a: Prohibit new, expanded or extended public water systems 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 Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 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 Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 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 contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection 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 2J4b.			
Objective 2J4b: Clustered development served by public water supply 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. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 2. Extension of an existing public water 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 new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity; 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. To the maximum extent feasible the developed portion (i.e., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).	☐	☐	☒
Objective 2J4c: Allow the expansion or creation of public water systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to Objective 2J4a within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. TDR Receiving Zones, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than expansion of public water service areas within this Zone.	☐	☐	☒
Objective 2J4d: All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area will be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.	☒	☐	☐
Policy 2J5: To prohibit, through local development review and Highlands Project Review, new or increased water resource transfers between subwatersheds unless it is demonstrated that no other option exists to meet public health, safety and welfare objectives and where such transfers do not result in impairment of resources in the subwatershed from which water is proposed to be transferred.	☐	☐	☒
Policy 2J7: To require water resource management for all development in the Highlands Region, through local development review and Highlands Project Review.	☐	☐	☒
Objective 2J7a: Require the maximum feasible water conservation and recycling for any redevelopment or development activity, including renovations to existing single family residences and commercial/industrial buildings.	☐	☐	☒
Objective 2J7b: Require consideration of and the cost-effective use of recycled or re-used water rather than potable public water for non-potable purposes such as fountains, and nonessential uses such as golf courses, certain recreational, commercial, or agricultural uses.	☐	☐	☒
Objective 2J7c: Require that new residential development served by public community water systems, be except where also served by septic systems, at a minimum density of 1/2 acre per dwelling unit for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, recreational space), to ensure cost-effective utility service.	☐	☐	☒
Objective 2J7d: Require that new non-residential development served by public water systems, except where also served by septic systems, be designed to target a floor area ratio (FAR) of 0.84 for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, recreational lands) to the maximum extent feasible, as a means to maximize parking and employment efficiency and compact development.	☐	☐	☒
Comments: The applicant for Lot 5.01 is using an existing on-site well for water supply and will discharge treated wastewater back to ground water with minimal consumptive uses. The other lots have existing development.			

WASTEWATER UTILITY			
NJPDES Permit Number: N/A	**Projected Flow of Project (GPD)**:		
HDSF Facility? No	**HDSF Available Capacity (MGD):**		
Subject to Allocation Agreement? No	**Capacity Allocated from HDSF (MGD):**		
Extent of HDSF Service Area Included in WMP: Full ☐ Partial ☐			
Wastewater Treatment Facility: (Individual Subsurface Sewage Disposal System)			
Service Area:	**Wastewater Discharge Flow (MGD): < 2,000 GPD**		
NJPDES-DGW: Existing ☐ Proposed ☐	Existing:	Increase:	
NJPDES-DSW: Existing ☐ Proposed ☐	Existing:	Increase:	
Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 2I1: To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.	☐	☐	☒
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.	☐	☐	☒
Objective 2I1b: The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.	☐	☐	☒
Policy 2K2: To base projected demand for current needs, appropriate economic revitalization and opportunities for designated TDR Receiving Zones within Existing Areas Served on existing maximum three month demands plus an estimate of redevelopment needs based on either Highlands Council regional analyses or more detailed local analyses, to assess whether there is adequate treatment capacity to encourage redevelopment.	☐	☐	☒
Policy 2K3: To provide adequate, appropriate, efficient and cost-effective wastewater management to all development in the Highlands Region, through Plan Conformance, local development review and Highlands Project Review.	☐	☐	☒
Objective 2K3b: Existing wastewater collection and treatments systems which are non-compliant with state water quality standards for wastewater treatment and effluent discharge shall be prohibited from collecting and treating additional wastewater until the treatment systems are fully compliant with State permit requirements.	☐	☐	☒
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 Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 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 Agricultural Resource Areas, 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.	☐	☐	☒
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. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas; 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; 4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and	☐	☐	☒

5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).			
Objective 2K3e: Allow the expansion or creation of wastewater collection systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to those provided at Objective 2K3c within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. The highest priority for allocation of excess or additional wastewater treatment capacity is to areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served. TDR Receiving Areas, where designated, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than other developments requiring expansion of sewer service areas.	☐	☐	☒
Objective 2K3f: All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.	☐	☐	☒
Policy 2K4: To ensure the efficiency and cost-effectiveness of public wastewater collection and treatment systems, through Plan Conformance, local development review and Highlands Project Review.	☐	☐	☒
Objective 2K4a: Require that new residential development served by public wastewater collection and treatment systems be at a minimum density of 1/2 acre per dwelling unit for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, and recreational space) to ensure cost-effective utility service.	☐	☐	☒
Objective 2K4b: Require that new non-residential development served by public wastewater collection and treatment systems be designed to target a floor area ratio (FAR) of 0.84 for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, recreational space) to the maximum extent feasible, as a means to maximize parking and employment efficiency and compact development.	☐	☐	☒
Objective 2K4c: Require the use of recycled or re-used water wherever possible including aesthetic purposes and non-potable purposes such as fountains, golf courses, and other recreational, commercial or agricultural uses.	☐	☐	☒

Comments: The applicant for Lot 5.01 will use an on-site well for water supply and discharge treated wastewater back to ground water through on-site septic systems. No expansion of the existing service area is proposed.

SEPTIC SYSTEM YIELD

Proposed Nitrate Target(s) (mg/l): **Annual Recharge Rate Used:** Drought ☐ Average ☐

	Protection Zone	Conservation Zone	Existing Community Zone
Municipal Septic System Density (acre/unit)			
HC Septic System Density (acre/unit)			
Municipal Septic System Yield (units)			
HC Septic System Yield (units)			

Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 2L2: To use the median background nitrate concentrations in ground water in the Highlands Region as a basis for establishing on-site wastewater treatment densities through Plan Conformance, local development review, and Highlands Project Review.	☐	☐	☒
Objective 2L2a: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Protection Zone is predominant as the nitrate target for new development reliant on septic systems within the Protection Zone. The median is 0.72 mg/L.	☐	☐	☒
Objective 2L2b: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Conservation Zone is predominant as the nitrate target for new development reliant on septic systems within the Conservation Zone. The median is 1.87 mg/L.	☐	☐	☒
Objective 2L2c: Use the NJDEP Highlands Preservation Area rules and nitrate thresholds for the Preservation Area.	☐	☒	☐
Objective 2L2d: Use a nitrate target of 2 mg/L for the Existing Community Zone within Planning Area, on a project-by-project basis, where new development will rely on septic systems.	☐	☐	☒
Objective 2L2e: New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L or any more stringent requirement as required by N.J.A.C. 7:15.	☐	☐	☒

Objective 2L3f: Carrying capacity shall be documented through the Land Use Capability Septic System Yield Map as the number of allowable septic systems per Conservation and Protection Zone for each HUC14 subwatershed, taking into account the nitrate target, the HUC14 subwatershed drought ground water recharge, and the acreage that is privately owned, undeveloped or underdeveloped, and not preserved.	☐	☐	☒
Objective 2L2g: New residential development utilizing septic systems shall be designed in a manner that ensures that the untreated well water meets the State drinking water quality standards and that minimizes the risk of well contamination due to the flow of septic system plumes within or between developed lots, addressing general ground water flow patterns, major fracture systems and other appropriate geological, geophysical and hydrogeological issues.	☐	☐	☒

Comments: The applicant for Lot 5.01 proposes a new septic system for site development within the Preservation Area, which is inconsistent with Objective 2L2c and therefore requires a waiver from Preservation Area septic system density limitations.

PART 3 AGRICULTURAL RESOURCES

Area within Agricultural Resource Area? Yes **If yes, percentage?** 100%	**Area within Agricultural Priority Area**? No **If yes, percentage?** %
Project Area includes preserved farmland? No **If yes, identify properties (B/L):**	
Affects Farm Unit >250 acres? Yes	**Includes Important Farmland Soils?** Yes
Agricultural Uses? No	

Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 3A5: Where it is not feasible to preserve agricultural lands within the ARA by such methods as fee simple acquisition, easement acquisition, or a TDR Program, require mandatory clustering through Municipal Plan Conformance, local development review and Highlands Project Review for residential development in an ARA. Cluster development within the Planning Area that incorporates public or community on-site wastewater utilities shall meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area shall meet the requirements of Policy 2I1 and Objectives 2I1a and 2I1b, and where reliant on septic systems shall meet the requirements of Objective 6I1a.	☐	☐	☒
Objective 3A5a: Implement regulations requiring that cluster or conservation design development proposed within an Agricultural Resource Area support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect Important Farmland Soils, and meet resource management and protection requirements of the RMP.	☐	☐	☒
Objective 3A5b: Implement regulations requiring that all cluster or conservation design development proposed in an Agricultural Resource Area be buffered appropriately with existing natural resources, such as hedgerows or trees, or with new buffers to avoid conflicts between non-agricultural development and agricultural activities, and to protect existing agricultural uses and sensitive environmental resources.	☐	☐	☒
Objective 3A5c: Implement regulations requiring that all land preserved in perpetuity for environmental protection or agricultural purposes as a result of clustering be subject to a conservation easement enforceable by the Highlands Council and at least one of the following: the appropriate municipality, for agricultural purposes the County Agriculture Development Board or the SADC and for environmental purposes Green Acres or a qualified land trust non-profit organization.	☐	☐	☒
Objective 3A5d: Where the preserved land in the cluster project area is dedicated to agricultural purposes support continued agricultural viability of the agricultural land, encourage that the original or new farmstead remain attached to the preserved land wherever feasible, and require the implementation of best management practices through the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA NRCS, Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).	☐	☐	☒
Policy 3A6: To permit through local development review and Highlands Project Review limited development, including family and farm labor housing in Agricultural Resource Areas which are necessary to support the viability of the agricultural operation, in coordination with the NJDA and the SADC, and subject to compliance with the resource management and protection requirements of the RMP.	☐	☐	☒
Objective 3A6a: Implement regulations allowing for construction of ancillary structures and family and farm labor housing that is necessary to support the viability of the agricultural operation, upon a demonstration that the proposed development is consistent with the resource management and protection requirements of the RMP.	☐	☐	☒
Policy 3C1: To prohibit through Plan Conformance, local development review and Highlands Project Review the development of additional water and wastewater infrastructure in a Agricultural Resource Area (ARA) within the Conservation and Protection Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the preservation of agricultural lands within the ARA.	☐	☐	☒
Policy 3D2: To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of greater than 3% but less than 9%, to develop and implement a Farm Conservation Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.	☐	☐	☒

