



**State of New Jersey**  
 Highlands Water Protection and Planning Council  
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**HIGHLANDS RMP CONSISTENCY DETERMINATION REVIEW**

PROJECT INFORMATION		
<b>Project Name:</b> Holland Township Wastewater Management Plan (WMP)		<b>Date:</b> September 11, 2008
<b>Name of Applicant:</b> Holland Township		
<b>Areawide WQMP:</b> Upper Delaware		<b>WMP:</b> Holland Township
<b>Municipality:</b> Holland Township		<b>County:</b> Hunterdon County
<b>Exempt project?</b> No	<b>Project specific amendment?</b> No	<b>WMP review?</b> Yes
<b>NJDEP Activity #:</b> Not listed		<b>HPAA#:</b> N/A
<b>Lot and Block, if applicable:</b> Entire Township		
<b>Sewer Service Area/WWTP Facility:</b> Milford Borough Sewage Treatment Plant		
<b>Sewer Service Area/WWTP Facility:</b> New <input type="checkbox"/> Existing <input checked="" type="checkbox"/> <i>If existing provide the following:</i>		
<b>Proposed Change in Service Area or Wastewater Flow:</b> Yes		
<b>NJPDES #:</b> NJ0021890		<b>Permit Discharge (MGD):</b> 0.4
<b>Type of Discharge:</b> GW <input type="checkbox"/> SW <input checked="" type="checkbox"/>		<b>Total Proposed New Service Area (acres):</b> >75 acres
<b>Total Existing Service Area (acres):</b> Not provided in the WMP		
<p><b>Description of Project:</b> Holland Township proposes amendments to the WMP that include adding to the approved Sewer Service Area the Huntington Knolls PCD/PSV project (Block 24, Lots 3 &amp; 13) including 158 residential units, 2 group homes, a private clubhouse, office/retail space (27,000 sq. ft.), and an 80 seat restaurant, which was previously reviewed by the Highlands Council as a project-specific WQMP amendment (see attached comment letter to the NJDEP); the Gardner project (Block 6 Lot 61) including 2 three-bedroom rental apartments and 12 residential units; a future school expansion (150 students); in-fill development of existing lots and future subdivision of new lots (18 lots); and a future commercial development (20,000 sq ft).</p> <p>For the purposes of a WMP review, the Highlands Council utilizes the Highlands Council GIS data for Highlands Domestic Sewerage Facilities Existing Area Served (HDSF EAS) defined in the Highlands Council Utility Capacity Technical Report, as that portion of an approved Sewer Service Area where existing infrastructure is in place (i.e., pipes in the ground). Portions of an approved Sewer Service Area without infrastructure in place are reviewed in concert with, and under the same review criteria as, any proposed future creation/expansion/extension of the service area, and are referred to as future sewer service area. The WMP proposes all portions of the town outside the Sewer Service Area as <i>General Service Area for Wastewater Facilities with Planning Flows of Less Than 2,000 gpd which Discharge to Ground Water</i> (i.e., septic systems), and the Highlands Council reviews these areas for consistency with the appropriate RMP policies.</p>		

PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES	
<b>Project Area located in which Highlands Act Area?</b> (Check all that apply):	
<b>Preservation Area</b> <input checked="" type="checkbox"/> <b>If yes, percentage?</b> 13%	<b>Planning Area</b> <input checked="" type="checkbox"/> <b>If yes, percentage?</b> 87%
<b>Project Area within which Land Use Capability Zone or Sub-Zone?</b> (check all that apply):	
Protection Zone <input checked="" type="checkbox"/> Conservation Zone <input checked="" type="checkbox"/> Existing Community Zone <input checked="" type="checkbox"/>	Conservation – Environmentally Constrained Sub-Zone <input checked="" type="checkbox"/> Existing Community – Environmentally Constrained Sub-Zone <input checked="" type="checkbox"/>
Lake Community Sub-Zone <input type="checkbox"/> Wildlife Management Sub-Zone <input checked="" type="checkbox"/>	
<p>The review below is organized by Regional Master Plan Goals, Policies and Objectives for each resource and smart growth category; <u>C</u> stands for Consistent, <u>I</u> for Inconsistent, and <u>N/A</u> 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.</p>	

**PART 1 NATURAL RESOURCES**  
**SUBPART A FOREST RESOURCES**

**Project Area within Forest Resource Area?** Yes

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

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

<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Objective 1A2c:</b> 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.			N/A
<b>Objective 1A2d:</b> 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.		I	
<b>Objective 1A2e:</b> 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.			N/A
<b>Policy 1A5:</b> 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.		I	
<b>Policy 1B2:</b> 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.		I	
<b>Policy 1B3:</b> 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.		I	
<b>Objective 1B3a:</b> 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.		I	
<b>Objective 1B5a:</b> 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.		I	
<b>Policy 1B7:</b> To prohibit clear-cutting of forest lands except pursuant to an approved Forest Management Plan approved by the State Forester.		I	
<b>Policy 1C1:</b> 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.			
<b>Policy 1C3:</b> 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.		I	
		I	

**Comments:** Much of the western and northern portions of the township contain forested lands located in the Forest Resource Area, including the portion of the township located in the Preservation Area. Forested lands outside the Forest Resource Area are located throughout the remainder of the township. The entire township is located within High Integrity Forested Subwatersheds.

The proposed WMP does not indicate inclusion of a municipal ordinance that would provide for consistency with the forest resource policies and objectives referenced above, and thus is inconsistent.

The future Sewer Service Area proposed by Holland Township extends into forested areas in the Forest Resource Area and future development or expansion/creation of water or wastewater systems is inconsistent with Objective 1A2d. In the absence of protective ordinances, it is assumed for the purpose of this review that extension of sewers into these areas would result in the loss of forest resources.

The proposed WMP does not include a Forest Management Plan nor a requirement for such to be created for specified future Sewer Service Area projects, and thus any forest clear-cutting is inconsistent with Policies 1A5 and 1B7.

The WMP does not address protection of forested portions of the High Integrity forested subwatersheds, and is inconsistent with Policy 1C1.

The WMP does not indicate limited low impact residential development for the future Sewer Service Area in the Protection Zone and Conservation Zone portions of the Planning Area portion of the township, and is thus

inconsistent with Policy 1B2. Specifically, the Huntingdon Knolls proposed project site contains forested lands that are outside the Forest Resource Area. The proposed project does not indicate that development activities would utilize low impact residential development techniques when disturbing woody vegetation, and thus is inconsistent with Policy 1B2.

