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## **FINAL DRAFT CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT**

### **PETITION FOR PLAN CONFORMANCE: BOROUGH OF RINGWOOD, PASSAIC COUNTY**

Prepared by the State of New Jersey Highlands Water Protection and Planning Council in Support of the Highlands Regional Master Plan

**AUGUST 9, 2011**

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
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**INTRODUCTION**

This Final Draft Consistency Review and Recommendations Report (“Report”) has been prepared by the Staff of the Highlands Water Protection and Planning Council (“Highlands Council”). It provides review and recommendations for consideration by the Highlands Council as to the consistency of the Petition for Plan Conformance of the Borough of Ringwood with the Highlands Regional Master Plan (RMP). The Report provides review and discussion of each component of the Petition for Plan Conformance, in the order in which they are set forth under submission guidelines provided to municipalities by the Highlands Council. It begins with a brief summary of Staff findings, displayed in a table format, to provide an at-a-glance overview of the results of Staff review.

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**REPORT SUMMARY**

**Municipality:** Borough of Ringwood

**Date of Petition Submission:** December 8, 2009

**Date Deemed Complete:** February 4, 2010

**Conformance Area:** Preservation Area

**Staff Recommendation:** Approve with Conditions

<b>Administrative Submittals</b>	<b>Meets Requirements</b>	<b>Conditions of Approval</b>
1. Resolution or Ordinance	X	None
2. Record of Public Involvement	X	None
3. List of Current Planning and Regulatory Documents	X	None
4. Other		

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

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

<b>Optional Submission Items</b>	<b>Submission Date</b>	<b>Status/Recommendation</b>
1. RMP Updates	N/A	
2. Map Adjustments	N/A	
3. Highlands Center Designation Requests	N/A	
4. Highlands Redevelopment Area Designation Requests	N/A	
5. Other	N/A	

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**A. REVIEW OF ADMINISTRATIVE SUBMITTALS**

- 1. Petitioning Resolution.** The Resolution petitioning the Highlands Council for Plan Conformance was adopted by the municipal Governing Body at its noticed public meeting of November 12, 2009. The document submitted is appropriately signed and certified by the Municipal Clerk to verify authenticity. The language of the Resolution relies upon the model provided by the Highlands Council. The Resolution clearly petitions the Highlands Council for Plan Conformance; conformance being proposed with respect to all lands of the municipality, which is entirely located in the Preservation Area.
- 2. Record of Public Involvement.** The Petition includes appropriate documentation of the public process engaged in by the municipality with regard to the development of Petition materials and adoption of the Resolution petitioning the Highlands Council for Plan Conformance. The submission includes the following:
  - a.** A copy of a public meeting notice, agenda and minutes for a meeting of the Planning Board held on September 14, 2009 to discuss Petition components, including specifically, the draft Master Plan Highlands Element.
  - b.** Copy of agenda and minutes from Ringwood Planning Board meeting of October 26, 2009, held in part, to discuss Plan Conformance and the Petition to the Highlands Council.
  - c.** Copy of agenda and minutes from Ringwood Planning Board meeting of February 23, 2009, held in part, to discuss Highlands Initial Assessment Report and Plan Conformance, generally.
  - d.** Copy of public meeting notice, agenda, and minutes from special meeting of the Governing Body held on January 26, 2009 during which Plan Conformance issues and details were discussed.
- 3. List of Current Planning Documents.** The list of current municipal planning and regulatory documents is comprehensive and includes required dates of adoption, as applicable. Staff review indicates that all of the required documents are available in Adobe pdf format as required.

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**B. REVIEW OF PLAN CONFORMANCE PETITION COMPONENTS**

1. **Highlands Municipal Build-Out Report (Modules 1-2).** Consistent. The Highlands Municipal Build-Out Report was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The date of the Highlands Municipal Build-Out Report is June 2009.
2. **Housing Element & Fair Share Plan (Module 3).** Consistent. Both the RMP and Highlands Council instructions concerning submission of Master Plan Housing Elements and Fair Share Plans, sought municipal participation in a three-step process, intended to culminate in the submission of fully developed affordable housing plans to both the Highlands Council and the Council on Affordable Housing (COAH) (or alternatively the Highlands Council and the Superior Court). This process was designed to assist municipalities in developing plans to address fair share housing obligations that are consistent with the RMP. For most Highlands municipalities, the deadline for submission to COAH was extended to June 8, 2010. The extended time allowance was intended to provide for completion of Highlands Municipal Build-Out Reports (see Modules 1-2, above) and incorporation of resulting information into fully developed affordable housing plans in accordance with Executive Order #114 (2008) and COAH's *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*. This process also allows for Highlands Council review of as yet unconstructed projects in municipal housing plans, for consistency with the RMP.