Policy 3D3: To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of 9% or greater to develop and implement a Resource Management System Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.	☐	☐	☒
Policy 3D6: To identify subwatersheds with elevated nitrate levels and develop and implement management plans to enhance water quality in these subwatersheds while maintaining and enhancing agricultural viability.	☐	☐	☒
Policy 3E3: To require conforming municipalities and counties, with farmland preservation programs or a significant agricultural land base, to incorporate Right to Farm provisions, in accordance with N.J.S.A. 4:1C-1 et seq. and N.J.A.C. 2:76-2, in their master plans and development regulations.	☐	☐	☒
Policy 3E4: To address agricultural or horticultural development and agricultural or horticultural use through Plan Conformance in accordance with the Right to Farm Act, N.J.S.A. 4:1C-1, and in coordination with the NJDA, the SADC, and the County Agriculture Development Boards (CADB).	☐	☐	☒

Comments: Based on review of the Highlands Council GIS data, the entire proposed Highlands Redevelopment Area is located within an Agricultural Resource Area. Lots 5, 5.01, and 6 are mapped as part of agricultural fields designated as a Farm Unit greater than 250 acres, but Lots 5 and 6 are verified by Mount Olive Township as being developed. Small areas of Block 8300 Lot 5.01 are mapped as being in Agricultural Use. However, that is likely a mapping artifact as there is a large parcel to the west of the lot that is mapped as being in Agricultural Use (and as being a Farm Unit greater than 250 acres.) Lot 5.01, which has been owned by the Hackettstown Congregation of Jehovah's Witness since 2003, is not in agricultural use.

PART 4 HISTORIC, CULTURAL, ARCHAEOLOGICAL, AND SCENIC RESOURCES

Presence of Resources: No	**Highlands Historic District Polygons** Absence
Highlands Historic Properties Polygons Absence	**Highlands Historic Property Points** Absence
Archaeological Grids Absence	**Highlands Scenic Resource Inventory** Absence

Description of Resources:

Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 4A3: To ensure through local development review, where a municipality has adopted an historic preservation ordinance under Policy 4C2, that human development does not adversely affect the character or value of resources which are listed on the Highlands Historic and Cultural Resource Inventory to the maximum extent practicable.	☐	☐	☒
Objective 4A3a: All development and redevelopment applications shall include submission of a report identifying potential historic, cultural and/or archaeological resources on the subject property or immediately adjacent properties.	☐	☐	☒
Policy 4A4: To require that the impact of proposed human development on the historic and cultural resources of the Highlands Region be addressed during local development review and Highlands Project Review and approval.	☐	☐	☒
Objective 4A4a: All applications for site plan or subdivision approval shall include identification of any cultural, historic or archaeological resources in the Highlands Region, which are listed on the Highlands Historic and Cultural Resource Inventory and may be affected by the proposed development.	☐	☐	☒
Objective 4A4b: Where a municipality has adopted an historic preservation ordinance under Policy 4C2, all development which affects identified cultural, historic sites/districts, or archaeological resources shall comply with minimum standards for the preservation of the affected resources.	☐	☐	☒
Policy 4B3: To ensure that human development does not adversely affect the character or value of resources which are listed on the Highlands Scenic Resources Inventory.	☐	☐	☒
Policy 4B4: To establish minimum standards to ensure that Highlands Scenic Resources are not impaired by new human development.	☐	☐	☒
Policy 4B5: To require that the impact of proposed human development on the scenic resources of the Highlands Region be addressed during local development review and Highlands Project Review and approval.	☐	☐	☒
Objective 4B5a: All development applications shall include identification of any scenic resources in the Highlands Region that are listed on the Highlands Scenic Resources Inventory and may be affected by the proposed development.	☐	☐	☒
Objective 4B5b: All development which affects identified scenic resources shall comply with minimum standards for the preservation of the affected resources.	☐	☐	☒
Objective 4B5c: Any proposed action that requires federal permits, involves federal grants, or involves other federal actions that may impact the resource values of the Musconetcong National Scenic and Recreational River and the Lower Delaware National Scenic and Recreational River, pursuant to section 10(a) of the National Wild and Scenic Rivers Act, shall require review by the National Park Service, National Wild and Scenic Rivers Program.	☐	☐	☒

Comments: Review of the Highlands GIS data indicates that the proposed Highlands Redevelopment Area does not feature any historic, cultural, archaeological, or scenic resources.

PART 5 TRANSPORTATION

Project supports local transportation/transit infrastructure? No

Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 5B2: To require through Plan Conformance and Highlands Project Review an evaluation of potential growth inducing effects such as substantial new land use, new residents, or new employment that could occur as a result of road improvements for increased motorized vehicle traffic capacity.	☐	☐	☒
Policy 5B3: To prohibit through Plan Conformance and Highlands Project Review road improvements in the Highlands Region in areas for which a Growth Inducing Study demonstrates that proposed improvements do not support the RMP resource protection and smart growth policies and are likely to be growth-inducing for lands with limited or no capacity to support human development without an adverse impact on the Highlands ecosystem.	☐	☐	☒
Policy 5C3: To limit road improvements through local development review and Highlands Project Review where roads are constrained by topography, forested lands or the community character of land uses fronting on the road.	☐	☐	☒

Comments: The proposed Highlands Redevelopment Area does not include or require any road improvements.

PART 6 FUTURE LAND USE

SUBPART A LAND USE CAPABILITY ZONES

Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):
Protection Zone ☐ Conservation Zone ☒ Existing Community Zone ☐
Conservation – Environmentally Constrained Sub-Zone ☒ Existing Community – Environmentally Constrained Sub-Zone ☐
Lake Community Sub-Zone ☐ Wildlife Management Sub-Zone ☐

Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 6C1: To limit new human development in the Protection Zone to redevelopment, exempt activities, and environmentally-compatible low density new land uses, in accordance with RMP resource protection needs and water quality and quantity capacity constraints and to ensure that the impacts of development using exemptions under the Highlands Act (see Policy 7F1) are considered in regional protection measures.	☐	☐	☒
Objective 6C1a: Centers in the Protection Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.	☐	☐	☒
Policy 6C2: To ensure through Plan Conformance, local development review and Highlands Project Review that any future development or redevelopment which does occur in a Protection Zone is subject to standards and criteria which protect the land and water resources of the Protection Zone from any potential adverse impact to the maximum extent possible.	☐	☐	☒
Policy 6D3: To limit through Plan Conformance, local development review and Highlands Project Review the use and development of lands within the Conservation Zone to agriculture use and development, including ancillary and support uses, redevelopment of existing developed areas, and environmentally-compatible low density land uses that are to the maximum extent possible achieved in compact development patterns, to be designed and developed in a manner which is compatible with the long term use of adjacent land for agricultural purposes.	☐	☐	☒
Objective 6D3b: Centers in the Conservation Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.	☐	☐	☒
Policy 6F3: To ensure that development activities within the Existing Community Zone are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principles and do not adversely affect natural resources.	☐	☐	☒
Policy 6F4: To ensure that development and redevelopment within the Existing Community Zone are served by adequate public facilities including water supply, wastewater treatment, transportation, educational and community facilities.	☐	☐	☒
Policy 6F5: To ensure that development and redevelopment in the Existing Community Zone are compatible with existing community character.	☐	☐	☐
Objective 6F6a: Center based development initiatives shall be planned within the Existing Community Zone at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan. Densities of five dwelling units and above are encouraged, and are required in areas designated as voluntary TDR Receiving Zones where TDR benefits are sought under the Highlands Act.	☐	☐	☒

Comments: The lot (5.01) in which the proposed construction would take place is largely within the Conservation Zone. The construction of the proposed religious facility would not adversely affect natural resources, as the area is already disturbed. Management of stormwater from the proposed facility shall be addressed through the HPAA with redevelopment waiver permit process, to be consistent with Policy 2G5 and 6N2.