**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  (HUC 14: 02040105160060; 02040105160070; 02040105170010; and 02040105170020) Medium  (HUC 14: 02040105170030) 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: 02040105160060  
 High  Medium  Low  HUC14: 02040105160070  
 High  Medium  Low  HUC14: 02040105170010  
 High  Medium  Low  HUC14: 02040105170020  
 High  Medium  Low  HUC14: 02040105170030

**Regional Master Plan Goals, Policies, and Objectives:**

**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

**C** **I** **N/A**

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<p>Objective 1D4c.</p> <p><b>Objective 1D4f:</b> 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.</p> <p><b>Objective 1D4j:</b> 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.</p> <p><b>Objective 1D5a:</b> 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.</p> <p><b>Objective 1D5b:</b> 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.</p> <p><b>Objective 1D5c:</b> 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.</p> <p><b>Objective 1D5d:</b> 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.</p> <p><b>Objective 1D5e:</b> 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.</p> <p><b>Objective 1D5f:</b> 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).</p> <p><b>Objective 1D5g:</b> 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.</p>	C	I  I  I  I  I	N/A
<p><b>Comments:</b> Highlands Open Waters and Riparian Areas are located extensively throughout the township, including the portion located in the Preservation Area. The entire township is located within subwatersheds classified as High and Medium Integrity Watershed Value and Medium Riparian Integrity Value. The proposed WMP does not indicate inclusion of a municipal ordinance that would provide for consistency with the Highlands Open Waters buffer and Riparian Area policies and objectives referenced above, and thus is inconsistent.</p> <p>Specifically, the Huntingdon Knolls proposed development encroaches into Highlands Open Waters buffers, and is inconsistent with Policy 1D4 and Objective 1D4e. The proposed project does not include Low Impact Development Best Management Practices within Riparian Areas and thus would be inconsistent with Objectives 1D5e and 1D5b.</p>			
<p><b>SUBPART C STEEP SLOPES</b></p>			
<p><b>Project Area includes: Steep Slopes &gt;20% in Any Areas (severely constrained)?</b> Yes</p>			
<p><b>Steep Slopes &gt;15% in Forested Areas (severely constrained)?</b> Yes</p>			
<p><b>Steep Slopes &gt;10% in Riparian Area in Undeveloped Lands (moderately constrained)?</b> Yes</p>			
<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p> <p><b>Policy 1E6:</b> 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.</p> <p><b>Policy 1E7:</b> 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.</p> <p><b>Policy 1E8:</b> 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.</p> <p><b>Policy 1E9:</b> 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.</p>	C	I  I  I  I	N/A
<p><b>Comments:</b> Steep slopes are located throughout the township, including the portion located in the Preservation Area. The entire township is located within subwatersheds classified as High and Medium Integrity Watershed Value and</p>			

Medium Riparian Integrity Value. The proposed WMP does not indicate inclusion of a municipal ordinance that would provide for consistency with the Steep Slope policies and objectives referenced above, and thus is inconsistent. Specifically, the Huntingdon Knolls proposed project site does not indicate that development activities would be restricted in steep slope areas, and thus is inconsistent with Policies 1E8 and 1E9.

**SUBPART D CRITICAL HABITAT**

<b>Project Area includes:</b>		<b>Critical Wildlife Habitat? Yes</b>		<b>Significant Natural Area(s)? Yes</b>		<b>Vernal Pool(s) +1,000 ft? Yes</b>	
<b>Species of Concern:</b>	<b>Bobcat</b>	<b>Bobolink</b>	<b>Cooper's Hawk</b>	<b>Northern Harrier</b>	<b>Osprey</b>	<b>Vesper Sparrow</b>	<b>Wood Turtle</b>
<b>Landscape Rank:</b>	4	3	3	4	3	4	3

<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p> <p><b>Policy 1F2:</b> 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.</p> <p><b>Policy 1F6:</b> 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.</p> <p><b>Objective 1F6a:</b> 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.</p> <p><b>Objective 1F6b:</b> 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.</p> <p><b>Objective 1F6c:</b> 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.</p> <p><b>Objective 1F6d:</b> 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.</p> <p><b>Objective 1F6e:</b> 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:</p> <ul style="list-style-type: none"> <li>In an undisturbed wetland, documented and field-determined vernal pool-breeding wildlife require a smaller protective buffer, as documented in scientific literature; or</li> <li>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.</li> </ul> <p>Requirements for demonstrating the above criteria shall be included in the Critical Habitat Conservation and Management Plan.</p> <p><b>Objective 1F6f:</b> 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:</p> <ul style="list-style-type: none"> <li>The nature of the site is such that it does not provide habitat for species of concern;</li> <li>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</li> <li>Existing land uses present a human, natural or development barrier to the use of the site by species of concern.</li> </ul> <p>Requirements for demonstrating the above criteria shall be included in the Critical Habitat Conservation and Management Plan.</p> <p><b>Policy 1F7:</b> 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.</p>	<b>C</b>	<b>I</b>	<b>N/A</b>	
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			<b>I</b>	<b>N/A</b>
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**Comments:** A majority of the township is mapped as Critical Habitat, including much of the portion located in the Preservation Area. Approximately 70 percent of the township comprises Critical Wildlife Habitat, which is the majority of the township's Critical Habitat. There are three Significant Natural Areas located in the north-central, central, and south-central portions of the township. The township includes one mapped vernal pool. The proposed WMP does not indicate inclusion of a municipal ordinance that would provide for consistency with the Critical Habitat policies and objectives referenced above, and thus is inconsistent.

The Huntingdon Knolls site includes Critical Wildlife Habitat for Cooper's Hawk, a State Threatened Species. The direct impact of new human development resulting from the Huntingdon Knolls proposed project is inconsistent

with Policy 1F2 and Objective 1F6a.

The Gardner site contains Critical Wildlife Habitat for boblink, a State Threatened species, and any new human development in this future Sewer Service Area is inconsistent with Policy 1F2 and Objective 1F6a.

**SUBPART E LAND PRESERVATION AND STEWARDSHIP**

**Project Area within Conservation Priority Area?** Yes **If yes, percentage?** Approximately 2% of the Sewer Service Area and approximately 10% of the municipality

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

**Project Area includes preserved land?** Yes **If yes, identify properties (B/L):** Preserved land located within the entire municipality: approximately 8% (1,179 acres) preserved open space; approximately 11% (1,651 acres) preserved agricultural land; preserved land (open space) located partially within the Sewer Service Area in the WMP: Block 6, Lots 2, 2.01, and 65; Block 10, Lot 1.05; and Block 22, Lot 2.01

**Regional Master Plan Goals, Policies, and Objectives:**

**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.

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**Comments:** The Special Environmental Zone is not located in Holland Township or the Sewer Service Area in the WMP, thus the WMP is consistent with Objective 1H7c. However, there are eight parcels located adjacent to or partially within the WMP Sewer Service Area considered high priority by the Highlands Council for preservation/acquisition. These eight parcels within the Agricultural Priority Area contain more than 90% Moderate or High Agricultural Priority Area and are greater than 25 acres, and one parcel within the Conservation Priority Area contains more than 50% Moderate or High Conservation Priority Area and is greater than 20 acres. In addition, there are several preserved parcels of open space and agricultural land adjacent to the eight parcels partially in/adjacent to the Sewer Service Area, and in the Conservation and Agricultural Priority Areas. Approximately 10% of Holland Township is within the Conservation Priority Area and approximately 70% of Holland Township is within the Agricultural Priority Area. See also Part 2 Water Resources and Water Utilities.

