



**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> Pilot Travel Center, Union Township		<b>Date:</b> September 11, 2008
<b>Name of Applicant:</b> Pilot Travel Center, LLC		
<b>Areawide WQMP:</b> Upper Raritan	<b>WMP:</b> Union Township	
<b>Municipality:</b> Union Township	<b>County:</b> Hunterdon County	
<b>Exempt project?</b> No	<b>Project specific amendment?</b> Yes	<b>WMP review?</b> No
<b>NJDEP Activity #:</b> AMD070002	<b>HPAA#:</b> N/A	
<b>Lot and Block, if applicable:</b> Block 11 Lot 24.03		
<b>Sewer Service Area/WWTP Facility:</b> Expansion of existing on-site discharge to ground water		
<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> NJG0167550	<b>Permit Discharge (MGD):</b> 2,000 gpd	
<b>Type of Discharge:</b> GW <input checked="" type="checkbox"/> SW <input type="checkbox"/>	<b>Total Proposed Service Area (acres):</b> Projected discharge to ground water is 6,500 gpd	
<b>Total Existing Service Area (acres):</b>		
<b>Description of Project:</b> This is a proposed amendment to the Upper Raritan Water Quality Management Plan and the Union Township Wastewater Management Plan that would allow for the expansion of the existing on-site discharge to ground water wastewater treatment facility for the redevelopment of the site formerly known as Johnny's Truck Stop. The expansion is to serve a proposed 3,777 square foot office/retail space, six showers, a 44-seat Subway fast food service, and 17 fueling positions. The existing facility's frame shop, showers, restrooms, restaurant, office and lounge buildings are proposed to be demolished and the existing fueling positions expanded. The proposed sewer service area for the new facility is restricted to the existing impervious cover footprint of the previous Johnny's Truck Stop; the proposed project has no increase in impervious surface. The total area to be redeveloped is 7.5 acres of the 11.75-acre lot. The projected wastewater flow is 6,500 gpd. The project will use an on-site well for water supply and will discharge treated wastewater back to ground water.		

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 type="checkbox"/> <b>If yes, percentage?</b> %	<b>Planning Area</b> <input checked="" type="checkbox"/> <b>If yes, percentage?</b> 100%
LAND USE CAPABILITY MAP ZONES	
<b>Project Area within which Land Use Capability Zone or Sub-Zone?</b> (check all that apply):	
Protection Zone <input type="checkbox"/>	Conservation Zone <input checked="" type="checkbox"/>
Conservation – Environmentally Constrained Sub-Zone <input checked="" type="checkbox"/>	Existing Community Zone <input checked="" type="checkbox"/>
Lake Community Sub-Zone <input type="checkbox"/>	Existing Community – Environmentally Constrained Sub-Zone <input type="checkbox"/>
Wildlife Management Sub-Zone <input type="checkbox"/>	
<b>Comments:</b> The vast majority of the 11.75-acre site is in the Existing Community Zone. Small portions of the site to the north and east are in the Conservation Zone and the Conservation – Environmentally Constrained Sub-Zone.	
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.	

<b>PART 1 NATURAL RESOURCES</b>			
<b>SUBPART A FOREST RESOURCES</b>			
<b>Project Area within Forest Resource Area?</b> No			
<b>If yes to above, is there Encroachment into a Forest within Forest Resource Area?</b> No			
<b>Forest Integrity Value (check one):</b> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/>			
<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>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.			n/a
<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.			n/a
<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.			n/a
<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.			n/a
<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.			n/a
<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.			n/a
<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.			n/a
<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.			n/a
<b>Comments:</b> The eastern quarter of the site is mapped as forest outside of Forest Resource Area. Construction of the proposed septic fields will require the clearing of forested lands and no Forest Management Plan has been provided.			



<p>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>			n/a
			n/a
			n/a
			n/a
			n/a
			n/a
			n/a

**Comments:** There are no Riparian Areas on the site. A Highlands Open Waters buffer (wetlands) occurs in the undeveloped extreme northwest corner of the site. There will be no disturbance (beyond existing levels) of Highlands Open Waters buffers with implementation of the proposed action.