SUBPART C REGIONAL GUIDANCE FOR DEVELOPMENT AND REDEVELOPMENT			
Regional Master Plan Goals, Policies, and Objectives: (it is important to note the policy regarding discretionary growth - Policy 6H7 Provisions and standards relating to regional growth activities which increase the intensity of development shall be discretionary for conforming municipalities and counties):	**C**	**I**	**N/A**
Policy 6H1: To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.	☐	☒	☐
Objective 6H1b: Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone and Environmentally Constrained Sub-Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the protection of agricultural and environmentally sensitive resources.	☐	☐	☒
Objective 6H1d: Cluster and conservation design development plans and regulations shall consider existing community character, incorporate smart growth design principles, and require Low Impact Development including but not limited to: locating development adjacent to existing infrastructure such as water, wastewater, transportation, and public facilities to limit the degree of new impervious surface, and permitting smaller residential lots in order to incorporate community open space and existing natural resources into the design.	☐	☐	☒
Policy 6H3: To require conforming municipalities to include site development programs, such as clustering and lot averaging, to protect natural and agriculture resources.	☐	☐	☒
Policy 6H6: To integrate public parks and green spaces into development and redevelopment projects and ensure restoration of impaired natural resources to the extent required by law, at a minimum, and where feasible to a greater extent to maximize long term value of the project.	☐	☐	☒
Policy 6H7: Provisions and standards relating to regional growth activities which increase the intensity of development shall be discretionary for conforming municipalities and counties.	☐	☐	☒
Policy 6H8: Regional growth, where accepted through local planning and regulations, should identify opportunities to maximize land use intensity while protecting natural features and community character.	☐	☐	☒
Objective 6H8a: Development and redevelopment initiatives shall encourage the use of Highlands Development Credits as a means to enhance the existing or adjacent community while protecting local and regional natural resources.	☐	☐	☒
Objective 6H8b: Preparation and implementation of standards ensuring that development protects environmentally sensitive resources in all Land Use Capability Zones and Sub-Zones.	☐	☐	☒
Policy 6H9: To incorporate smart growth principles and green building design and technology in development and redevelopment initiatives.	☐	☐	☒

Comments: Inconsistencies with Policy 6H1 have been addressed above (see Highlands Open Water buffers, Riparian Areas, Critical Habitat, Wellhead Protection Areas and water availability). Management of stormwater from the project area shall be addressed through the HPAA with redevelopment waiver permitting process. The project should be designed to incorporate low impact development techniques where feasible, including stormwater management techniques used for mitigation. Any disturbance and construction activities should be managed to minimize impacts to the surrounding environment. Designation of the proposed Highlands Redevelopment Area including Lot 5.01 provides for beneficial public use. By reusing and redeveloping previously disturbed areas, economic investment and community development within the framework of smart growth is assured. The project promotes smart growth policies by a maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment. The proposed use of Lot 5.01 does not create a substantial change to the existing development pattern of this area.

SUBPART D REDEVELOPMENT			
Locally Designated Redevelopment Area? NA **If yes, name of site(s):**			
Highlands Designated Redevelopment Area? NA **If yes, name of site(s):**			
Highlands Contaminated Site Inventory Tier 1 or Tier 2 Site(s)? No **If yes, name of site(s):**			
Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 6J1: To encourage Preservation Area redevelopment of sites with 70% or greater impervious surfaces or a brownfield in areas designated by the Highlands Council as Highlands Redevelopment Areas in accordance with N.J.A.C 7:38-6.6 and 6.7.	☒	☐	☐
Policy 6J2: To encourage redevelopment in the Existing Community Zone in the Planning Area of brownfields, grayfields, and other previously developed areas that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.	☒	☐	☐
Policy 6J3: To encourage redevelopment in the Conservation and Protection Zones in the Planning Area of brownfields and grayfields that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.	☐	☐	☒

Policy 6L1: To require that conforming municipalities identify any development, redevelopment, and brownfield opportunities in the local land use plan element of their master plans, as appropriate.	☐	☐	☒
Policy 6L2: To require that conforming municipalities amend development regulations and zoning to enable project implementation of local redevelopment initiatives that are identified under Policy 6L1 and locally endorsed through Plan Conformance.	☐	☐	☒
Objective 6L2a: Municipal review of local redevelopment projects consistent with RMP smart growth and Low Impact Development policies and objectives.	☐	☐	☒

Comments: During the Plan Conformance Petition process, through discussions with Highlands Council staff, the Township of Mount Olive identified areas along Route 46 and Sand Shore Road for potential designation as a Highlands Redevelopment Area. Phase I was proposed to include existing industrial properties located in Block 8300 along the north side of Sand Shore Road (the subject of this Consistency Determination.) The Township of Mount Olive's Petition for Plan Conformance has been approved by the Highlands Council (Highlands Council Resolution # 2011-1 adopted on January 20, 2011.)

This proposal directly addresses the purposes of Policy 6J1 and 6J2. Management of stormwater from any new development in the proposed Highlands Redevelopment Area shall be addressed through the HPAA with redevelopment waiver permitting process. Such a project should be designed to incorporate low impact development techniques where feasible, including stormwater management techniques used for mitigation. Any disturbance and construction activities should be managed to minimize impacts to the surrounding environment.

SUBPART E SMART GROWTH

Is the municipality involved in the State Planning Commission Plan Endorsement (PE) process? No

If yes, status of PE process:

Does the project area include a State Planning Commission designated or expired center? No

If yes, center expiration date: 00/00/0000

Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 6N2: To require municipalities and counties to adopt stormwater management Low Impact Development standards to preserve or mimic the natural hydrologic features and characteristics of the land.	☐	☐	☒
Objective 6N2a: Implementation of on-site stormwater management features that maintain, restore and enhance the pre-existing natural drainage patterns of the site.	☐	☐	☒
Objective 6N2b: Limitations on the amount of impervious cover allowed on a site as a means to protect and increase stormwater infiltration and reduce stormwater runoff.	☐	☐	☒
Objective 6N2c: Minimum requirements for site-specific hydrologic studies during local development review and Highlands Project Review which identify the velocity, volume and pattern of water flow into, through, and off of the parcel proposed for development.	☐	☐	☒
Objective 6N2d: Minimum requirements that stormwater management systems employ a "design with nature" approach.	☐	☐	☒
Objective 6N2e: Minimum requirements for use of grass channels, dry swales, wet swales, infiltration basins, bio-swales and water gardens, green roofs, and other low impact approaches to attenuate and control stormwater and provide multiple environmental benefits.	☐	☐	☒
Policy 6N3: To require through Plan Conformance that municipalities and counties adopt Low Impact Development practices to minimize land disturbance during construction activities.	☐	☐	☒
Policy 6N4: To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.	☐	☐	☒
Policy 6N5: To require through Plan Conformance that municipalities and counties incorporate programs for community and neighborhood design that support a variety of housing options, mixed uses, redevelopment, adaptive re-use of historic sites and structures, and infill development in their master plans and development regulations.	☐	☐	☒

Comments: Management of stormwater shall be addressed through the HPAA with redevelopment waiver permit process. The proposed project for Lot 5.01 should be designed to incorporate low impact development stormwater management techniques, including vegetated areas to control runoff and assist recharge. Any construction activities should be managed to minimize impacts to the surrounding environment.

SUBPART F HOUSING AND COMMUNITY FACILITIES

Does the project area include an affordable housing site? No **3rd Round Status:** Petition

Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 6O7: To require that conforming municipalities implement both the resource protection requirements of the RMP along with the New Jersey Supreme Court's doctrine, in its Mount Laurel decisions, that every municipality in a "growth area" has a constitutional obligation to provide through its land use regulations, sound land use, and long range planning, a realistic opportunity for a fair share of its region's present and prospective needs for housing for low and moderate income families.	☐	☐	☒
Policy 6O8: To require that conforming municipalities update and adopt a housing element, fair share plan, and implementing ordinance(s) to reflect current conditions and resource protection requirements of the RMP.	☐	☐	☒
Objective 6O8a: Conforming municipalities, through housing plans, will evaluate and provide for alternate mechanisms to address affordable housing obligations where RMP resource protection standards restrict the ability of planned but not built sites to be developed for affordable housing.	☐	☐	☒

Comments: Most lots within the proposed Highlands Redevelopment Area are fully developed with industrial facilities. The proposed project for Lot 5.01 is the construction of a facility for use by the Hackettstown Congregation of Jehovah's Witness.

PART 7 LANDOWNER EQUITY

Is the project exempt from the Highlands Act? No

Does the project support the use of Highlands Development Credits? No

Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Objective 7F1c: Preservation Area exemptions issued by the NJDEP in accordance with N.J.A.C. 7:38, shall be required, where appropriate, prior to consideration of a local development review or a Highlands Project Review. Guidance shall specify the exceptions where a review may proceed absent an exemption determination from the NJDEP.	☐	☐	☒
Objective 7F1d: Planning Area exemptions, issued by the Highlands Council, shall be required, where appropriate, prior to consideration of a local development review or a Highlands Project Review. Guidance shall specify the exceptions where a review may proceed absent such an exemption determination. Applications for exemptions submitted to the Highlands Council shall be based upon the application requirements exemptions codified in N.J.A.C. 7:38.	☐	☐	☒
Objective 7F1f: Activities authorized under exemptions #9 and #11, which require a finding that the activity is consistent with the goals and purposes of the Highlands Act, shall be based upon a finding that the proposed activities are consistent with Highlands Act, the RMP, any rules or regulations adopted by the NJDEP pursuant to the Highlands Act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP.	☐	☐	☒
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.	☒	☐	☐
Policy 7G2: For both the Preservation Area and the Planning Area, a waiver may be issued by the Highlands Council on a case-by-case basis from the requirements of the RMP or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP: 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. Any waiver issued shall be conditioned upon a determination that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible.	☒	☐	☐
Policy 7G3: For both the Preservation Area and the Planning Area during local development review, any variance or exception issued shall be conditioned upon a written determination, specifically included in an approving resolution, that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible.	☐	☐	☒

Comments: Mount Olive Township is applying to the Highlands Council for a Highlands Redevelopment Area designation in a previously developed area. The applicant for Lot 5.01 will subsequently seek an HPAA with redevelopment waiver from NJDEP, consistent with Policies 7G1 and 7G2.