As described below, the WMP is inconsistent with Policy 1I3, because clustering is mandatory in the Agricultural Resource Area for residential development and requires an easement for the deed restricted portion of the cluster project area enforceable by the Highlands Council. Holland Township has a draft Conservation Agriculture (CA) District ordinance dated August 30, 2007 that specifies that deed restrictions shall only be enforceable by the Holland Township zoning officer.

**SUBPART F CARBONATE ROCK (KARST) TOPOGRAPHY**

**Project Area within or contributing to Carbonate Rock Area?** Yes

**Regional Master Plan Goals, Policies, and Objectives:**

**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.

**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

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<p>ground water are avoided.</p> <p><b>Objective 1K4e:</b> 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.</p>		<b>I</b>	
<p><b>Comments:</b> Carbonate Rock Areas, with karst features, are located in the township, primarily along the western municipal boundary and along a northeast to southwest trending line in the central portion of the township. No Carbonate Rock Areas are mapped in the portion of the township located in the Preservation Area. The proposed WMP does not indicate inclusion of a municipal ordinance that would provide for consistency with the karst policies and objectives referenced above, and thus is inconsistent.</p>			
<b>SUBPART G LAKE MANAGEMENT</b>			
<p><b>Project Area within Lake Management Area?</b> No <i>If No, disregard remainder of Lake Management checklist.</i></p>			
<p><b>If yes, which Tier:</b> Shoreland Protection Tier NA      Water Quality Management Tier NA                  Scenic Resources Tier NA      Lake Watershed Tier NA</p>			
<p><b>Project Area within Lake Community Sub-Zone?</b> No</p>			
<p><b>If yes, which Tier:</b> Shoreland Protection Tier No      Water Quality Management Tier NA                  Scenic Resources Tier NA      Lake Watershed Tier NA</p>			
<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p> <p><b>Objective 1L2a:</b> Lake management programs shall use the following management tiers around all Highlands Region lakes of greater than ten acres in size:</p> <ul style="list-style-type: none"> <li>• A Shoreland Protection Tier consisting of an area measured 300 foot or the first property line perpendicular from the shoreline of the lake;</li> <li>• 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;</li> <li>• 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</li> <li>• 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.</li> </ul> <p><b>Objective 1L4a:</b> 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.</p> <p><b>Objective 1L4b:</b> 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.</p> <p><b>Objective 1L4c:</b> 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.</p> <p><b>Policy 1L5:</b> 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.</p> <p><b>Objective 1L5a:</b> Shoreland Protection and Water Quality Management Tier requirements shall apply to all new development, regardless of lake ownership.</p> <p><b>Objective 1L5b:</b> 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.</p>	<b>C</b>	<b>I</b>	<p style="text-align: center;"><b>N/A</b></p> <p style="text-align: center;"><b>N/A</b></p> <p style="text-align: center;"><b>N/A</b></p> <p style="text-align: center;"><b>N/A</b></p> <p style="text-align: center;"><b>N/A</b></p> <p style="text-align: center;"><b>N/A</b></p> <p style="text-align: center;"><b>N/A</b></p> <p style="text-align: center;"><b>N/A</b></p> <p style="text-align: center;"><b>N/A</b></p>
<p><b>Comments:</b> The township is not within a Lake Management Area or a Lake Community Sub-Zone.</p>			





<p>Management Rules); or other permanent means. Where a Water Use and Conservation Management Plan has not been approved:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>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.</li> </ol> <p><b>Objective 2B8c:</b> 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.</p> <p><b>Objective 2B8e:</b> 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.</p>		I	N/A
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**Comments:** The proposed WMP, municipal regulations, or master plan elements do not demonstrate priorities of water allocation in each Land Use Capability Zone, and do not indicate that Low Impact Development Best Management Practices will be implemented. In addition, the WMP does not demonstrate that the additional water uses proposed will be within the Conditional Water Availability for the affected HUC14 subwatersheds. Thus, the WMP is inconsistent with Policy 2B4 and Objectives 2B4a, 2B4b, 2B6a, 2B8b, and 2B8c. The proposed WMP, municipal regulations, and master plan elements do not indicate any mitigation efforts of deficit HUC14s making them inconsistent with Policy 2B8. The municipality will be required to adopt a deficit mitigation program and a Water Use and Conservation Plan to address deficits in the township as it affects the Preservation Area, at a minimum.

Holland Township has a draft Water Conservation ordinance dated August 2007, but while useful in reducing current uses it is not restrictive enough to mitigate deficit HUCs. The ordinance speaks mostly to lawn watering and car washing, as opposed to mitigating for, or off setting new water uses.