The Borough of Ringwood provided all components required by the Highlands Council. The first submission was included as requested within the municipality's Petition for Plan Conformance, while the remaining items were provided in accordance with the revised submission deadlines. Review of the final Housing Element and Fair Share Plan submission, dated April 28, 2010, amended and adopted by the Planning Board on May 20, 2010, follows. These findings constitute a preliminary analysis of the Housing Element and Fair Share Plan by the Highlands Council. Formal review will be conducted by COAH. These documents were filed with COAH with a petition for substantive certification on June 15, 2010. The final Housing Element and Fair Share Plan appear to address the municipality's Fair Share Obligation. As to consistency with the requirements of the RMP, the Plan is satisfactory with regard to the items noted below.

- a. **Summary of Municipal Obligation.** The Municipal Obligation appears to be correctly calculated.
  - i. **Rehabilitation Share:** 30 units
  - ii. **Prior Round Obligation:** 51 units
  - iii. **Growth Share Obligation (RMP):** 20 units (modification based on corrections to actual growth based on Certificates of Occupancy issued 2004 through 2008). (see B.2.b, below)

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**b. Municipal Growth Projections.** Municipal Growth Projections, used to determine the Growth Share Obligation (above) were correctly indicated in the COAH Workbook D form or other submittals provided by the municipality. The final figures are listed below. Note: Highlands Full Build-Out Projections apply in the case of conformance for the full municipality in accordance with COAH's instructional document, *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*. COAH Growth Projections apply in all cases where the municipality is not petitioning for conformance for the whole of the municipality, until or unless modified by COAH consistent with the Guidance or as applicable, the Superior Court. The municipality's Housing Element relies upon Highlands Full Build-Out Projections with adjustments to actual growth from 2004 through 2008 based on municipal information.

**i. Highlands Full Build-Out Projections**

- Residential Growth (housing units): 82
- Non-Residential Growth (jobs): 180
- Total Growth Share, after exclusions (units): 27

**ii. COAH Growth Projections through 2018**

- Residential Growth (housing units): 191
- Non-Residential Growth (jobs): 0
- Total Growth Share, after exclusions (units): 38

**c. Summary of Proposed Fair Share Plan.** The Fair Share Plan proposes to address the municipal obligation by use of the mechanisms and/or development projects listed below. Where Affordable Housing Sites were included that have not yet been constructed, each was reviewed for consistency with the RMP using the on-line Highlands Council RMP Consistency Review Report tool. A brief summary of the results for each is included below.

**i. Rehabilitation Program:** Seventeen (17) units completed. The remaining units will be implemented during the third round and will include efforts to procure grant funding from State funding sources to fund rehabilitation.

**ii. Prior Round Sites/Mechanisms:** 51 Credits.

- Existing Group Homes – 26 existing units plus 12 bonus credits (total of 38 credits).
- Sisters of Saint Francis Assisted Living. Block 902, Lots 1.02 and 1.04. 16 age-restricted units/beds. Preservation Area – Protection

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Zone. The Borough will seek a durational adjustment for the site. The project is proposed as a 100% affordable project and as such would qualify for an HPAA with waiver for the on-site waste water disposal system, which would address consistency with the RMP. 13 Credits applied to the Prior Round Obligation.

**iii. Growth Share Sites/Mechanisms: 20 Credits**

- Accessory Apartment Program – 10 units.
- Supportive/Special Needs Group Home (site unidentified) – 7 units.
- Sisters of Saint Francis Assisted Living – 3 Surplus Credits.

**d. Conformance Requirements.**

- i. Goals and objectives consistent with the RMP have been inserted as revisions to the Borough's draft Master Plan Highlands Element (see Housing Plan section). These will be incorporated for completion.
- ii. Any Accessory Apartments will be required to meet the septic system density requirements of the NJDEP Preservation Area Rules, or if they do not meet the definition of a Major Highlands Development, the nitrate dilution requirements of the RMP (based on land use capability zone).
- iii. Upon identification of the proposed Group Home site, a review for consistency with the RMP will be required (unless it qualifies for a Highlands Act exemption). However, the Borough seeks to use an existing structure and as such the site will likely be consistent with the RMP.