PART 8 SUSTAINABLE ECONOMIC DEVELOPMENT

Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 8A1: To maintain and expand the existing job and economic base by promoting appropriate, sustainable, and environmentally compatible economic development throughout the Highlands Region.	☒	☐	☐
Policy 8A2: To preserve the high quality of life in the Highlands Region through economic planning of the RMP.	☐	☐	☒
Policy 8A3: To identify and pursue state and federal programs that offer financial and/or technical assistance for sustainable economic development in the Highlands Region.	☐	☐	☒
Policy 8A5: To advocate for appropriate public investment in the Highlands Region through the strategic location of public facilities and institutions that will spur sustainable and appropriate economic activity.	☐	☐	☒
Objective 8A6a: Coordinate with municipalities and counties as local and regional strategies are developed to improve the tax base	☐	☐	☒

and to create jobs and economic opportunities consistent with the policies and objectives of the RMP.			
Policy 8C1: To promote recreation and tourism based economic initiatives, which derive economic benefit from sustainable use of the natural resources of the Highlands Region.	☐	☐	☒

Comments: The intended use for Lot 5.01, as supported by this proposed Highlands Redevelopment Area, is for the Hackettstown Congregation of Jehovah's Witness to move from their current facility to this proposed location. According to the Congregation, the existing facility is located in a residential zone and cannot be expanded based on the Township of Mount Olive's zoning requirements. The intent, according to the Congregation, is to have the congregation in a better location for its services.

PART 9 AIR QUALITY

Regional Master Plan Goals, Policies, and Objectives:	**C**	**I**	**N/A**
Policy 9A1: To encourage capital facility development and redevelopment that leads to attainment of the National Ambient Air Quality Standards (NAAQS).	☐	☐	☒
Policy 9A2: To support continued, consistent and thorough air quality monitoring and assessment programs as a means of evaluating and managing major air toxic point sources that affect the Region.	☐	☐	☒
Policy 9A3: To encourage land use development and redevelopment practices that promote center-based growth and mixed-use development and offer alternative modes of transportation as a means to reduce automobile dependency, vehicle miles traveled, vehicle trip length, and duration, for the reduction of local and regional air pollutants and of carbon dioxide emissions linked to global warming.	☐	☐	☒
Policy 9A4: To encourage and support state and federal air quality monitoring for the Highlands Region and regulatory action to reduce levels of air pollutants including but not limited to: ozone, carbon dioxide, sulfur compounds, volatile organic compounds, methane, and fine particulate matter pollutants in the Highlands Region.	☐	☐	☒
Policy 9A5: To encourage energy efficient design and green building practices in support of regional resource protection and smart growth planning policies.	☐	☐	☒
Policy 9A6: To support State and federal initiatives that will reduce air pollution emanating from power plants, incinerators and landfills within and affecting the Highlands Region and particularly in Warren County due to out-of-State power plant air pollution.	☐	☐	☒

Comments: Air quality impacts associated with the proposed construction will likely include emissions from fossil-fueled construction equipment and fugitive dust. Such air quality impacts, however, will generally be temporary, localized and insignificant.

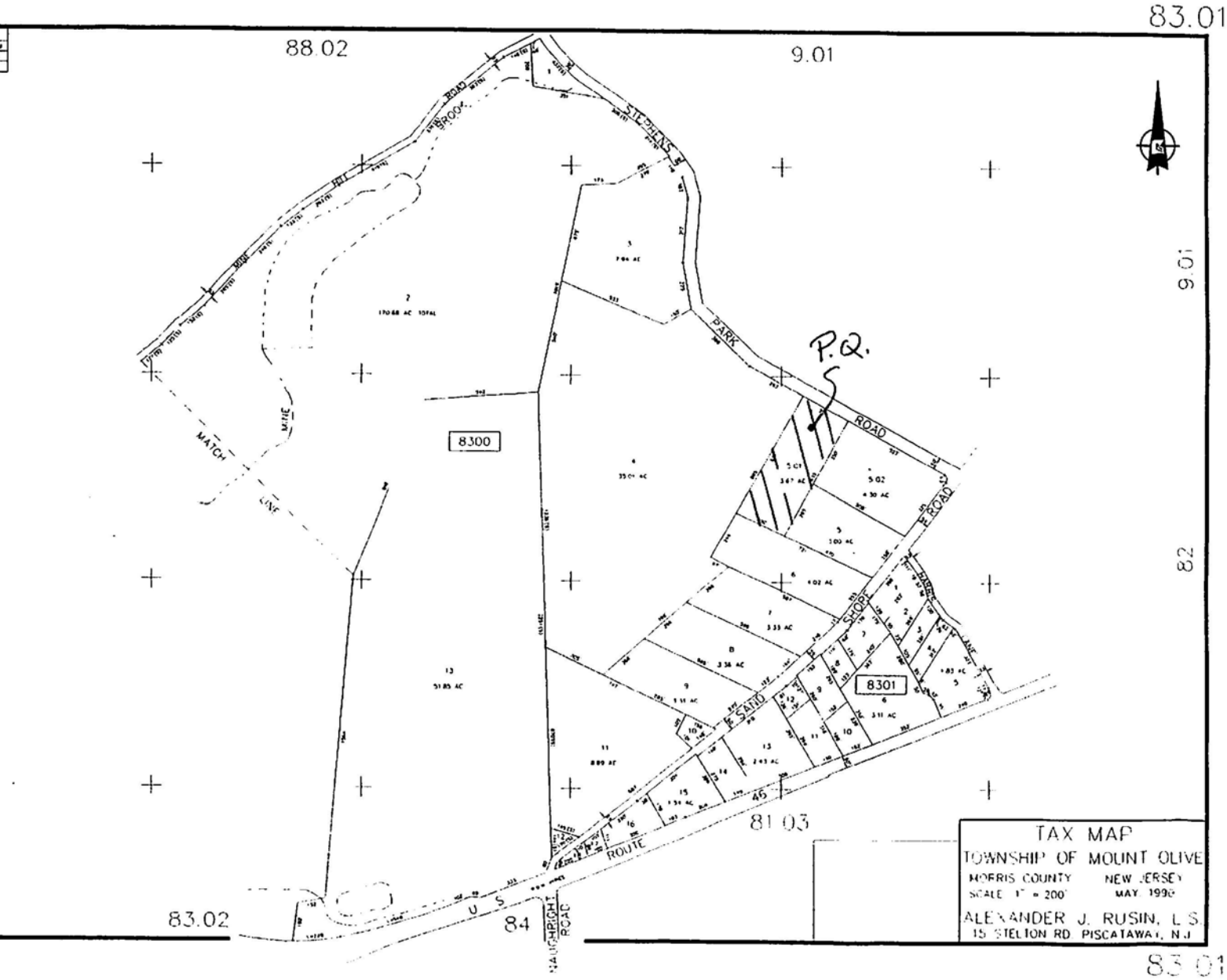
CONCLUSION

This application is for a Highlands Redevelopment Area Designation wherein the Highlands Council designates an area for redevelopment activities with conditions and waivers as appropriate from the RMP. Subsequently, the owner of an affected parcel may request waivers from NJDEP regarding unavoidable impacts to resources affected by proposed development in order to retain economic viability.

The proposed Highlands Redevelopment Area is consistent with the Highlands Act and Highlands Council procedures regarding designation of a Highlands Redevelopment Area with at least 70% existing impervious surface. It is inconsistent with Policy 1D4 and Objectives 1D4b and 1D5b as it entails encroachment into a Highlands Open Waters buffer and Riparian Area, however the on-site buffer and Riparian Area on Lot 5.01 (the only lot on which development is proposed) is currently disturbed (open field with considerable compacted dirt surface.) The proposed project is inconsistent with Objectives 2B8a and 2B8b because the on-site water demand represents new consumptive uses within a Current Deficit Area. Consistency would require that the applicant provide mitigation equal to 125% of the proposed consumptive water uses benefiting the project (approximately 165 gpd, or 60,334 gallons per year), in addition to requirements of N.J.A.C. 7:8, which could be achieved with enhanced on-site ground water recharge through the project's stormwater management plan.

Construction of the proposed facilities on Lot 5.01 within the disturbed HOW buffer and Riparian Area, and consumptive water use in a Current Deficit Area must be addressed through the redevelopment waiver process under N.J.A.C. 7:38. Stormwater regulations also must be followed in the project design upon HPAA with redevelopment permitting. The project should be designed to incorporate low impact development techniques where feasible, including stormwater management techniques used for mitigation. Any disturbance and construction activities should be managed to minimize impacts to the surrounding environment.

A waiver from NJDEP will be required for the project on Lot 5.01 regarding the Preservation Area septic system density and the maximum 3% impervious surface.


83.01
88.02
9.01
STEPHENS
PARK
ROAD
P.Q.
8300
8301
MATCH
LINE
MINE
SHORE
SAND
ROUTE
46
81.03
83.02
84
NAUGHRIGHT ROAD
9.01
82
83.01
TAX MAP
TOWNSHIP OF MOUNT OLIVE
MORRIS COUNTY
NEW JERSEY
SCALE 1" = 200'
MAY 1990
ALEXANDER J. RUSIN, L.S.
15 STELTON RD. PISCATAWAY, N.J.