**SUBPART B PROTECTION OF WATER RESOURCES QUANTITY**

**Project Area includes Prime Ground Water Recharge Area?** Yes

<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p> <p><b>Policy 2D4:</b> 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.</p> <p><b>Objective 2D4a:</b> 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.</p> <p><b>Objective 2D4b:</b> 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.</p> <p><b>Objective 2D4c:</b> 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.</p> <p><b>Objective 2D4d:</b> 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</p>	C	I  I  I  I  I	N/A
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<p>recharge.</p> <p><b>Objective 2D4e:</b> 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.</p> <p><b>Objective 2D4f:</b> 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.</p> <p><b>Objective 2D4i:</b> Achieve a net improvement in ground water volume and maintenance of water quality through redevelopment, enhanced infiltration, pretreatment or other means where feasible.</p>		<p>I</p> <p>I</p> <p>I</p>	
<p><b>Comments:</b> The proposed WMP does not indicate inclusion of a municipal ordinance that would provide for consistency with the Prime Ground Water Recharge Area policies and objectives referenced above, and thus is inconsistent. These standards are necessary to avoid disturbance of Prime Ground Water Recharge Areas, minimize their disruption when feasible, and mandate the 125% recharge requirement where they are disturbed. Alternatively, the municipality could adopt a Prime Ground Water Recharge Area ordinance.</p> <p>The proposed WMP does not indicate that development activities would utilize low impact residential development techniques when disturbing Prime Ground Water Recharge Areas, and thus is inconsistent with Objective 2D4c.</p>			
<p><b>SUBPART C WATER QUALITY</b></p>			
<p><b>Project Area within Wellhead Protection Area?</b> Yes</p>			
<p><b>If yes to above, check all that apply:</b> Tier 1 <input checked="" type="checkbox"/> Tier 2 <input checked="" type="checkbox"/> Tier 3 <input checked="" type="checkbox"/></p>			
<p><b>Name of Nearest Waterway(s) (1,000 feet of Project Area):</b>                  Musconetcong River (Warren Glen to I78): C2 FW2 TM                  Musconetcong River (below Warren Glen): C2 FW2 TM                  Holland Township (Hakihokake to Musconetcong): C1 FW2 TP                  Hakihokake Creek: C1 FW2 TP                  Harihokake Creek (and to Hakihokake Creek): C2 FW2 NT</p>			
<p><b>Description of Impairments, or TMDL:</b> Hakihokake Creek (02040105170020) in Milford has a TMDL for fecal coliform, with an 80% reduction; this river segment is also listed for pH and temperature. Sources of impairment include several houses on septic systems, outhouses approximately 10 feet from the stream, existing wildlife (mainly deer and bear) in the area, and farms including livestock. The strategy is to target USDA NRCS EQUIP funds for projects that implement agricultural Best Management Practices.</p> <p>The Musconetcong River at Rieglesville (02040105160060, 02040105160070), Finesville, and Musconetcong River near Bloomsbury (02040105160060) has a TMDL for fecal coliform with a 93% reduction. Sources of impairment include older houses on septic systems, livestock, land applications of manure, older septic systems in Warren Glen, geese and beaver. The strategy is to target USDA NRCS EQUIP funds for projects that implement agricultural Best Management Practices, organize local community based goose management programs, and the NJDEP Phase II Stormwater Management Program.</p>			
<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p> <p><b>Policy 2G2:</b> 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.</p> <p><b>Policy 2G3:</b> To adopt and implement water quality protections through Plan Conformance, local development review and Highlands Project Review.</p> <p><b>Objective 2G3a:</b> 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.</p> <p><b>Objective 2G3b:</b> 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.</p> <p><b>Objective 2G3c:</b> 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.</p> <p><b>Policy 2G5:</b> To adopt and implement stormwater management controls through Plan Conformance, local development review and Highlands Project Review.</p> <p><b>Objective 2G5a:</b> 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.</p>	<p><u>C</u></p> <p>C</p>	<p><u>I</u></p> <p>I</p> <p>I</p> <p>I</p> <p>I</p>	<p><u>N/A</u></p> <p>N/A</p>

<p><b>Objective 2G5b:</b> 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.</p> <p><b>Policy 2H2:</b> 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.</p> <p><b>Objective 2H2a:</b> 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.</p> <p><b>Objective 2H2b:</b> 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.</p> <p><b>Objective 2H2c:</b> 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.</p> <p><b>Objective 2H4a:</b> Require site specific and municipal stormwater management plans to address wellhead protection requirements.</p> <p><b>Policy 2H5:</b> To require that conforming municipalities revise master plans and development regulations to address wellhead protection requirements.</p> <p><b>Objective 2H5b:</b> Restrict development activities that pose threats to the water quality of public water supply wells.</p> <p><b>Objective 2H5c:</b> Ensure that development activities and existing land use activities implement best management practices to protect the quality of ground water within Wellhead Protection Areas.</p>	I	I	I	I	I	I	I
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**Comments:** The proposed WMP does not indicate inclusion of a municipal ordinance that would provide for consistency with the Well Head Protection Area and Water Quality policies and objectives referenced above, and thus is inconsistent. Since there are no water quality protection measures, Policies 2G2 and 2G3 are inconsistent. The applicant did not demonstrate that the proposed Sewer Service Area will result in compliance with TMDLs for those rivers with TMDLs; it is thus inconsistent with Objectives 2G3a, 2G3b, and 2G3c.

The proposed WMP does not indicate that development activities would utilize low impact residential development techniques when disturbing woody vegetation, and thus is inconsistent with Policy 2G5b.

Holland Township did provide a Stormwater Management Ordinance that complies with N.J.A.C 7:8 and 7:14A, but it is not protective of Wellhead Protection Areas and water quality, and does not reference recharging clean stormwater; and thus is inconsistent with Policy 2H5.

**SUBPART D SUSTAINABLE DEVELOPMENT AND WATER RESOURCES**

**WATER UTILITY**

<b>Potable Water Supply?</b> Yes	<b>Domestic?</b> Yes
<b>Source Water HUC(s):</b> 02040105160060; 02040105160070; 02010405170010; 02040105170020; 02010405170030	
<b>Public Community Water System?</b> Yes	<b>If PCWS, Name of Facility:</b> Aqua America
<b>PCWS ID No:</b> 2119001	<b>Total Projected Water Demand (MGD):</b> N/A

<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p> <p><b>Objective 2I1b:</b> 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 HPA 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.</p> <p><b>Policy 2J2:</b> To ensure, through Plan Conformance and Highlands Project Review, that Highlands Public Community Water Systems conform with Policy 2B6.</p> <p><b>Objective 2J2a:</b> 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.</p> <p><b>Objective 2J2b:</b> Limit future water system demands to levels that will not create a Current Deficit Area where one does not currently exist.</p> <p><b>Policy 2J4:</b> 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.</p>	C	I	N/A
		I	N/A
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<p><b>Objective 2J4a:</b> 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:</p> <ol style="list-style-type: none"> <li>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;</li> <li>2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or</li> <li>3. To serve a cluster development that meets all requirements of Objective 2J4b.</li> </ol>		I	
<p><b>Objective 2J4b:</b> 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:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>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</li> <li>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).</li> </ol>		I	N/A
<p><b>Objective 2J4c:</b> 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.</p>		I	
<p><b>Objective 2J4d:</b> 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.</p>		I	
<p><b>Policy 2J5:</b> 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.</p>		I	
<p><b>Policy 2J7:</b> To require water resource management for all development in the Highlands Region, through local development review and Highlands Project Review.</p>		I	
<p><b>Objective 2J7a:</b> 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.</p>		I	
<p><b>Objective 2J7b:</b> 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.</p>		I	
<p><b>Objective 2J7c:</b> 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.</p>		I	
<p><b>Objective 2J7d:</b> 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.</p>		I	
<p><b>Comments:</b> The WMP is inconsistent with Policy 2J2 because it does not demonstrate that proposed development in the Sewer Service Area will not directly or indirectly cause or contribute to a Net Water Availability deficit. Aqua America supplies water to Holland Township and the HUC14s are all Current Deficit Areas; thus, the WMP is inconsistent with Objectives 2J2a and 2J2b. The WMP does not prevent creation or extension of public water supply</p>			

systems within the Protection Zone, the Conservation Zone, and the Environmentally Constrained Sub-zones of the Planning Area for purposes other than those enumerated by the RMP, and thus is inconsistent with Policy 2J4.

The WMP is inconsistent with Objective 2J4b, because clustering is mandatory in the Agricultural Resource Area for residential development pursuant to Policy 3A5. Holland Township has a draft CA District ordinance dated August 30, 2007 that allows for clustering and lot-averaging, but the provisions of this ordinance do not meet the provisions of Objective 2J4b or Policy 3A5. See also Part 3 Agricultural Resources.