**SUBPART C STEEP SLOPES**

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

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

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

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

<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>	<u>C</u>	<u>I</u>	<u>N/A</u>
			n/a
			n/a
			n/a
			n/a

**Comments:** There are no steep slopes on the site.

**SUBPART D CRITICAL HABITAT**

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

<b>Species of Concern:</b>	Bobcat	Wood turtle				
<b>Landscape Rank:</b>	4	3				

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

<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>	<u>C</u>	<u>I</u>	<u>N/A</u>
			n/a
	<u>C</u>		
	<u>C</u>		

<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>			<p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p>
<p><b>Comments:</b> The eastern quarter of the site is mapped as Critical Habitat and no information has been provided showing that the site is inappropriately mapped. Construction of the proposed septic fields would directly disturb Critical Habitat.</p>			
<p><b>SUBPART E LAND PRESERVATION AND STEWARDSHIP</b></p>			
<p><b>Project Area within Conservation Priority Area? No If yes, percentage? %</b></p>			
<p><b>Project Area within Special Environmental Zone? No If yes, identify properties (B/L):</b></p>			
<p><b>Project Area includes preserved land? No If yes, identify properties (B/L):</b></p>			
<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p> <p><b>Objective 1H7c:</b> 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.</p> <p><b>Policy 1I3:</b> 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.</p>	<p><u>C</u></p>	<p><u>I</u></p>	<p><u>N/A</u></p> <p>n/a</p> <p>n/a</p>
<p><b>Comments:</b> The site is not within a Conservation Priority Area or a Special Environmental Zone.</p>			
<p><b>SUBPART F CARBONATE ROCK (KARST) TOPOGRAPHY</b></p>			
<p>Project Area within or contributing to Carbonate Rock Area? Yes</p>			
<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p> <p><b>Policy 1K2:</b> 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.</p>	<p><u>C</u></p>	<p><u>I</u></p>	<p><u>N/A</u></p> <p>n/a</p>

<p><b>Objective 1K4b:</b> 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.</p> <p><b>Objective 1K4c:</b> 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.</p> <p><b>Objective 1K4d:</b> Public works projects, including but not limited to water supply, sewerage, stormwater and transportation facilities, shall be constructed and maintained such that the potential for damage from karst features and the contamination of ground water are avoided.</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>	n/a	n/a
<p><b>Comments:</b> There is a Carbonate Rock Area approximately 500 feet east of the site. The eastern portion of the site (which contains the existing and proposed septic field locations and an existing stormwater facility) appears to drain to the Carbonate Rock Area. Further, based on public comment, the site appears to be in a limestone region of Union Township. It has not been demonstrated that potential hazards to public health and safety, structures and ground water quality are fully addressed and mitigated.</p>			
<p><b>SUBPART G LAKE MANAGEMENT</b></p>			
<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 NA 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 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 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 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 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>	<b>C</b>	<b>I</b>	<b>N/A</b>



<p><b>Objective 2B8b:</b> Proposed new consumptive or depletive water uses within a Current Deficit Area shall only occur under the auspices of a Water Use and Conservation Management Plan approved under Objective 2B8c or through mitigation of the proposed consumptive or depletive use within the same HUC14 subwatershed through: a permanent reduction of existing consumptive and depletive water uses; ground water recharge in excess of the requirements of N.J.A.C. 7:8 (Stormwater Management Rules); or other permanent means. Where a Water Use and Conservation Management Plan has not been approved:</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 for 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 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	

**Comments:** The applicant proposes using an on-site well for water supply and discharging treated wastewater back to ground water. Because the on-site well is located within a Current Deficit Area, the proposed amendment is not consistent with Objective 2B8b. Consistency would require that the applicant provide mitigation equal to 125% of the proposed depletive water uses benefiting the source subwatershed, which could include off-site water conservation, on-site recharge or enhanced recharge within the subwatershed. With respect to stormwater management, the proposed project involves no increase in impervious surface.