ITEM 8

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JACK J. SCHRIER
Acting Chairman

EILEEN SWAN
Executive Director

Highlands Council Staff Final Recommendation Report
Proposed Highlands Redevelopment Area Designation
Sand Shore Road Highlands Redevelopment Area
Mount Olive Block 8300 (Lots 5, 5.01, 5.02, 6, 7, 8 and 9)

Date: May 19, 2011

Re:	Application Type:	*Proposed Highlands Redevelopment Area Designation*
	Name:	*Sand Shore Road Highlands Redevelopment Area*
	Municipality:	*Mount Olive*
	County:	*Morris*
	Highlands Act Area:	*Preservation Area*
	LUCM Location:	*Existing Community Zone, Existing Community – Environmentally Constrained Sub-Zone, and Conservation Zone*
	Property:	*Block 8300 Lots 5, 5.01, 5.02, 6, 7, 8 and 9*
	Proposed Use:	*In addition to the existing development in Lots 5, 5.02, 6, 7, 8 and 9, the Hackettstown Congregation of Jehovah's Witness (owner of Lot 5.01) proposes to construct a 4,296 sq ft, one-story building (for use as the Congregation's Kingdom Hall), an associated parking area, drainage, and a new individual subsurface septic disposal system (i.e., septic system).*

1.0 PROJECT DESCRIPTION

The proposed Sand Shore Road Highlands Redevelopment Area consists of properties in the Preservation Area zoned as Light Industrial and located in portions of Block 8300 (Lots 5, 5.01, 5.02, 6, 7, 8 and 9) along the north side of Sand Shore Road in Mount Olive Township, Morris County. The proposed Highlands Redevelopment Area is mostly developed and contains a commercial building on each lot with the exception of Lot 5.01, which is largely an open field with significant surface disturbance (compacted dirt surface). All lands north of the proposed Highlands Redevelopment Area are preserved open space. According to information provided by the Township of Mount Olive regarding maximum lot coverage and Floor Area Ratio (FAR) based on municipal zoning, future development on Lots 5, 5.02, 6, 7, 8, and 9 is highly constrained. The proposed Highlands Redevelopment Area incorporates the developed portions of those lots, and

excludes any extensive portions that are in lawn and field. The Hackettstown Congregation of Jehovah's Witness (owner of Lot 5.01) proposes to construct a 4,296 sq ft one-story building (for use as the Congregation's Kingdom Hall), associated parking area, drainage, and a new individual subsurface disposal system (i.e., septic system). The Congregation proposes to use an existing well on the lot. The Congregation also proposes to deed restrict approximately 1.65-acres (72,131 square feet) of Lot 5.01 as a Deed Restricted Conservation Easement, mostly to the western side of the parcel and adjacent to the existing preserved lands to the north. The area of proposed disturbance is approximately 2.03 acres. The total Highlands Redevelopment Area is 18.92 acres, with an existing impervious surface of 13.46 acres, or 71.17%. The Township of Mount Olive is seeking a Highlands Redevelopment Area Designation from the Highlands Council. The Congregation will subsequently apply for a Highlands Preservation Area Approval (HPAA) with redevelopment waiver permit from the NJDEP.

2.0 ADMINISTRATIVE PROCESS

The Township of Mount Olive's Petition for Plan Conformance has been approved by the Highlands Council (Highlands Council Resolution # 2011-1 adopted on January 20, 2011.) An important component of the Township's Petition is redevelopment planning for the Township using a phased approach. During the Petition process, through discussions with Highlands Council staff, Mount Olive identified areas along Route 46 and Sand Shore Road for potential designation as a Highlands Redevelopment Area. Phase I was proposed to include existing industrial properties located in Block 8300 along the north side of Sand Shore Road (the subject of this Staff Recommendation Report.) The proposed Redevelopment Area designation was presented for discussion purposes during the Plan Conformance Petition presentation by Highlands Council staff. Phase II will review a potential redevelopment area addressing developed properties along Route 46, which may or may not be linked to the current proposal. Additional Highlands Redevelopment Areas in the area of Goldmine Road, and on Route 206 in the area of Bartley Road will also be reviewed for potential future Highlands Redevelopment Area designation.

With respect to Phase I, the Hackettstown Congregation of Jehovah's Witness ("the Congregation," owner of Block 8300 Lot 5.01, adjacent to Sand Shore Road) proposes to construct a 4,296 sq ft one-story building (for use as the Congregation's Kingdom Hall), associated parking area, drainage, and a new individual subsurface disposal system. According to correspondence in the project file, the Congregation became interested in the property in 2003 and went into negotiations to purchase the property from Pierson Realty, LLC. This property originally was part of a three lot subdivision completed in 1986. Since the zoning did not allow religious institutions, the Congregation required a "D" Variance from the Township of Mount Olive. Concept plans were developed for the congregation building, associated parking, and septic system. The concept plan and various applications were submitted to Mount Olive Township on October 9, 2003 and received approval on December 1, 2003. The Congregation had drilled a well on the property in June 2003, purchased the property, and the deed was filed on February 27, 2004, prior to adoption of the Highlands Act. Over time, due to the passing of the Highlands Act and also due to financial constraints, the Congregation decided to scale back the building to half the size, which reduced the parking and impervious surface. The preliminary site plan was submitted to the Township on May 22, 2006 and received preliminary and final approval on September 11, 2006, after adoption of the Highlands Act.

On December 29, 2006, the Congregation submitted a Highlands Applicability Determination (HAD) application to the NJDEP for Highlands *Exemption #6 - Places of worship, schools, or a hospitals*: "Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on the date of enactment of this act, including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility." On May 17, 2007 the NJDEP denied the Exemption #6 request noting that the project is proposed on a lot that does not currently contain an existing structure that is in use by the Hackettstown Congregation of Jehovah's Witness for the purpose of worship and, therefore, the project does not fall under the exemption as an <u>improvement</u> to a place of worship in existence on the date of enactment of the Highlands Act. Exemption #3 (for major Highlands development that received local and NJDEP approvals prior to March 29, 2004) is also not applicable, and in any case this Exemption expired on August 4, 2007, as no construction beyond site preparation had occurred or was continuing as of that date. Therefore, the proposed project was not viable absent a waiver from strict application of the Highlands Rules, N.J.A.C. 7:38. One mechanism for a waiver would be based upon a determination by NJDEP that granting of the waiver was necessary to avoid a taking of private property without compensation. As part of the determination, NJDEP would examine whether other options, such as designation of a Highlands Redevelopment Area, were available. In this case, the lack of impervious surface on Lot 5.01 makes such a designation impossible with regard to the single lot, and the Congregation may not propose a Highlands Redevelopment Area for lands it does not own or control.

With approval of Plan Conformance for Mount Olive Township in 2011, an opportunity arose for the Township to provide leadership in the evaluation and designation of multi-parcel, multi-owner Highlands Redevelopment Areas. The Township identified a number of possible areas, and the Highlands Council approved planning funds for investigation of these. Based on discussions with the Township, the first proposal being pursued is the Sand Shore Road Highlands Redevelopment Area. As provided for in the Procedures for Highlands Redevelopment Area Designation, approved by the Highlands Council, proposed Highlands Redevelopment Areas involving multiple property owners must be sponsored by the municipality. The Township of Mount Olive is the applicant for the proposed Sand Shore Road Highlands Redevelopment Area.

The Highlands Council review of the proposed Sand Shore Road Highlands Redevelopment Area was provided to the project Service List and was posted on the Highlands Council website on April 18, 2011. The public comment period ended on May 9, 2011. No public comments were received.

3.0 SMART GROWTH AND SUSTAINABLE ECONOMIC DEVELOPMENT CONSIDERATIONS

Redevelopment opportunities will be an important vehicle for economic development within the Highlands Region, particularly within the Preservation Area. Redevelopment policies and objectives within the Highlands Regional Master Plan (RMP) envision the conversion of underutilized, previously disturbed lands into new economic contributors to the Region's fiscal health. As stated in the RMP, "Redevelopment will help to meet the Region's growth needs by optimizing the efficient use of previously settled areas with existing communities and available infrastructure, thus conserving natural resources."

Given that redevelopment is one of the major opportunities for sustainable economic development and smart growth in the Highlands Region, the proposed Highlands Redevelopment Area was reviewed for policies and objectives relevant to smart growth and sustainable economic development. The Highlands Act calls for the RMP to "promote compatible…uses and opportunities within the framework of protecting the Highlands environment."

As stated above, the proposed Sand Shore Road Highlands Redevelopment Area consists of properties in the Preservation Area zoned as Light Industrial located in portions of Block 8300 (Lots 5, 5.01, 5.02, 6, 7, 8 and 9) along the north side of Sand Shore Road in Mount Olive Township. The proposed Highlands Redevelopment Area is mostly developed and contains a commercial building on each lot with the exception of Lot 5.01, which is largely an open field with significant surface disturbance (compacted dirt surface). The proposed Highlands Redevelopment Area has approximately 71% impervious cover. The intended use for Lot 5.01, as supported by this proposed Highlands Redevelopment Area, is as a Kingdom Hall for the Hackettstown Congregation of Jehovah's Witness. According to the Congregation, their existing facility is located in a residential zone and cannot be expanded based on the Township of Mount Olive's zoning requirements. The intent is to have the congregation in a better location for its services.

Management of stormwater from the project area shall be addressed through the HPAA with redevelopment waiver permitting process. The project should be designed to incorporate low impact development techniques where feasible, including stormwater management techniques used for mitigation. Any disturbance and construction activities must be managed to minimize impacts to the surrounding environment. Designation of the proposed Highlands Redevelopment Area including Lot 5.01 provides for beneficial public use. By reusing and redeveloping previously disturbed areas, economic investment and community development within the framework of smart growth is assured. The project promotes smart growth policies by a maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment. The proposed use of Lot 5.01 does not create a substantial change to the existing development pattern of this area.

4.0 FINDINGS AND RECOMMENDATIONS

Council staff reviewed the complete application package. Findings include:

- **Impervious Surface Requirement:** The total Highlands Redevelopment Area is 18.92 acres, with an existing impervious surface of 13.46 acres, or 71.17%. This exceeds the 70% impervious surface Highlands Redevelopment Area requirement.