**WASTEWATER UTILITY**

**NJPDES Permit Number: NJ0021890**      **Projected Flow of Project (GPD):** 161,610

**HDSF Facility? Yes**      **HDSF Available Capacity (MGD):** 0.099300

**Subject to Allocation Agreement? Yes**      **Capacity Allocated from HDSF (MGD):** 190,000

**Extent of HDSF Service Area Included in WMP:** Full       Partial

**Wastewater Treatment Facility: Milford STP**

**Service Area:**      **Wastewater Discharge Flow (MGD):**

**NJPDES-DGW:**      Existing       Proposed       Existing:      Increase:

**NJPDES-DSW:**      Existing       Proposed       Existing: 121,200      Increase: 40,410

**Regional Master Plan Goals, Policies, and Objectives:**

<p><b>Objective 2I1b:</b> 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.</p>	C	I	N/A N/A
<p><b>Objective 2K3c:</b> 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.</p>		I	
<p><b>Objective 2K3d:</b> 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).</p>		I	
<p><b>Objective 2K3e:</b> 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.</p>			N/A

<p>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.</p> <p><b>Objective 2K3f:</b> 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.</p> <p><b>Objective 2K4a:</b> 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.</p> <p><b>Objective 2K4b:</b> 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.</p> <p><b>Objective 2K4c:</b> 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.</p>	I	I	I
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**Comments:** The WMP is inconsistent with Objective 2K3c because future Sewer Service Area is targeted for the Conservation Zone and the Conservation - Environmentally Constrained Sub-Zone.

The WMP is inconsistent with Objective 2K3d, because clustering is mandatory in the Agricultural Resource Area for residential development pursuant to Policy 3A5. Holland Township has a draft CA District ordinance dated August 30, 2007 that allows for clustering and lot-averaging, but the provisions of this ordinance do not meet the provisions of Objective 2K3d or Policy 3A5. See also Part 3 Agricultural Resources.

The WMP is inconsistent with Objectives 2K4a and 2K4b, because the zoning densities in the WMP for sewered areas do not meet the minimum densities in Objectives 2K4a and 2K4b. Holland Township submitted a draft Water Conservation ordinance, but it does not indicate the use of recycled or re-used water, which is inconsistent with Objective 2K4c.

**SEPTIC SYSTEM YIELD**

<b>Proposed Nitrate Target(s) (mg/l): 1.0</b>		<b>Annual Recharge Rate Used:</b> Drought <input type="checkbox"/> Average <input checked="" type="checkbox"/>	
<b>Municipal Septic System Density (acre/unit)</b>	<u>Protection Zone</u> Not provided	<u>Conservation Zone</u> 11.8 - 14.2	<u>Existing Community Zone</u> Not provided
<b>HC Septic System Density (acre/unit)</b>	<u>Protection Zone</u> 30.9 – 37.3	<u>Conservation Zone</u> 11.9 – 14.3	<u>Existing Community Zone</u> 11.12 – 13.4
<b>Municipal Septic System Yield (units)</b>	<u>Protection Zone</u> Not provided	<u>Conservation Zone</u> Not provided	<u>Existing Community Zone</u> Not provided
<b>HC Septic System Yield (units)</b>	<u>Protection Zone</u> 34	<u>Conservation Zone</u> 234	<u>Existing Community Zone</u> 1

<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p> <p><b>Objective 2L2a:</b> 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.</p> <p><b>Objective 2L2b:</b> 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.</p> <p><b>Objective 2L2c:</b> Use the NJDEP Highlands Preservation Area rules and nitrate thresholds for the Preservation Area.</p> <p><b>Objective 2L2d:</b> 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.</p> <p><b>Objective 2L2e:</b> 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.</p> <p><b>Objective 2L3f:</b> 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.</p>	C	I  I  I  I  I  I	N/A
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<p><b>Objective 2L2g:</b> 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.</p>		<b>I</b>	
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**Comments:** The applicant has calculated a single municipal septic density using a proposed (but not yet adopted into the Holland Township zoning ordinance) nitrate target value of 1.0 mg/l and average annual recharge. This calculation does not vary by Land Use Capability Zone. The calculated densities of **11.8 – 14.2** acres/unit are substantially equivalent to the Conservation Zone densities using the Highlands Council methodology of drought recharge and a Conservation Zone nitrate target of 1.87 mg/l, and if modified slightly would be consistent with Objective 2L2b. However, the applicant applies their septic densities to the entire proposed Conservation Agriculture District zone (approximately 92% of the municipality). Therefore, for the Protection Zone portion of the township, these densities are significantly less stringent than the Highlands Councils Protection Zone densities of 30 – 36 acres/unit. Therefore, the nitrate dilution model is inconsistent with the RMP regarding Objective 2L2a.

Additionally, the municipal nitrate dilution model does not calculate the resulting septic yield from the municipality’s undeveloped and underdeveloped lands. This analysis would be required to compare its consistency against the Highlands Councils calculated values for septic system yield.

**PART 3 AGRICULTURAL RESOURCES**

<p><b>Area within Agricultural Resource Area?</b> Yes  <b>If yes, percentage?</b> 100% of the Sewer Service Area and approximately 98% of the municipality</p>	<p><b>Area within Agricultural Priority Area?</b> Yes  <b>If yes, percentage?</b> Approximately 95% of the Sewer Service Area and approximately 70% of the municipality</p>
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**Project Area includes preserved farmland?** Yes **If yes, identify properties (B/L):** Approximately 11% (1,651 acres) preserved agricultural land in the municipality; no preserved farmland located in the Sewer Service Area

<p><b>Affects Farm Unit &gt;250 acres?</b> Yes</p>	<p><b>Includes Important Farmland Soils?</b> Yes</p>
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**Agricultural Uses?** Yes

Regional Master Plan Goals, Policies, and Objectives:	<u>C</u>	<u>I</u>	<u>N/A</u>
<p><b>Policy 3A5:</b> 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.</p>		I	
<p><b>Objective 3A5a:</b> 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.</p>		I	
<p><b>Objective 3A5b:</b> 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.</p>		I	
<p><b>Objective 3A5c:</b> 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.</p>		I	
<p><b>Objective 3A5d:</b> 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).</p>		I	
<p><b>Policy 3A6:</b> 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.</p>	C		
<p><b>Objective 3A6a:</b> 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.</p>	C		
<p><b>Policy 3C1:</b> 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</p>		I	