**SUBPART B PROTECTION OF WATER RESOURCES QUANTITY**

**Project Area includes Prime Ground Water Recharge Area?** No

<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 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,</p>	C	I	N/A n/a  n/a  n/a  n/a  n/a  n/a
	C		

enhanced infiltration, pretreatment or other means where feasible.			
<b>Comments:</b> The site does not feature Prime Ground Water Recharge Areas. The applicant will be discharging treated wastewater back to ground water with minimal consumptive uses, which is a net recharge benefit to the receiving subwatershed but involves a depletive water use impact from the source subwatershed (see Water Resource Availability, above).			
<b>SUBPART C WATER QUALITY</b>			
<b>Project Area within Wellhead Protection Area?</b> No			
<b>If yes to above, check all that apply:</b> Tier 1 <input type="checkbox"/> Tier 2 <input type="checkbox"/> Tier 3 <input type="checkbox"/>			
<b>Name of Nearest Waterway(s) (1,000 feet of Project Area):</b> unnamed tributary to Spruce Run Reservoir			
<b>SWQS Classification:</b> Category 1			
<b>Description of Impairments, or TMDL:</b> N/A			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>			
<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.	<b>C</b>	<b>I</b>	<b>N/A</b> n/a
<b>Policy 2G3:</b> To adopt and implement water quality protections through Plan Conformance, local development review and Highlands Project Review.			n/a
<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.			n/a
<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.			n/a
<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.			n/a
<b>Policy 2G5:</b> To adopt and implement stormwater management controls through Plan Conformance, local development review and Highlands Project Review.			n/a
<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.	<b>C</b>		n/a
<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.			n/a
<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.			n/a
<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.	<b>C</b>		
<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.	<b>C</b>		
<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.			n/a
<b>Objective 2H4a:</b> Require site specific and municipal stormwater management plans to address wellhead protection requirements.			n/a
<b>Policy 2H5:</b> To require that conforming municipalities revise master plans and development regulations to address wellhead protection requirements.	<b>C</b>		n/a
<b>Objective 2H5b:</b> Restrict development activities that pose threats to the water quality of public water supply wells.			n/a
<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.			n/a
<b>Comments:</b> The site does not affect Wellhead Protection Areas for public community water supply wells. However, the site has an existing public noncommunity well that supports the existing truck stop. It appears that the proposed septic fields do not occur in a Tier 1 Wellhead Protection Area for that non-community water supply well (they are within Tier 2), which is consistent with Objective 2H2a. The proposed project has no increase in impervious surface. The proposed project is discharging treated wastewater back to ground water.			



<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> <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> <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> <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> <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> <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> <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> <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> <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>			<p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p>
<p><b>Comments:</b> The applicant is using an on-site well for water supply and discharging treated wastewater back to ground water with minimal consumptive uses, which is a net recharge benefit to the receiving subwatershed but involves a depletive water use impact from the source subwatershed (see Water Resource Availability, above). No expansion of a public water supply system is proposed, and no expansion of the existing service area is proposed.</p>			

WASTEWATER UTILITY					
NJPDES Permit Number: NJG0167550		Projected Flow of Project (GPD): 6,500 gpd			
HDSF Facility? No		HDSF Available Capacity (MGD):			
Subject to Allocation Agreement? No		Capacity Allocated from HDSF (MGD):			
Extent of HDSF Service Area Included in WMP: Full <input type="checkbox"/> Partial <input type="checkbox"/>					
<b>Wastewater Treatment Facility:</b>					
<b>Service Area:</b>		<b>Wastewater Discharge Flow (MGD):</b>			
NJPDES-DGW:	Existing <input checked="" type="checkbox"/> Proposed <input type="checkbox"/>	Existing:	2,000 gpd	Increase: 4,500 gpd	
NJPDES-DSW:	Existing <input type="checkbox"/> Proposed <input type="checkbox"/>	Existing:		Increase:	
<b>Regional Master Plan Goals, Policies, and Objectives:</b>				<b>C</b>	<b>I</b>
<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> <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:</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 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;</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 2K3d.</li> </ol> <p>Objective 2K3d: Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met:</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;</li> <li>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;</li> <li>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;</li> <li>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</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> <p><b>Objective 2K3e:</b> Allow the expansion or creation of wastewater collection systems within the Existing Community Zone of the</p>				N/A n/a	n/a
				n/a	n/a

<p>Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to those provided at Objective 2K3c within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. The highest priority for allocation of excess or additional wastewater treatment capacity is to areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served. TDR Receiving Areas, where designated, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than other developments requiring expansion of sewer service areas.</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>			<p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p>
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**Comments:** The applicant is using an on-site well for water supply and discharging treated wastewater back to ground water, which is a net recharge benefit to the receiving subwatershed but involves a depletive water use impact from the source subwatershed (see Water Resource Availability, above). No expansion of the existing service area is proposed.