- **Resource Assessment:** Based upon a review of the Highlands Council GIS data layers, it was determined that the proposed construction activities entail encroachment into Highlands Open Waters buffers, related to a wetland located across the street (Stephens Park Road) from Lot 5.01. This buffer is currently disturbed (open field with considerable compacted dirt surface.) The entire tract lies within a Moderate Integrity Highlands Riparian Area. The proposed construction activities would encroach upon the Riparian Area, which as previously described, is currently disturbed. The proposed project is inconsistent with Objectives 2B8a and 2B8b because the on-site water demand represents new consumptive uses within a Current Deficit Area. Consistency would require that the applicant provide

mitigation equal to 125% of the proposed consumptive water uses benefiting the project (approximately 165 gpd, or 60,334 gallons per year), in addition to requirements of N.J.A.C. 7:8, which could be achieved with enhanced on-site ground water recharge through the project's stormwater management plan.

Construction of the proposed facilities on Lot 5.01 within the disturbed HOW buffer and Riparian Area, and consumptive water use in a Current Deficit Area must be addressed through the redevelopment waiver process under N.J.A.C. 7:38. Stormwater regulations also must be followed in the project design upon HPAA with redevelopment permitting. The project should be designed to incorporate low impact development techniques where feasible, including stormwater management techniques used for mitigation. Any disturbance and construction activities should be managed to minimize impacts to the surrounding environment.

- **Smart Growth and Sustainable Economic Development:** The proposal is consistent with the RMP regarding smart growth and sustainable economic development; however, details should be provided as part of the NJDEP HPAA permitting process to demonstrate the implementation of low impact development techniques as addressed in the Low Impact Development Program of the RMP. Designation of the proposed Highlands Redevelopment Area including Lot 5.01 (which is a currently vacant, degraded, and under-utilized parcel) provides for beneficial public use. By reusing and redeveloping previously disturbed areas, economic investment and community development are assured within the framework of smart growth. The project promotes smart growth policies by maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment.

The Highlands Act allows a waiver of any provision of a Highlands permitting review on a case-by-case basis for a redevelopment proposal, conditioned upon the finding by NJDEP that it meets the requirements of the narrative criteria described in Section 36 of the Act (N.J.S.A 13:20-34). To assist NJDEP, the Council staff concludes that the proposed project meets the waiver criteria, which are addressed as follows:

Requirement	Staff Analysis
1) would have a de minimis impact on water resources and would not cause or contribute to a significant degradation of surface or ground waters;	The applicant is using an on-site well for water supply and discharging treated wastewater back to ground water with minimal consumptive uses. Mitigation equal to 125% of the proposed depletive water uses will be achieved through enhanced on-site recharge. This will be ensured through a coordinated review of the mitigation plan by staff of the Highlands Council and NJDEP during the permitting process. No expansion of a public water supply system is proposed, and no expansion of the existing service area is proposed. The site is smaller than the minimum acreage

Requirement	Staff Analysis
	required by NJDEP rules for septic systems in the Preservation Area and therefore will require a waiver for this purpose.
2) would cause minimal feasible interference with the natural functioning of animal, plant and other natural resources;	The proposed project would not adversely affect the natural functioning of animal, plant, and other natural resources, as all other parcels are fully developed, the area in Lot 5.01 to be developed is disturbed, and the remaining area in Lot 5.01 will be a deed restricted easement.
3) will result in minimum feasible alteration or impairment of the aquatic ecosystem;	The proposed project entails encroachment into a Highlands Open Waters buffer that is currently in a disturbed condition. Stormwater regulations must be followed in the project design upon permitting (see response to #7).
4) will not jeopardize the continued existence of endangered animal or plant species;	The proposed project would not adversely affect endangered animal or plant species, as all other parcels are fully developed, the area in Lot 5.01 to be developed is disturbed, and the remaining area in Lot 5.01 will be a deed restricted easement.
5) is located or constructed as to neither endanger human life or property nor otherwise impair public health, safety and welfare;	The proposed Highlands Redevelopment Area is compatible with existing municipal zoning. The construction of the Congregation's proposed Kingdom Hall would not endanger human life or property nor otherwise impair public health, safety and welfare.
6) would result in minimal practicable degradation of unique or irreplaceable land types, historical or archaeological areas, and existing public scenic attributes; and	No resources of this type are known to be affected by the project.
7) meets all other applicable NJDEP standards, rules, and regulations and State laws.	Compliance with all remaining NJDEP standards will be addressed through the HPAA with redevelopment waiver permit process.

It is the Highlands Council staff's recommendation that the Highlands Council approve the proposed Highlands Redevelopment Area designation with the conditions that:

1. The encroachment into a Highlands Open Waters buffer shall be entirely within a previous disturbed area, which would not result in a net impact to the functional value of the buffer (in conformance with Policy 1D4) and therefore qualifies for a waiver;
2. The Township of Mount Olive commits to ensuring that the proposed use of Lot 5.01 provide mitigation equal to 125% of the proposed consumptive water uses through on-site

recharge or water conservation practices within the same site or HUC14 subwatershed to the maximum extent feasible, with a waiver allowed for any remaining portion. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP to ensure that this condition is met;

3. The remainder of Lot 5.01 outside of the proposed development area shall be protected through a conservation restriction, specifically authorizing ecological restoration and maintenance, with recognition of any existing utility structures such as storm sewers that may periodically need maintenance or replacement.
4. The stormwater regulations must be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP such that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques and a construction implementation plan that minimizes disturbance during and after construction.

Attachments

- Consistency Determination

Highlands Preservation Area Approval Application Checklist Items for
HPAA with Redevelopment Waiver
Sand Shore Road (Hackettstown Congregation of Jehovah's Witness), Block 4500 Lot 3, Mount Olive
See Highlands Council Review at: http://www.highlands.state.nj.us/njhighlands/projectreview/

****For advisory purposes only – please be advised that this checklist provides information to both the applicant and NJDEP from the analysis prepared by the Highlands Council. NJDEP may require additional information be required as part of the review of the HPAA application. ****

June 2011

HPAA Checklist Item **(*All of the information required in N.J.A.C. 7:38-9.5*)** **Items deemed unnecessary highlighted**	**Submittal Status/ Highlands Council Analysis**	**Comments and Action Items** **For Items in green the applicant (Hackettstown Congregation of Jehovah's Witness), needs to supply**
1. A completed copy of this checklist	Applicant will submit	Applicant to provide
2. A LURP-2 application form, completed in accordance with the directions on the form;	Applicant will submit	Applicant to provide
3. The appropriate fee, indicated in the Highlands Preservation Area Approval fee table, which can be found at www.state.nj.us/dep/highlands	Applicant will submit	Applicant to provide. The base fee for the review of a HPAA with a completed HRAD shall be $2,500 plus $50.00 per acre, or any fraction thereof of Highlands resource areas to be affected (Highlands Council contends that its Consistency Determination and Recommendation Report serve as functional equivalent for HRAD.) For all projects requiring review of stormwater calculations: $2,000
4. Proof that the public notice requirements below have been met. (Note: To prove that an item has been sent to a person, submit either the white postal receipt you receive when you send the item by certified mail, or the green certified mail return receipt card.) Entire application must be sent to municipal clerk **and Highlands Council**. Notice letters to environmental commission, municipal planning board and construction official, county planning board, county	Applicant will submit	Applicant to provide notice.

HPAA Checklist Item **(*All of the information required in N.J.A.C. 7:38-9.5*)** **Items deemed unnecessary highlighted**	**Submittal Status/ Highlands Council Analysis**	**Comments and Action Items** **For Items in green the applicant (Hackettstown Congregation of Jehovah's Witness), needs to supply**
environmental commission, all landowners within 200 feet of boundary of site		
5. The approximate boundaries the project or activities clearly delineated on a USGS quadrangle Map	Applicant will submit	Applicant to provide
6. Two copies of a recent county road map or local street map, with the site clearly marked	Applicant will submit	Applicant to provide.
7. Two sets of original color photographs, mounted on 8½ by 11 inch paper, sufficient to show the conditions on the site, and immediately surrounding areas, as well as the area of disturbance for the proposed activities. A minimum of ten photographs is required	Applicant will submit. Note: The project site can be readily viewed and analyzed using the Highlands Council interactive mapping with ***3-D Birds Eye View*** at http://maps.njhighlands.us/hgis/	Applicant to provide
8. A copy of a Municipal tax map(s) delineation the project or activity site by lot(s) and block(s)	Applicant will submit	Applicant to provide
9. A copy of the Highlands Applicability Determination issued by the Department, or, in the case where an applicant does not have an applicability determination because he or she stipulated under N.J.A.C. 7:38-2.4(a) that the proposed activity is subject to the Highlands Act, the information required at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c)	N/A - Applicant stipulates that Highlands Act is applicable. Highlands CD and Recommendation report the functional equivalent of HRAD – meeting requirements at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c)	
10. If the proposed project or activity requires new or modified water supply allocation permits please visit the Highlands website for the checklists to apply for these permits	N/A	
11. Information and/or certifications regarding the presence or absence of rare, threatened or endangered species habitat, ecological communities, historic or archaeological resources, or other features on the site relevant to determining compliance with the requirements of this chapter. This information shall include but not be limited to a letter from the Natural Heritage Program indicating the presence or absence of any rare, threatened or endangered species or	See Highlands Council project review at: http://www.highlands.state.nj.us/njhighlands/projectreview/ The Highlands Council GIS data (same as Natural Heritage Data) indicate that portions of Block 8300 Lots, 5, 5.01, and 6 are mapped as Critical Habitat. However, review of aerial photography indicates that Lots 5 and 6 have been completely cleared and a building has been constructed on each lot – no natural habitat remains. With respect to Lot 5.01 (the lot	