<p>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.</p> <p><b>Policy 3D2:</b> 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.</p> <p><b>Policy 3D3:</b> 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.</p>		<p>I</p> <p>I</p>	
<p><b>Comments:</b> There are eight parcels located adjacent to or partially within the WMP Sewer Service Area considered high priority by the Highlands Council for preservation/acquisition. These eight parcels within the Agricultural Priority Area contain more than 90% Moderate or High Agricultural Priority Area and are greater than 25 acres. In addition, there are several preserved parcels of open space and agricultural land adjacent to the eight parcels partially in/adjacent to the Sewer Service Area and in the Agricultural Priority Areas. Approximately 70% of Holland Township is within the Agricultural Priority Area.</p> <p>The WMP is inconsistent with Policy 3A5 and 3C1, because clustering is mandatory in the Agricultural Resource Area for residential development. Holland Township has a draft CA District ordinance dated August 30, 2007 that allows for clustering and lot-averaging, but the provisions of this ordinance do not meet the provisions of Policy 3A5 or Policy 3C1, and is thus inconsistent. Policy 3A5 requires mandatory clustering in the Agricultural Resource Area for residential development and the clustered development must preserve at least 80% of the cluster project area, with a target of 90% where a public or community on-site wastewater system is used, to the maximum extent feasible. The draft CA ordinance specifies a 70% set aside for preservation.</p> <p>The draft CA ordinance is inconsistent with Objective 3A5a as it does not provide for the protection of Important Farmland Soils as defined in RMP Policy 3A2 to include Prime, Statewide, Unique, and Locally Important soils. The draft CA ordinance includes prime agricultural soils and soils of statewide importance. The ordinance contains a provision for a required agricultural buffer; however, the provision is inconsistent with Objective 3A5b that requires the buffer be appropriate to avoid conflicts between non-agricultural development and agricultural activities, and to protect existing agricultural uses and sensitive environmental resources.</p> <p>Objective 3A5c requires an easement for the deed restricted portion of the cluster project area enforceable by the Highlands Council. The draft CA ordinance specifies deed restrictions shall be enforceable only by the Holland Township zoning officer, and is thus inconsistent.</p> <p>Objective 3A5d requires an NRCS Farm Conservation Plan that addresses the protection of water and soil resources for the cluster project area dedicated to agricultural purposes, and this provision is not included in the draft CA ordinance.</p> <p>The draft CA ordinance is consistent with Policy 3A6 and Objective 3A6a as it allows construction of new buildings for agricultural purposes, although it does not specifically reference family and farm labor housing.</p> <p>Municipal regulations, including the draft CA ordinance, are inconsistent with Policies 3D2 and 3D3, because they do not require the appropriate NRCS farm conservation plans for 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.</p>			



<b>PART 4 HISTORIC, CULTURAL, ARCHAEOLOGICAL, AND SCENIC RESOURCES</b>				
<b>Presence of Resources:</b> Yes		<b>Highlands Historic District Polygons</b> Presence		
<b>Highlands Historic Properties Polygons</b> Presence		<b>Highlands Historic Property Points</b> Presence		
<b>Archaeological Grids</b> Absence		<b>Highlands Scenic Resource Inventory</b> Presence		
<p><b>Description of Resources:</b> Sites listed on the Highlands Historic &amp; Cultural Resources Inventory: within the WMP Sewer Service Area: Riegel Ridge Community Center; adjacent to the WMP Sewer Service Area: Bunns Valley Agricultural Historic District (HD); and within the municipality: Amsterdam HD, Chelcey Forge Tavern, Finesville HD, Javes Road Bridge, Little York HD, Mount Pleasant HD, Mt Joy Road Bridge, Pursley's Ferry HD, Rieglesville Company Town HD, Shively Farmstead, Stever-Becker Farmstead, and Warren Paper Mill.</p> <p>Sites listed on the Highlands Scenic Resource Inventory: Delaware River Bluffs (State), Milford Bluffs Preserve (State)</p>				
<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p> <p><b>Policy 4A3:</b> 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.</p> <p><b>Objective 4A3a:</b> 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.</p> <p><b>Policy 4A4:</b> 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.</p> <p><b>Objective 4A4a:</b> 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.</p> <p><b>Objective 4A4b:</b> 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.</p> <p><b>Objective 4B5a:</b> 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.</p> <p><b>Objective 4B5b:</b> All development which affects identified scenic resources shall comply with minimum standards for the preservation of the affected resources.</p> <p><b>Objective 4B5c:</b> 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.</p>		<u>C</u>	<u>I</u>	<u>N/A</u>
			I	N/A
			I	N/A
			I	N/A
			I	N/A
<p><b>Comments:</b> Holland Township does not have a historic preservation ordinance, therefore Policy 4A3 and Objectives 4A3a and 4A4b are not applicable. Objective 4B5c is not applicable, since the WMP review does not include actions that require federal involvement, however the Musconetcong National Scenic and Recreational River borders Holland Township and is recognized as such in the Holland Township draft March 2007 Natural Resource Inventory.</p> <p>The WMP does not provide narrative discussion concerning the Highlands historic, cultural, and scenic resources and any potential impacts that development, in accordance with its provisions, may have upon them. Thus, the WMP would be inconsistent with Policy 4A4 and Objectives 4A4a, 4B5a, and 4B5b. One Highlands historic resource, the Riegel Ridge Community Center, is located within the Sewer Service Area. The Holland Environmental Impact Assessment (EIA) ordinance requires that development applications for major site plan and subdivision review include mapping and listing of historic and archaeological sites on or within 200 feet of a project site. However, the EIA ordinance does not specifically refer to the Highlands Historic and Cultural Resource Inventory or the Highlands Scenic Resource Inventory. In addition, this provision of the EIA would exclude potentially affected sites located outside the 200-foot perimeter of a development project.</p>				
<b>PART 5 TRANSPORTATION</b>				
<b>Project supports local transportation/transit infrastructure?</b> No				
<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p> <p><b>Policy 5B2:</b> 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.</p> <p><b>Policy 5B3:</b> 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.</p> <p><b>Policy 5C3:</b> To limit road improvements through local development review and Highlands Project Review where roads are</p>		<u>C</u>	<u>I</u>	<u>N/A</u>
				N/A
				N/A
			I	

constrained by topography, forested lands or the community character of land uses fronting on the road.

**Comments:** Policies 5B2 and 5B3 pertain to improvements to existing roadways and are thus not applicable. However, the WMP would extend sewer service area to lands having severely constrained slopes, to forested areas, and to agricultural resources that define community character; thus, development may require new roadways that infringe on these resources, and therefore the WMP is inconsistent with Policy 5C3.

**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:**

**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.

**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.

**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.

<u>C</u>	<u>I</u>	<u>N/A</u>
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	I	
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**Comments:** The WMP is inconsistent with Policies 6C1, 6C2, 6D3, 6F3, 6F4, and 6F5. The inconsistencies are described below by Land Use Capability Zone.

**Protection Zone:** Existing zoning designations and applicable development standards for all non-Sewer Service land areas in the Protection Zone of the municipality permit densities that exceed RMP requirements for future development. These include the Village Residential zone and the proposed CA District zone. WMP consistency requires more restrictive standards based on Highlands water and wastewater allowances for application to non-exempt development in all zone districts overlain by the Protection Zone.