**SEPTIC SYSTEM YIELD**

<b>Proposed Nitrate Target(s) (mg/l):</b>		<b>Annual Recharge Rate Used:</b> Drought <input type="checkbox"/> Average <input type="checkbox"/>	
<b>Municipal Septic System Density (acre/unit)</b>	<u>Protection Zone</u>	<u>Conservation Zone</u>	<u>Existing Community Zone</u>
<b>HC Septic System Density (acre/unit)</b>	<u>Protection Zone</u>	<u>Conservation Zone</u>	<u>Existing Community Zone</u>
<b>Municipal Septic System Yield (units)</b>	<u>Protection Zone</u>	<u>Conservation Zone</u>	<u>Existing Community Zone</u>
<b>HC Septic System Yield (units)</b>	<u>Protection Zone</u>	<u>Conservation Zone</u>	<u>Existing Community Zone</u>

<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> <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</p>	<p><u>C</u></p>	<p><u>I</u></p>	<p><u>N/A</u></p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p>
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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.				
<b>Comments:</b> Septic System Yields not applicable. This amendment would allow for the expansion of the existing on-site discharge to ground water wastewater treatment facility for site redevelopment.				
<b>PART 3 AGRICULTURAL RESOURCES</b>				
<b>Area within Agricultural Resource Area?</b> Yes If yes, percentage? 100%		<b>Area within Agricultural Priority Area?</b> No If yes, percentage? %		
<b>Project Area includes preserved farmland?</b> No If yes, identify properties (B/L):				
<b>Affects Farm Unit &gt;250 acres?</b> No		<b>Includes Important Farmland Soils?</b> Yes		
<b>Agricultural Uses?</b> No				
<b>Regional Master Plan Goals, Policies, and Objectives:</b>		<b>C</b>	<b>I</b>	<b>N/A</b>
<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> <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> <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> <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> <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> <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> <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> <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 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>				n/a
				n/a
				n/a
				n/a
				n/a
				n/a
				n/a
				n/a
				n/a
				n/a
<b>Comments:</b> While the entire site is in an Agricultural Resource Area and features important farmland soils, the site has been previously developed (it was the former Johnny's Truck Stop). The proposed redevelopment activities are planned for the already developed portion of the site; there will be no increase in impervious surface.				

<b>PART 4 HISTORIC, CULTURAL, ARCHAEOLOGICAL, AND SCENIC RESOURCES</b>				
<b>Presence of Resources:</b> No	<b>Highlands Historic District Polygons</b> Absence			
<b>Highlands Historic Properties Polygons</b> Absence	<b>Highlands Historic Property Points</b> Absence			
<b>Archaeological Grids</b> Absence	<b>Highlands Scenic Resource Inventory</b> Absence			
<b>Description of Resources:</b>				
<b>Regional Master Plan Goals, Policies, and Objectives:</b>		<b>C</b>	<b>I</b>	<b>N/A</b>
<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>				
<b>Comments:</b> N/A				
<b>PART 5 TRANSPORTATION</b>				
<b>Project supports local transportation/transit infrastructure?</b> Yes				
<b>Regional Master Plan Goals, Policies, and Objectives:</b>		<b>C</b>	<b>I</b>	<b>N/A</b>
<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 constrained by topography, forested lands or the community character of land uses fronting on the road.</p>				n/a n/a n/a
<b>Comments:</b> N/A. No road improvements are proposed as part of this project. The project is adjacent to an exit from Interstate 78, which is the primary source of business for the existing truck stop.				
<b>PART 6 FUTURE LAND USE</b>				
<b>SUBPART A LAND USE CAPABILITY ZONES</b>				
<b>Project Area within which Land Use Capability Zone or Sub-Zone?</b> (check all that apply):				
Protection Zone <input 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 type="checkbox"/> Lake Community Sub-Zone <input type="checkbox"/> Wildlife Management Sub-Zone <input type="checkbox"/>				
<b>Regional Master Plan Goals, Policies, and Objectives:</b>		<b>C</b>	<b>I</b>	<b>N/A</b>
<p><b>Policy 6C1:</b> 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.</p> <p><b>Policy 6C2:</b> 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.</p> <p><b>Policy 6D3:</b> To limit through Plan Conformance, local development review and Highlands Project Review the use and</p>				n/a n/a