HPAA Checklist Item **(*All of the information required in N.J.A.C. 7:38-9.5*)** **Items deemed unnecessary highlighted**	**Submittal Status/ Highlands Council Analysis**	**Comments and Action Items** **For Items in green the applicant (Hackettstown Congregation of Jehovah's Witness), needs to supply**
ecological communities listed in the Natural Heritage Database on or near the site	where the new construction is proposed), the northern and southern borders are mapped as Critical Habitat for bobolink (*Dolichonyx oryzivorus*), a New Jersey threatened species of Special Concern. Some development activities may encroach upon the mapped area to the north. Suitable habitat for bobolink in New Jersey is grasslands, which occur mostly in the form of hay fields, pastures, and fallow cropland. Block 8300 Lot 5.01 is disturbed with considerable compacted dirt surface; it appears that while portions of the lot are mapped as Critical Habitat for bobolink, it is highly unlikely that these areas are functioning as bobolink habitat.	
12. When an applicant intends to rebut the presumption of rare, threatened or endangered species habitat on the applicant's site as set forth at N.J.A.C. 7:38-5.1(a), all habitat evaluation information pursuant to N.J.A.C. 7:38-5.1(b)	N/A	
13. Any other information not listed herein, that the applicant or the Department deems necessary to demonstrate compliance with this rule or the Federal rules governing the Department's assumption of the Federal 404 program. In addition, the Department may require any information necessary to clarify whether an application meets State and/or Federal standards	The Highlands Council GIS data indicate that no Highlands Open Waters exist on the tract. An area along the northern boundary of Block 8300 Lot 5.01 (the lot where the new construction is proposed) is within a Highlands Open Waters buffer, for a wetland located across the street (Stephens Park Road) from Lot 5.01. This Highlands Open Waters buffer would be encroached upon by the proposed construction. This buffer is currently disturbed (open field with considerable compacted dirt surface.)	

HPAA Checklist Item (*All of the information required in N.J.A.C. 7:38-9.5*) **Items deemed unnecessary highlighted**	**Submittal Status/ Highlands Council Analysis**	**Comments and Action Items** **For Items in green the applicant (Hackettstown Congregation of Jehovah's Witness), needs to supply**
14. The following information on the location of special Highlands resources on the site: A. A Highlands Area Resource Determination (HRAD) if one has been issued for the site; or B. If no Highlands LOI has been issued, and the site is larger than one acre, the application must include all of the information required for an application for a line verification HRAD. A formal delineation report is not required. However, the application must include the data sheets and supporting information used to record the information on soils and vegetation which formed the basis for the boundary determination; C. If the applicant has a currently valid approved Freshwater Wetlands letter of interpretation (LOI), issued by the Department for the site under N.J.A.C. 7:7A-3, this may be submitted instead of an HRAD so long as the applicant also provides information regarding any additional HRAs not previously identified in the LOI; D. If no Freshwater wetlands LOI or HRAD has been issued and the site does not contain Highlands open waters, no delineation or other information is required; E. If no Freshwater or HRAD has been issued, and the site is one acre or smaller, no delineation or other information is required, except if indicated otherwise in this checklist	Highlands CD and Recommendation report the functional equivalent of HRAD – meeting requirements at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c)	

HPAA Checklist Item (*All of the information required in N.J.A.C. 7:38-9.5*) **Items deemed unnecessary highlighted**	**Submittal Status/ Highlands Council Analysis**	**Comments and Action Items** **For Items in green the applicant (Hackettstown Congregation of Jehovah's Witness), needs to supply**
15. Six copies of a detailed project description including: A. The purpose and intended use of the proposed project; B. A description of the regulated activities necessary to complete and operate or occupy the proposed project; C. A description of any structures to be erected, and how they will be used; D. A schedule for the progress and completion of the proposed project; E. The total area of Highlands open waters and Highlands open water buffers proposed to be disturbed (if any); F. The total area of upland forest area on the site and the total area of upland forest area that will be disturbed G. The amount of pre-development impervious coverage on the site and the total aggregate impervious coverage on the site following completion of the proposed project; H. A description of slopes between 10% and 20% and 20% or greater that are present on the site I. An evaluation of whether and how rare, threatened or endangered animals or plant species or ecological communities will be affected by the proposed activities; J. An architectural or Phase I archaeological survey for the applicants proposing work that will impact historic structures or archaeological resources K. A Phase II archaeological survey for applicants that discover archaeological features resources as a result of the Phase I archaeological survey L. The names, addresses and professional qualifications of those used to prepare the detailed project description M. If any or all of the proposed project or activity is in a flood hazard area N. Source of floodplain data	The Highlands Council CD and Recommendation Report fulfill this requirement. See Highlands Council project review at: http://www.highlands.state.nj.us/njhighlands/projectreview/ The Highlands Council has provided copies to NJDEP. A. See Recommendation Report – Section 1. Project Description B. See Recommendation Report – Section 4. Findings and Recommendations – Resource Assessment C. See Recommendation Report – Section 1. Project Description D. N/A – schedule to be determined E. See Recommendation Report – Section 4. Findings and Recommendations – Resource Assessment and Consistency Determination – Comments for Part 1 Subpart B – Highlands Open Waters and Riparian Areas F. See Consistency Determination – Comments for Part 1 Subpart A – Forest Resources G. See Recommendation Report – Section 4. Findings and Recommendations – Impervious Surface Requirement H. See Consistency Determination – Comments for Part 1 Subpart C – Steep Slopes I. See Consistency Determination – Comments for Part 1 Subpart D – Critical Habitat J. See Consistency Determination – Comments for Part 4 Historic, Cultural, Archaeological, and Scenic Resources K. See Consistency Determination – Comments for Part 4 Historic, Cultural, Archaeological, and Scenic Resources L. See site plan M. No floodplain N. Highlands GIS data	.

HPAA Checklist Item (*All of the information required in N.J.A.C. 7:38-9.5*) **Items deemed unnecessary highlighted**	**Submittal Status/ Highlands Council Analysis**	**Comments and Action Items** **For Items in green the applicant (Hackettstown Congregation of Jehovah's Witness), needs to supply**
16. Six folded copies of a site plan or subdivision map, signed and sealed by a NJ licensed professional surveyor and, where appropriate, a NJ licensed professional engineer, showing the entire site and indicating the following: A. All existing structures on the site and on all immediately adjacent lots; B. All proposed structures, disturbances, and activities; C. Distances and dimensions of areas, structures and lots, including the boundaries of freshwater wetlands, state open waters, flood hazard areas, uplands, roads, and utility lines; D. A complete delineation of the boundaries of all Highlands open waters, transition areas, forest and slopes 10% to 20% and slopes greater than 20%, HRAD issued by the Department that shows the Highlands open water boundary, forest boundary slopes 10% to 20% and slopes greater than 20% may be submitted to satisfy this requirement. Include a copy of a map or plan, which depicts the approved lines; E. A calculation of total existing and proposed percent impervious surface for the entire site F. The area which will be used for the proposed activity or discharge; G. The location of the site in relation to development in the region; H. The scale of the plan and a north arrow; I. Soil erosion/sediment control details; J. The name of all persons who prepared the plan and the date of preparation; K. The name of the applicant, and municipal lot(s) and block number(s) of the project site; L. For projects in a flood hazard area plans must also: 1. Reference 1929 NGVD;	Applicant will submit	Applicant to provide

HPAA Checklist Item (***All of the information required in N.J.A.C. 7:38-9.5***) **Items deemed unnecessary highlighted**	**Submittal Status/ Highlands Council Analysis**	**Comments and Action Items** **For Items in green the applicant (Hackettstown Congregation of Jehovah's Witness), needs to supply**
2. Provide all cross sections, profiles and all relevant details referenced in the engineering report.		
17. A mitigation proposal for all disturbances to Highlands open waters shall be submitted.	The Highlands Council GIS data indicate that no Highlands Open Waters exist on the tract. An area along the northern boundary of Block 8300 Lot 5.01 (the lot where the new construction is proposed) is within a Highlands Open Waters buffer, for a wetland located across the street (Stephens Park Road) from Lot 5.01. This Highlands Open Waters buffer that would be encroached upon is currently disturbed (open field with considerable compacted dirt surface.) Thus, the Highlands Council staff maintains that no mitigation is required.	
18. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, this approval will not be granted until a letter is received from the National Park Service	N/A	
19. Stormwater management calculations in accordance with the Stormwater Management rules must be provided for all major developments	Applicant did supply stormwater management plan as part of petition to Highlands Council – NJDEP to determine suitability of those material for their review. ****Note – there should be a coordinated review of the stormwater plan between the Highlands Council and the NJDEP to ensure that the conditions of the Highlands Council's recommendation are met. Related to stormwater is the condition that the applicant shall supply a stormwater management plan that incorporates low impact development techniques and a construction implementation plan that minimizes disturbance during and after construction.**	Applicant will provide
20. A copy of all past Department approvals for activities on the site;	Applicant will provide LOI and any other Department approvals	Applicant will provide LOI and any other Department approvals

HPAA Checklist Item (*All of the information required in N.J.A.C. 7:38-9.5*) **Items deemed unnecessary highlighted**	**Submittal Status/ Highlands Council Analysis**	**Comments and Action Items** **For Items in green the applicant (Hackettstown Congregation of Jehovah's Witness), needs to supply**
21. The names and addresses of all consultants, engineers, and other persons providing technical assistance in preparing the application;	Applicant will submit	Applicant to include copies in NJDEP submittal package.
Remainder of the checklist is to be used for any project that proposes activities regulated pursuant to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13., and thus, NA	N/A	

