



JON S. CORZINE
Governor

State of New Jersey

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



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

June 8, 2010

The Honorable Lee Honecker
Bernardsville Borough
166 Mine Brook Road
Bernardsville, NJ 07924

RE: **Bernardsville Borough, Somerset County**
RMP Update No. 1803-UPD002-090917

Dear Mayor Honecker:

On behalf of the New Jersey Highlands Water Protection and Planning Council (Highlands Council), I am please to provide you the attached Regional Master Plan Update Report for Block 100, Lot 2.47 or more commonly known as Millington Quarry. The RMP Updates Program is designed to facilitate and coordinate the exchange of "new, corrected or updated factual information and verification by the Highlands Council." (Highlands Regional Master Plan, Policy 6A2 & 6G1, see Chapter 6, Part 1, Subpart B.) The purpose of the program is to ensure that the RMP reflects the most current data for use during Plan Conformance.

As detailed in the Report, sufficient information was provided, and the request was approved which resulted in a change from Lake Community Zone to portions of Existing Community Zone and Existing Community – Environmentally Constrained Sub-Zone. Future revisions to the Land Use Capability Zone Map will include this RMP Update.

The Highlands Council looks forward to continued collaboration with Bernardsville Borough as we advance Plan Conformance with the RMP. Should you have any questions or concerns with the foregoing, please contact me at (908) 879-6737.

Yours sincerely,

Eileen Swan
Executive Director

Attach.

c: Paul Ferriero, Ferriero Enginerring



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

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



JACK SCHRIER
Acting Chairman

EILEEN SWAN
Executive Director

REGIONAL MASTER PLAN UPDATE

Bernardsville Borough, Somerset County
RMP Update No. 1803-UPD002-090917

May 13, 2010

Overview of RMP Updates

The Highlands Regional Master Plan (RMP) addresses the requirements of the Highlands Act to provide guidance to municipalities and counties for the implementation of the resource protection and smart growth policies during Plan Conformance. The Highlands Water Protection and Planning Council (“Highlands Council”) recognizes that the RMP was created at a regional scale and that new, updated, or additional information available at the federal, State, county, municipal, or public level may become available. The RMP Updates Program provides a process for making RMP Updates to the numerous components of the RMP including the LUCM Series, other RMP maps, and supporting base data layers, and the tracking of these changes. Specifically, the RMP authorizes factual updates to the RMP, as follows:

Policy 6G1: To develop a program for RMP Updates for all substantive components of the RMP, based upon the receipt of new, corrected or updated factual information and verification by the Highlands Council, when and where necessary to improve the accuracy of the RMP.

The RMP Updates Program is designed to facilitate and coordinate the exchange and verification of updated, relevant factual information. As a result the RMP will reflect the most current data for use during Plan Conformance. The RMP Updates Program is an iterative process with the exchange, verification, and administration of factual information between the Council and local government units. It is intended to enhance existing data necessary for local planning which results in up to date, reliable information to be used in municipal and county planning documents and the RMP. Chapter 6 of the RMP provides more detail regarding the intention of RMP Updates, as follows:

Subsequent to receipt of the RMP information and assistance regarding its use, municipalities and counties will assist the Council by examining the information used in the LUCM Series and other elements of the RMP and recommending RMP Updates as needed. Of specific interest will be updates on the following information:

- Development or other land use changes that have occurred and development proposals that have been built subsequent to the Land Use Land Cover aerial photography used in the LUCM Series (currently 2002) or are eligible for Highlands Act exemptions under Policy 7F1;
- Updates and corrections to the Existing Areas Served for both public community water supply systems and public wastewater treatment systems;
- Additional lands preserved for natural resource preservation, parks and recreational open space, historic preservation, farmland preservation, etc.;
- Modifications to stream and flood hazard delineation maps, including both additions and corrections to stream corridor locations;
- Jurisdictional wetlands and transition areas for which NJDEP has provided an updated Letter of Interpretation (LOI);
- Topographic mapping that will enable a more precise delineation of steep slopes;

- Additional NJDEP certified vernal pools, and proposed modifications to vernal pool buffers based on the criteria in the Goals, Policies, and Objectives and discussed in the *Critical Habitat Conservation and Management Program*;
- Modifications to critical habitat boundaries for rare, threatened and endangered wildlife species based on site-specific analyses using methods in Highlands Council guidance;
- Updates regarding transportation facilities that significantly alter the opportunity for multi-modal transportation connections and use; and
- Updates to water withdrawal, water use, and wastewater discharge volumes and locations that would result in a modification of the Water Availability values for HUC14 subwatersheds affecting the municipality, including information that results in recalculation of consumptive and depletive water uses for any subwatershed. In addition, information may be provided regarding specific contracts or rights to utility capacity by municipality, service area or contracted uses (e.g., committed but unconnected users) that will allow for more specific utility capacity determinations by municipality.

Proposed RMP Updates will be verified for accuracy by the Highlands Council and used to determine whether changes in any of the LUCM Series are appropriate. See the *RMP Updates Program* and the *Map Adjustments Program* for additional information.