**3. Environmental Resource Inventory (Module 4).** The proposed Borough of Ringwood Highlands Environmental Resource Inventory (ERI) is based on the Highlands Model ERI provided to municipalities by the Highlands Council. The Borough of Ringwood Highlands ERI as now proposed (including modifications by the Highlands Council) contains all required Highlands ERI language and all applicable maps/exhibits, as necessary, to fully describe the Highlands Resources, Resource Areas, and Special Protection Areas located within the municipality. As such, the Highlands ERI is consistent with the RMP and the immediate mandatory requirements of Plan Conformance.

- a. Deleted Sections.** The following sections of the model Highlands ERI are not relevant to the municipality and have thus been deleted from the municipal submission: Carbonate Rock Areas; Agricultural Resource Area; Highlands Agricultural Priority Area; Preserved Farms, SADC Easements, All Agricultural Uses; Important Farmland Soils; and Highlands Domestic Sewerage Facilities.

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- b. Revisions.** The Highlands Council has provided updated technical information within the narrative portion of the ERI as well as a new set of coinciding figures. The new figures are provided as a separate file from the Highlands ERI text, and replace figures previously provided for the Highlands ERI. The old figures (with exception of any developed by the municipality) have been deleted to avoid confusion. Please note that the figures should not be incorporated with the MS Word® version of the text, as such mergers result in unmanageable file sizes and a significant loss in map clarity/resolution. The text and exhibits are best combined into a single pdf file once each component is in final form.
- 4. Master Plan Highlands Element (Module 5).** The proposed Borough of Ringwood Master Plan Highlands Element is based on the model Highlands Element provided to municipalities by the Highlands Council. The document as now proposed (including modifications by the Highlands Council), contains all required Highlands Element language and all applicable maps/exhibits, as necessary, to address the immediate mandatory requirements of Plan Conformance. The municipality will address the minor edits required to complete the document as noted in highlighted sections.

The specific components of the model Highlands Element are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for Plan Conformance, the heading or sub-heading indicates “Consistent.” Where any section of the model Highlands Element has been appropriately deleted due to non-applicability, the heading or sub-heading indicates “Not Applicable – Deleted.” Where minor modifications are required to complete the document for purposes of adoption by the Planning Board, the heading or sub-heading indicates, “Minor Modifications Required for Completion.” If needed, explanatory discussion is provided

- a. Policies, Goals & Objectives.** Consistent
    - i.** Preservation Area Goals. Consistent
    - ii.** Planning Area Goals. Not Applicable – Deleted
    - iii.** General Purposes of Zoning. Consistent
    - iv.** Relationship Between Highlands Act & MLUL. Consistent
  - b. Land Use Plan Element.** Consistent
    - i.** Highlands Zones and Sub-Zones. Consistent. The municipality will address/incorporate the edits provided by the Highlands Council. (Not Applicable – Deleted: Wildlife Management Sub-Zone, Conservation Zone, Conservation Zone – Environmentally-Constrained Sub-Zone.)
    - ii.** Land Uses. Consistent



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- iii. Density and Intensity of Development. Consistent. The municipality will address/incorporate the edits provided by the Highlands Council.
  - iv. Cluster Development. Not Applicable – Deleted. (The provisions are optional for the Borough as it contains no Agricultural Resource Area.) .
  - v. Land Use Inventory. Consistent.
  - vi. Redevelopment Planning. Consistent.
- c. **Housing Plan Element.** Consistent. Review and consistency determinations concerning the Housing Plan Element appear at item #2 above, Housing Element & Fair Share Plan.
- d. **Conservation Plan Element.** Consistent
  - i. Forest Resources. Consistent
  - ii. Highlands Open Waters and Riparian Areas. Consistent
  - iii. Steep Slopes. Consistent
  - iv. Critical Habitat. Consistent
  - v. Carbonate Rock. Not Applicable – Deleted
  - vi. Lake Management. Consistent
  - vii. Water Resources Availability. Consistent
  - viii. Prime Ground Water Recharge Areas. Consistent
  - ix. Water Quality. Consistent
  - x. Wellhead Protection. Consistent
  - xi. Low Impact Development. Consistent
- e. **Utility Services Plan Element.** Consistent
  - i. Preservation Area. Consistent
  - ii. Planning Area. Not Applicable – Deleted
  - iii. Planning & Preservation Areas. Consistent; Preservation Area provisions retained.
- f. **Circulation Plan Element.** Consistent
- g. **Land Preservation/Stewardship Plan Element.** Consistent
- h. **Agriculture Retention/Farmland Preservation Plan Element.** Not Applicable – Deleted