7:38-9.6 ADDITIONAL APPLICATION REQUIREMENTS FOR A HIGHLANDS PRESERVATION AREA APPROVAL WITH WAIVER

An administratively complete application for an HPAA with waiver shall contain:

1. All of the information required in N.J.A.C. 7:38-9.5:
   Response: See checklist above

2. An analysis describing all alternatives to the proposed project which would reduce each impact of the project as listed in N.J.A.C. 7:38-6.2(a) and the reasons the applicant did not adopt that alternative
   Response: The Hackettstown Congregation of Jehovah's Witness proposes to construct a 4,296 sq ft one-story building (for use as the Congregation's Kingdom Hall), associated parking area, drainage, and a new individual subsurface disposal system. According to correspondence in the project file, the Congregation became interested in the property in 2003 and went into negotiations to purchase the property from Pierson Realty, LLC. Since the zoning did not allow religious institutions, the Congregation required a "D" Variance from the Township of Mount Olive. Concept plans were developed for the congregation building, associated parking, and septic system. The concept plan and various applications were submitted to Mount Olive Township on October 9, 2003 and received approval on December 1, 2003. The Congregation had drilled a well on the property in June 2003, purchased the property, and the deed was filed on February 27, 2004, prior to adoption of the Highlands Act. *Over time, to reduce environmental impacts, the Congregation decided to scale back the building to half the size, which reduced the parking and impervious surface*.

3. A description of the source of water or waste water disposal that would be used by development if the waiver is granted
   Response: Water usage would be 456 gallons per day for the religious facility and the proposed redevelopment would by served by the existing on-site well and a proposed on-site septic system.

4. A request for a specific waiver in accordance with N.J.A.C. 7:38-6.4(a)
   Response: Consistent with N.J.A.C. 7:38-6.4(a), is seeking a waiver from the Department under N.J.A.C. 7:38-6.4(a)2 regarding Highlands Open Water buffers and septic density for redevelopment in a previously developed area in the Preservation Area identified by the Highlands Council pursuant to N.J.S.A. 13:20-9b or N.J.S.A 13:20-11

5. A detailed explanation why the proposed activity meets the criteria for a waiver in N.J.A.C. 7:38-6.4(a);
   ***Response*:** The Highlands Council has issued a Highlands Redevelopment Area Designation pursuant to N.J.S.A. 13:20-9b and N.J.S.A 13:20-11

6. A detailed description of the specific HPAA requirement for which a waiver is sought, and a comparison of the HPAA standard with the level of compliance the proposed development provides (for example, "N.J.A.C. 7:38-3.5 limits a development to a maximum of three percent impervious coverage whereas the proposed project requires a total of four percent");
   Response: Two HPAA standards:
   1. N.J.A.C. 7:38-3.4 states that on a lot that does not contain forest, the applicant proposes no more than one individual subsurface disposal system or equivalent disposal unit for each 25 acres of the lot, whereas the lot for the proposed project is less than 25 acres
   2. N.J.A.C. 7:38-3.6 states that there shall be a 300-foot buffer adjacent to Highlands open waters in which no disturbance is permitted, except as provided in this chapter. The Highlands Council GIS data indicate that an area along the northern boundary of Block 8300 Lot 5.01 (the lot where the new construction is proposed) is within a Highlands Open Waters buffer, for a wetland located across the street (Stephens Park Road) from Lot 5.01. This Highlands Open Waters buffer that would be encroached upon is currently disturbed (open field with considerable compacted dirt surface.)
7. An explanation how the proposed activity satisfies each of the remaining HPAA standards at N.J.A.C. 7:38-3
   Response: *T*he Highlands Council approval of this Highlands Redevelopment Area demonstrates that the proposed activity satisfies each of the remaining HPAA standards at N.J.A.C. 7:38-3. The Highlands Council approval process includes: 1) A pre-application and application to the Highlands Council; 2) A Draft Consistency Determination, a Draft Staff Recommendation Report, and Mapping of Highlands resources; 3) A Public Notice, public comment period, and a Comments Summary and Response document ; 4) A Public meeting held by the Highlands Council with additional opportunity for public comment and a vote by Council on a Resolution. Given this extensive process, the NJDEP should be able to rely upon the analysis and conclusions of the Highlands Council in considering an HPAA application for a redevelopment area waiver in accordance with NJDEP's Preservation Area rules at N.J.A.C. 7:38-1.1

8. A detailed explanation why the proposed activity satisfies the standards at N.J.A.C. 7:38-6.2(a);
   ***Response*:** That explanation can be found in the Highlands Council Recommendation Report (table on page 4).

9. Documents showing the conclusion of an applicant's legal challenges, if any, to the Department's decision on the application for an HPAA under the rules as strictly applied,
   ***Response*:** N/A

****Note – there should be a coordinated review of the HPAA with redevelopment waiver application between the Highlands Council and the NJDEP to ensure that the conditions of the Highlands Council's recommendation are met as follows:**

1.. The encroachment into a Highlands Open Waters buffer shall be entirely within a previous disturbed area, which would not result in a net impact to the functional value of the buffer (in conformance with Policy 1D4) and therefore qualifies for a waiver;

2. The Township of Mount Olive commits to ensuring that the proposed use of Lot 5.01 provide mitigation equal to 125% of the proposed consumptive water uses through on-site recharge or water conservation practices within the same site or HUC14 subwatershed to the maximum extent feasible, with a waiver allowed for any remaining portion. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP to ensure that this condition is met;

3. The remainder of Lot 5.01 outside of the proposed development area shall be protected through a conservation restriction, specifically authorizing ecological restoration and maintenance, with recognition of any existing utility structures such as storm sewers that may periodically need maintenance or replacement.

4. The stormwater regulations must be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP such that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques and a construction implementation plan that minimizes disturbance during and after construction

Pursuant to N.J.S.A.13:20-5j this Resolution shall have no force or effect
until the completion of the Governor's review of the Highlands Council minutes

RESOLUTION 2011-18

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL DESIGNATION OF HIGHLANDS REDEVELOPMENT AREA SAND SHORE ROAD, MOUNT OLIVE TOWNSHIP, MORRIS COUNTY

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 9 and 11 of the Highlands Act, N.J.S.A. 13:20-9.b. and N.J.S.A. 13:20-11.a.(6)(h), specifies that in preparing the Highlands Regional Master Plan (RMP), the Highlands Council may, in conjunction with municipalities in the Preservation Area, identify areas in which redevelopment shall be encouraged and shall identify areas appropriate for redevelopment in order to promote the economic well-being of the municipality, provided that the redevelopment conforms with the goals of the Preservation Area and the Highlands Act, with the rules and regulations adopted by the Department of Environmental Protection (NJDEP), and any area so identified for possible redevelopment shall be either a brownfield site designated by the NJDEP or a site at which at least 70% of the area thereof is covered with impervious surface; and

WHEREAS, Section 35 of the Highlands Act, N.J.S.A. 13:20-33.b.(2), authorized NJDEP to grant a waiver of any provision of a Highlands permitting review on a case-by-case basis for redevelopment in certain previously developed areas in the Preservation Areas identified by the Highlands Council pursuant to Section 9.b. or Section 11.a.(6)(h); and

WHEREAS, the NJDEP had adopted rules at N.J.A.C. 7:38-1.1 et seq. (Highlands Rules) governing the NJDEP's review of projects in the Highlands Region; and

WHEREAS, the Highlands Rules, at N.J.A.C. 7:38-6.4, specifies that as provided for in Highlands Act, the NJDEP may waive any provision of the rules for redevelopment in certain previously developed areas in the Preservation Area identified by the Highlands Council pursuant to the Highlands Act; and

WHEREAS, the Highlands Council prepared and adopted Procedures for Highlands Redevelopment Areas Designation (Procedures) by Resolution 2008-43 dated October 30, 2008; and

WHEREAS, the Applicant, Mount Olive Township (Morris County) submitted a Petition for Highlands Redevelopment Area Determination for Block 8300, Lots 5, 5.01, 5.02, 6, 7, 8, and 9; and

WHEREAS, the Highlands Council released the Highlands Council Staff Draft Recommendation Report dated April 15, 2011 for public comment; and

WHEREAS, the Highlands Council held a public comment period concerning the proposed Highlands Redevelopment Area Designation commencing April 18, 2011 and ending May 9, 2011; and

WHEREAS, the Highlands Council did not receive any public comments on the proposed Highlands Redevelopment Area Designation; and

Pursuant to N.J.S.A.13:20-5j this Resolution shall have no force or effect
until the completion of the Governor's review of the Highlands Council minutes

RESOLUTION 2011-18

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
DESIGNATION OF HIGHLANDS REDEVELOPMENT AREA
SAND SHORE ROAD, MOUNT OLIVE TOWNSHIP, MORRIS COUNTY

WHEREAS, after Highlands Council staff review, staff recommended that the Highlands Council approve the proposed Highlands Redevelopment Area Designation with conditions set forth in the Highlands Council Staff Final Recommendation Report dated May 10, 2011;

NOW, THEREFORE, BE IT RESOLVED, the Highlands Council hereby approves of the Mount Olive Sand Shore Road Highlands Redevelopment Area Designation with conditions as set forth in the Final Recommendation Report and authorizes the Executive Director to *prepare* a document so informing the NJDEP of the Highlands Redevelopment Area Designation.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its 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			✓			