**Conservation Zone:** As proposed, the WMP would extend Holland’s Sewer Service Area into a portion of the Conservation Zone and the Conservation – Environmentally Constrained Sub-Zone to serve the proposed Huntington Knolls and the Gardner development projects. The Highlands Council has provided extensive guidance concerning the Huntington Knolls project previously, and reiterates and incorporates all prior findings for purposes of this review (see attachment). The proposal involves a mixed-use age-restricted residential/commercial development project, which is inconsistent with the RMP policies and objectives for future land use and development in the Conservation Zone and the Conservation – Environmentally Constrained Sub-Zone. Extension of the Sewer Service Area in these zones for both development projects is inconsistent with RMP policies and objectives.

Much of the remainder of the Conservation Zone is intended for inclusion in the proposed CA District zone. While the CA zoning provisions provide for agricultural uses and very low-density single-family residential development with cluster development and lot-averaging as an alternative, the zone is nearly entirely within the Agricultural Resource Area, wherein cluster development is mandatory for residential development. The CA District ordinance is inconsistent with the RMP in various other respects as well, as discussed above (see Part 2 Water Resources and Water Utilities and Part 3 Agricultural Resources).

**Existing Community Zone:** The Highlands Council staff review of Land Use Capability Zones in Holland Township resulted in a Council initiated RMP Update to delete an Existing Community Zone (ECZ) area in the

northwest section of the township. This RMP Update corrects a factual mapping error that indicated that at the time statewide data was collected the area was classified as a Transition Area. Its current land use more accurately resembles its surroundings and the area has been reclassified by the Highlands Council as Residential (Rural, single Unit). Based upon Council staff analysis, the Land Use Capability Zone Map has been changed for Holland Township and the area previously mapped as ECZ has been updated to be mapped as Protection Zone consistent with the RMP.

Township zoning of the ECZ includes portions of each the R-1 (single family residential) and the proposed CA District (now R-5). Much of the ECZ is currently developed with single-family residential homes on lots of 1-acre or more, while a portion to the east side consists of the Oak Hill Golf Club. Because most of the ECZ is already served by water and sewer infrastructure, and because it avoids the most environmentally sensitive portions of the township, it has been identified as the most suitable area for growth in the municipality. While growth is not mandatory under the provisions of the RMP, development, infill or redevelopment opportunities should be targeted to the ECZ, must incorporate smart growth principles, and be compatible with existing community character. The WMP, development regulations, and master plan elements do not take advantage of these features, but instead allow for significant development projects in the Conservation Zone and Conservation - Environmentally Constrained Sub-Zone.

**SUBPART C REGIONAL GUIDANCE FOR DEVELOPMENT AND REDEVELOPMENT**

<b>Regional Master Plan Goals, Policies, and Objectives:</b> (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):	<u>C</u>	<u>I</u>	<u>N/A</u>
<b>Policy 6H1:</b> 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.		I	
<b>Objective 6H1b:</b> 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.		I	
<b>Objective 6H1d:</b> 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.		I	

**Comments:** The proposed WMP does not indicate inclusion of municipal ordinances that would provide for consistency with Policy 6H1 by protecting, restoring, or enhancing sensitive environmental resources, and thus would be inconsistent. The draft CA District ordinance addressed under Part 3 Agricultural Resources affords some protection to resources within the municipality, but does not meet the RMP mandatory requirements for clustering in the Agricultural Resource Area.

The WMP is inconsistent with Objective 6H1b, because the Sewer Service Area extends into the Conservation Zone and the Conservation - Environmentally Constrained Sub-Zone of the Planning Area, and does not meet the mandatory requirements for clustering in the Agricultural Resource Area. Specifically, the WMP would extend Holland's Sewer Service Area into a portion of the Conservation Zone and the Conservation - Environmentally Constrained Sub-Zone to serve the proposed Huntington Knolls and the Gardner development projects. The Highlands Council has provided extensive guidance concerning the Huntington Knolls project previously, and reiterates and incorporates all prior findings for purposes of this review. The proposal involves an age-restricted mixed-use residential/commercial development project, which is inconsistent with the RMP policies and objectives for future land use and development in the Conservation Zone and the Conservation - Environmentally Constrained Sub-Zone. Extension of the Sewer Service Area for both development projects in these zones is inconsistent with RMP policies and objectives.

The draft CA District ordinance includes the purpose of maintaining the existing rural character and viewsheds in the municipality, but does not incorporate smart growth design principles or low impact development, and thus is inconsistent with Objective 6H1d.

<b>SUBPART D REDEVELOPMENT</b>			
<b>Locally Designated Redevelopment Area?</b> No <b>If yes, name of site(s):</b> N/A			
<b>Highlands Designated Redevelopment Area?</b> No <b>If yes, name of site(s):</b> N/A			
<b>Highlands Contaminated Site Inventory Tier 1 or Tier 2 Site(s)?</b> Yes <b>If yes, name of site(s):</b> Tier 1: James River-Hughesville Mill and Reliant Energy Gilbert Power Plant; Tier 2: Kwik Pik of Milford and Holland Twp Municipal Garage			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 6J1:</b> 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.		<b>I</b>	
<b>Policy 6J2:</b> 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.		<b>I</b>	
<b>Policy 6J3:</b> 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.		<b>I</b>	
<b>Policy 6L1:</b> 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.		<b>I</b>	
<b>Policy 6L2:</b> 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.		<b>I</b>	
<b>Objective 6L2a:</b> Municipal review of local redevelopment projects consistent with RMP smart growth and Low Impact Development policies and objectives.		<b>I</b>	
<b>Comments:</b> The Holland Township WMP, master plans, and development regulations do not include discussion of redevelopment opportunities or initiatives that would provide for consistency with the redevelopment policies and objectives referenced above. Highlands Contaminated Site Inventory Tier 1 and Tier 2 sites provide potential redevelopment opportunities for Holland Township. These sites are discussed in the WMP in reference to the status of their treatment facilities, but redevelopment of these sites is not addressed and no future population or future usage is attributed to these sites. Therefore, the WMP is inconsistent with redevelopment policies and objectives.			
<b>SUBPART E SMART GROWTH</b>			
<b>Is the municipality involved in the State Planning Commission Plan Endorsement (PE) process?</b> Yes			
<b>If yes, status of PE process:</b> Initial Plan Endorsement Petition submitted December 2006; final Action Plan and Memorandum of Understanding transmitted to Holland Township by the Office of Smart Growth on June 9, 2008.			
<b>Does the project area include a State Planning Commission designated or expired center?</b> No			
<b>If yes, center expiration date:</b> 00/00/0000			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 6N2:</b> 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.	<b>C</b>		
<b>Objective 6N2a:</b> Implementation of on-site stormwater management features that maintain, restore and enhance the pre-existing natural drainage patterns of the site.	<b>C</b>		
<b>Objective 6N2b:</b> Limitations on the amount of impervious cover allowed on a site as a means to protect and increase stormwater infiltration and reduce stormwater runoff.		<b>I</b>	
<b>Objective 6N2c:</b> 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.			<b>N/A</b>
<b>Objective 6N2d:</b> Minimum requirements that stormwater management systems employ a "design with nature" approach.			<b>N/A</b>
<b>Objective 6N2e:</b> 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.			<b>N/A</b>
<b>Policy 6N4:</b> 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.		<b>I</b>	
<b>Policy 6N5:</b> 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.		<b>I</b>	
<b>Comments:</b> The Holland Township Stormwater Management ordinance includes Low Impact Development			

standards, which meet the requirements mandated under State Law, and thus would be consistent with Policy 6N2 and Objective 6N2a.