<p>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.</p> <p><b>Policy 6F3:</b> 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.</p> <p><b>Policy 6F4:</b> 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.</p> <p><b>Policy 6F5:</b> To ensure that development and redevelopment in the Existing Community Zone are compatible with existing community character.</p>	<p>C</p> <p>C</p> <p>C</p> <p>C</p>		
<p><b>Comments:</b> The proposed redevelopment activities are within the ECZ. No portion of the CZ will be modified.</p>			
<p><b>SUBPART C REGIONAL GUIDANCE FOR DEVELOPMENT AND REDEVELOPMENT</b></p>			
<p><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):</p> <p><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.</p> <p><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.</p> <p><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.</p>	<p>C</p> <p>I</p> <p>I</p>	<p>N/A</p> <p>n/a</p> <p>n/a</p>	
<p><b>Comments:</b> The proposed septic field encroaches upon forests and Critical Habitat.</p>			
<p><b>SUBPART D REDEVELOPMENT</b></p>			
<p><b>Locally Designated Redevelopment Area? No If yes, name of site(s):</b></p>			
<p><b>Highlands Designated Redevelopment Area? No If yes, name of site(s):</b></p>			
<p><b>Highlands Contaminated Site Inventory Tier 1 or Tier 2 Site(s)? Yes If yes, name of site(s): Johnny's Truck Stop</b></p>			
<p><b>Regional Master Plan Goals, Policies, and Objectives:</b></p> <p><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.</p> <p><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.</p> <p><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.</p> <p><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.</p> <p><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.</p> <p><b>Objective 6L2a:</b> Municipal review of local redevelopment projects consistent with RMP smart growth and Low Impact Development policies and objectives.</p>	<p>C</p>	<p>I</p>	<p>N/A</p>
<p><b>Comments:</b> N/A. While not part of a formal redevelopment site, this project does entail extensive redevelopment of the site within the existing impervious area of the site.</p>			

<b>SUBPART E SMART GROWTH</b>			
<b>Is the municipality involved in the State Planning Commission Plan Endorsement (PE) process?</b> No			
<b>If yes, status of PE process:</b>			
<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>
<p><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.</p> <p><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.</p> <p><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.</p> <p><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.</p> <p><b>Objective 6N2d:</b> Minimum requirements that stormwater management systems employ a “design with nature” approach.</p> <p><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.</p> <p><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.</p> <p><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.</p>			n/a n/a n/a n/a n/a n/a n/a n/a
<b>Comments:</b> The proposed redevelopment activities are planned for the already developed portion of the site (though the proposed septic fields occur in part of the undeveloped portion).			
<b>SUBPART F HOUSING AND COMMUNITY FACILITIES</b>			
<b>Does the project area include an affordable housing site?</b> No <b>3<sup>rd</sup> Round Status:</b> Petition			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<p><b>Policy 6O7:</b> To require that conforming municipalities implement both the resource protection requirements of the RMP along with the New Jersey Supreme Court’s doctrine, in its Mount Laurel decisions, that every municipality in a “growth area” has a constitutional obligation to provide through its land use regulations, sound land use, and long range planning, a realistic opportunity for a fair share of its region’s present and prospective needs for housing for low and moderate income families.</p> <p><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.</p>			n/a n/a
<b>Comments:</b> N/A			
<b>PART 7 LANDOWNER EQUITY</b>			
<b>Is the project exempt from the Highlands Act?</b> No			
<b>Does the project support the use of Highlands Development Credits?</b> No			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<p><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.</p> <p><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.</p> <p><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.</p> <p><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.</p>			n/a n/a n/a n/a

**Comments:** N/A

### **CONCLUSIONS**

The Highlands Council staff finds that the proposed project is inconsistent with Policies 1B7 (forests), 1F2 (critical habitat), and 6H1 (redevelopment and sensitive lands) and Objectives 1K4c (carbonate rock) and 2B8b (the requirement for 125% mitigation of the increase in depletive water use of 4,500 gallons per day). In addition, the proposal does not address and therefore is inconsistent with the RMP requirements for protection of the environmentally sensitive areas that will not be disturbed.