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- i. Community Facilities Plan Element.** Consistent
  - j. Sustainable Economic Development Plan Element.** Consistent
  - k. Historic Preservation Plan Element.** Consistent
    - i.** Historic, Cultural, and Archaeological Resources. Consistent. The municipality will address the alternative language that has been inserted into the document by the Highlands Council. It provides for the case where a municipality chooses not to regulate historic resources, which the Highlands Council has determined is an optional component of Plan Conformance, not mandatory.
    - ii.** Scenic Resources. Consistent.
  - l. Development Transfer Plan Element.** Inclusion of this Section is optional and the municipality has elected not to incorporate it due to the fact that the entire Borough is within the Preservation Area.
  - m. Relationship of Master Plan to Other Plans.** Consistent
  - n. Exhibits.** The list of Exhibits includes those that apply to the municipality. The applicable Exhibits are attached (provided in Adobe pdf format) with the exception of the Borough Land Use Inventory, which the municipality will insert. Please note that the Highlands Council has provided a new set of exhibits based on updated information, which replaces the previous set. The new exhibits are provided as a separate file from the Highlands Element text, and any exhibits previously provided with the Highlands Element have been deleted to avoid confusion. Please note that the exhibits should not be incorporated with the MS Word® version of the text, but are best combined into a single pdf file once each component is in final form.
  - o. Appendices.** Consistent.
- 5. Highlands Area Land Use Ordinance (Module 6).** The proposed Borough of Ringwood Highlands Area Land Use Ordinance is based on the model Highlands Area Land Use Ordinance provided to municipalities by the Highlands Council. Since the time of issuance of the Model, the Highlands Council, with input from municipal professionals, has made certain revisions to the document to refine and simplify it for purposes of municipal implementation. The Borough of Ringwood Highlands Area Land Use Ordinance as proposed (including modifications by the Highlands Council), contains all required Highlands Area Land Use Ordinance language and all applicable maps/exhibits, as necessary, to fully address the immediate mandatory requirements of Plan Conformance.

The specific components of the model Highlands Land Use Ordinance are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for Plan Conformance, the heading or sub-heading indicates

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“Consistent.” Where any section of the model Highlands Land Use Ordinance has been appropriately deleted due to non-applicability, the heading or sub-heading indicates “Not Applicable – Deleted.” Where minor modifications are required to complete the document for purposes of adoption, the heading or sub-heading indicates, “Minor Modifications Required for Completion.” If needed, explanatory discussion is provided.

- a. **Article 1. Title, Purpose, Scope.** Consistent. The municipality will address/incorporate the minor modifications made by the Highlands Council. Please see revised document text.
- b. **Article 2. Applicability.** Consistent. The municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text.
- c. **Article 3. Definitions.** Consistent. The municipality will address/incorporate the minor modifications made by the Highlands Council. Please see revised document text.
- d. **Article 4. Establishment of Highlands Area Districts.** Consistent. The municipality will address/incorporate the modifications made by the Highlands Council, inclusive of new map titles at Section 4.4. Please see revised document text. (Zones/Sub-Zones Not Applicable – Deleted: Conservation Zone, Conservation Zone – Environmentally-Constrained Sub-Zone, and Wildlife Management Sub-Zone.)
- e. **Article 5. Highlands Area Zone District Regulations.** Consistent. The municipality will address/incorporate the modifications made to the section by the Highlands Council and will address the remaining highlighted items for completion. Please see revised document text.
- f. **Article 6. Highlands Area Resource Regulations.** Consistent. The municipality will address the minor items remaining for completion. Please see highlighted text.
  - i. Forest Resources. Consistent
  - ii. Highlands Open Waters & Riparian Resources. Consistent
  - iii. Steep Slopes. Consistent
  - iv. Critical Habitat. Consistent
  - v. Carbonate Rock. Not Applicable – Deleted
  - vi. Lake Management Area. Consistent
  - vii. Water Conservation & Deficit Mitigation. Consistent
  - viii. Prime Ground Water Recharge Areas. Consistent
  - ix. Wellhead Protection. Consistent