The Highlands Council may also identify the need for RMP Updates on its own initiative. RMP Updates are approved by the Executive Director of the Highlands Council, with notification to affected municipalities, and to the public through the Highlands Council Web site.

Proposed RMP Update 1803-UPD002-090917

On behalf of the Borough of Bernardsville, Somerset County, an RMP Update was requested by Paul Ferriero of Ferriero Engineering, Inc. on September 10, 2009. The request is to change the Lake Community Sub-Zone, comprised of 175 parcels, to Existing Community Zone (See Figure 1). The Lake Community Sub-Zone (LCZ) surrounds Block 100, Lot 2.47 which is a water body of approximately 18.7 acres, and is more accurately categorized as a former quarry. It is suggested that the designation of the LCZ, in this case, misrepresents the character of the community and the definition of LCZ as stated by the Regional Master Plan. Although this body of water is within the Existing Community Zone and is greater than 10 acres, and thereby meets the criteria for LCZ designation, the history and current use of the water body need to be taken into consideration. The area was reviewed during Module 2 Build-Out by an ad hoc Highlands Evaluation Committee of Bernardsville. Included with the letter is a subsection of the Bernardsville Borough Master Plan and various newspaper clippings.

This area consists of the only industrial district in Bernardsville. This property was used as a quarry dating back to 1897 until quarry operations ceased in 1985. The quarry was sold from Somerset Crushed Stone Co. to Millington Quarry in the 1980's at the point when extensive litigation took place between the quarry owners and Bernardsville. The resulting settlement in the mid 1990's placed limitations on quarry operations and instituted current zoning and permitted use designations for the property. This property is characterized by zero depth to bedrock and is neither served by public sewers currently, nor will it be served in the future. The uses appropriate to this unique property are limited. These include those uses which do not generate employees or need sewer facilities, which are two-building self storage facilities, storage of new vehicles for car dealerships and

heavy equipment vehicle storage. While the quarry use has been terminated there are still operating concrete/asphalt plants on the property.

The uses on most the parcels surrounding this body of water are industrial/manufacturing yards and/or vacant, therefore lacking the "lake community character" which is typical of other lake communities. As stated in the LUCZ Technical Report, future management is planned in such areas encompassing the full lake watershed. This type watershed management plan would be difficult to implement given the fact that there is a discontinuity between the lake and the community due to the rail road and several industrial complexes.

Highlands Council Evaluation

In years past this property was historically used as a quarry but over the last decade these activities ceased and the quarry filled with water. The body of water exists as Block 100 Lot 2.47, and is approximately 18.7 acres. This body of water acts as a man made drainage area from the surrounding industrial sites and residential area. The surrounding parcels include uses such as an asphalt plant, concrete plant, storage facilities, ball fields, and rail road line.

The Highlands Council has reviewed the documented history of the site and a water inflow and outflow analysis has identified no inflow or outflow of water related to this water body. In addition to the evaluation of current uses around the site it has been confirmed by the Highlands Council that this former quarry is not serving as a lake associated with the Existing Community Zone as defined in the Regional Master Plan. Instead this water body is isolated and both Existing Community Zone and Existing Community Zone Constrained areas as defined in the 2008 Land Use Capability Zone Technical Report are more appropriate for areas surrounding the former quarry (See Figure 2).

The RMP Municipal Build-Out Report results inform the COAH Workbook D Growth Share information and are therefore included in the evaluation of RMP Updates to ensure the proper reporting of Highlands COAH Growth Share projections. The results of the RMP Updates analysis conducted for Block 100 lot 2.47 were evaluated and determined to have no RMP Municipal Build-Out implications. The parcel status was identified as "Not Developable" and identified as a quarry in the build-out analysis. In addition, of the surrounding parcels within the Lake Community Sub-Zone, only one 0.2 acre parcel with minimal LCZ area was identified as developable and it is almost entirely identified as Existing Community Zone. Therefore, the LUCZ update does not change the RMP build-out developable area results for these parcels.

Highlands Council Conclusion

In evaluating the current and existing conditions and the additional documentation provided, the Highlands Council had sufficient information to remove the Lake Community Sub-Zone and revert the underlying areas to either Existing Community Zone or Existing Community Environmentally Constrained Sub-Zone as per the 2008 Land Use Capability Map Zone Technical Report.

Summary of Approved RMP Updates

On behalf of the Highlands Council, the following RMP Update is hereby approved:

1. Remove the Lake Community Sub-Zone related to the quarry located on Block 100 Lot 2.47 (as shown on Figure 1) and revert the underlying areas to either Existing Community Zone

or Existing Community Environmentally Constrained Sub-Zone as determined through the LUCZ Technical Report and as shown on Figure 2.

The LUC Zone updates do not change the RMP build-out results in the most current Highlands Municipal Build-Out Report.

May 26, 2010
Date


Eileen Swan, Executive Director

Figure 1

RMP Update 1803-UPD002-090917
Bernardsville Borough, Somerset County
Block 100 - Lot 2.47



Figure 2

RMP Update 1803-UPD002-090917
Bernardsville Borough, Somerset County
Block 100 - Lot 2.47