Impervious cover limitations are included in the draft CA District ordinance, but this ordinance does not encompass the entire municipality, and thus the WMP is inconsistent (i.e., not fully consistent) with Objective 6N2b.

The Highlands Council has not yet released Stormwater Management standards and guidelines for Low Impact Development. Therefore, Objectives 6N2c through 6N2e are not applicable to the existing Stormwater Management ordinance.

Although the Stormwater Management ordinance includes Low Impact Development standards, the draft CA District ordinance does not include Low Impact Development best management practices where disturbance of Highlands resources are proposed, and thus would be inconsistent with Policy 6N4.

The proposed WMP, master plan elements, and development regulations do not indicate inclusion of smart growth principles or programs that promote community and neighborhood design, redevelopment opportunities, infill development, or adaptive re-use of historic sites, and thus would be inconsistent with Policy 6N5. The WMP anticipates future development will be nominal in the Sewer Service Area and be oriented toward age-restricted and low and moderate income housing, but does not address future development in the environs. The proposed hamlets along County Route 519/Warren Glen Road, which include Huntington Knolls and a portion of the Gardener project, are inconsistent with smart growth principles. These hamlets promote growth in a linear fashion along Route 519, are not pedestrian-oriented, do not utilize existing infrastructure, and do not sufficiently protect Highlands sensitive resources. These proposed hamlets will not adequately accommodate the growth potential of the proposed CA District (now R-5 zone), which represents approximately 92 percent of the land area in Holland Township as outlined in the WMP.

**SUBPART F HOUSING AND COMMUNITY FACILITIES**

**Does the project area include an affordable housing site?** Yes      **3<sup>rd</sup> Round Status:** Petition

<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b><u>C</u></b>	<b><u>I</u></b>	<b><u>N/A</u></b>
<b>Policy 6O7:</b> To require that 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.		I	
<b>Objective 6O8a:</b> 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.		I	

**Comments:** The Township received substantive certification from COAH for its first and second round housing plans, and has filed a petition as required for its third round. All first-round requirements are complete, while a small portion of the 2<sup>nd</sup> round remained outstanding as of the time of filing for the 3<sup>rd</sup> round. A copy of the 3<sup>rd</sup> Round petition has not been provided for review, and cannot be evaluated at this time. However, the 2004 Fair Share Plan, the 2004 Housing Element of the Master Plan, and the adopted Village Residential-A (VR-A) District ordinance were available for review. The municipality seeks to address its outstanding affordable housing obligation through construction of at least four additional accessory apartments (permitted in the R-5 zone (proposed CA zone), in the event of conversion of old farm structures), construction of a group home on a lot to be set aside in the Huntington Knolls development, and through inclusionary multi-family development within the recently created VR-A District. The construction of accessory apartments in the non-Sewer Service Areas of the R-5 zone (or CA District zone) would likely exceed density allowances for all Protection Zone areas. Development of the Huntington Knolls project as proposed is inconsistent with Policy 6O7 and Objective 6O8a. The Highlands Council has provided extensive guidance concerning this project previously, and reiterates and incorporates all prior findings for purposes of this review. The VR-A District includes just two lots fronting on County Route 519 just north of its intersections with Spring Mills-Little York Road (on the east) and Church Road (on the west). One of these lots is the proposed Gardner Project (Block 6, Lot 61) as identified in the VR-A District ordinance. The lots fall within the proposed Sewer Service Area and are not located within the RMP Existing Area Served by Public Community Water Systems. The district is also located within the Highlands Agricultural Resource Area, Conservation Zone and the Conservation - Environmentally Constrained Sub-Zone, however, within which such development is inconsistent as noted previously.

For WMP consistency with the RMP, the township must revisit its housing plan to incorporate the standards and requirements – particularly water and wastewater provisions – for each of the affected Highlands Land Use Capability Zones. A full capacity analysis (i.e. land, resources, infrastructure) of the municipality is necessary to assess build-out potential under Highlands provisions for the purposes of determining anticipated growth share, planning to accommodate growth, and protecting Highlands sensitive environmental and agricultural resources.

**Does the project area include an affordable housing site?** Yes      **3<sup>rd</sup> Round Status:** Petition

**PART 7 LANDOWNER EQUITY**

**Is the project exempt from the Highlands Act?** No

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

<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Objective 7F1c:</b> 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.		I	
<b>Objective 7F1d:</b> 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.		I	
<b>Policy 7G1:</b> 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.			N/A
<b>Policy 7G3:</b> 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.		I	

**Comments:** Municipal regulations are currently inconsistent with this RMP provisions because they do not require: a) NJDEP review of specific exemptions prior to local review of development applications, and b) that local land use board approval of any development application involving any variance or exception, may occur only upon a finding by the board, that the proposal meets the requirements of Section 36.a of the Highlands Act. Absent these updates, the WMP remains inconsistent with the RMP.

**CONCLUSION**

The Holland Township Wastewater Management Plan, development regulations, and master plan elements are for the most part inconsistent with RMP Policies and Objectives, but have some provisions that are fully or nearly (e.g., Conservation Zone septic system density) consistent with the RMP.. Primary inconsistency issues include:

1. The WMP proposes extension of both public water supply and Sewer Service Area (SSA) into the Conservation Zone and the Conservation – Environmentally Constrained Sub-Zone.
2. The WMP does not demonstrate that water demands for the proposed development in the SSA will not exceed Conditional Water Availability (all of the HUC14s are Current Deficit Areas), nor is provision made for mitigation of additional consumptive/depletive water uses.
3. The applicant applies their proposed septic system densities to the entire proposed “CA District” zone (approximately 92% of the municipality), but these densities are significantly less stringent than the Highlands Councils Protection Zone densities for the Planning Area, and the NJDEP Preservation Area densities for the relevant portion of the municipality.
4. The WMP does not indicate inclusion of municipal ordinances that would provide for consistency with the resource management and protection requirements of the RMP with the exception of the draft CA District ordinance. However, the draft CA District ordinance does not provide for mandatory clustering for residential development in the Agricultural Resource Area.
5. Highlands Contaminated Site Inventory Tier 1 and Tier 2 sites are discussed in the WMP in reference to the status of their treatment facilities, but redevelopment of these sites is not addressed. The WMP, master plan elements, and development regulations do not indicate inclusion of smart growth principles or programs that promote community and neighborhood design, redevelopment opportunities, or infill development.