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- x.** Agricultural Resources. Consistent.
- xi.** Historic, Cultural & Archaeological Resources. Consistent. The municipality will address the modifications made by the Highlands Council for completion. Please see revised document text. These regulatory provisions have been made optional, and thus the municipality will need to make a determination regarding the preferred approach to this issue.
- xii.** Scenic Resources. Consistent

**g. Article 7. Highlands Area General Regulations.** Consistent

- i.** Affordable Housing. Consistent
- ii.** Low Impact Development. Consistent
- iii.** Conservation Restrictions. Consistent, The municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text.
- iv.** Stormwater Management. Consistent
- v.** Special Environmental Zone. Consistent
- vi.** Septic System Design and Maintenance. Consistent

**h. Article 8. Planned Development Regulations.** Not Applicable – Deleted

- i. **Article 9. Application Review Procedures & Requirements.** Consistent. The municipality will address/incorporate the modifications provided by the Highlands Council and will provide insertions as needed, for completion. Note: Municipal Exemption Determinations provisions under § 9.1.2 (and all related references in the document) have been removed, as NJDEP delegation of such authority to the municipalities is not anticipated prior to municipal adoption of the Ordinance. Please see revised document text.
- j. **Article 10. Appeals, Waivers, Exceptions.** Consistent. The municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text.
- k. **Article 11. Enforcement, Violations, Penalties.** Consistent
- l. **Appendices.** Consistent. Please note replacement of SIC Codes with current North American Industry Classification System (NAICS) in Appendix D, for Major Potential Pollutant Sources.
- m. **Exhibits.** The Highlands Council has developed a new set of Exhibits based on updated information, which replaces the Exhibits previously provided. The new

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exhibits are provided as a separate file from the Land Use Ordinance. The Exhibits remain as Highlands Council parcel-based maps, which indicate the locations and boundaries of each Highlands Area, Zone, Resource, Resource Area, and Special Protection Area. These Exhibits were not available when the Model Land Use Ordinance was initially provided by the Highlands Council for use in preparing Petitions, but are crucial to the regulatory function of the Highlands Area Land Use Ordinance. Please note that the revised maps have been provided in Adobe® pdf format, and in this case, should not be converted for insertion directly in the MSWord® version of the Ordinance. After adoption, they should accompany the Ordinance at all times, however, as an integral component of it – whether made available to the public in paper or electronic format. As provided currently, the maps are at a scale suited to printing on large plotters, for purposes of municipal reproduction and display (ensuring high-resolution detail).

**6. Petition Submission Documents (Module 7).**

- a. Municipal Self-Assessment Report.** The Municipal Self-Assessment Report consists of two components as listed herein. The Report accurately describes the status of municipal Plan Conformance to date, indicating both municipal accomplishments and the items that remain to be completed to fully achieve Plan Conformance.

  - i. Narrative Portion.** The Narrative Portion has been completed satisfactorily.
  - ii. Spreadsheet Portion.** The Spreadsheet Portion has been completed satisfactorily. (Please note that under the Highlands Land Use Ordinance section, while we acknowledge the limited applicability to the Borough, Agricultural Resources should be retained for existing and future agricultural uses.)
- b. Highlands Implementation Plan & Schedule.** The Highlands Implementation Plan and Schedule provides a template for future Plan Conformance activities. It is intended to indicate all outstanding items, both required and discretionary, along with estimated costs and timeframes for completion, for the municipality to achieve or exceed all requirements for Plan Conformance with the Regional Master Plan.

As proposed by the municipality, the Highlands Implementation Plan and Schedule:

- a) included all mandatory components required to achieve Plan Conformance; and
- b) incorporated timeframe estimates associated with each mandatory element.

The Highlands Implementation Plan and Schedule has been modified since first issued by the Highlands Council, however. The revised document includes cost estimates for each activity and prioritizes implementation tasks with a particular focus on the first few months after Highlands Council approval of Petitions, including the 2012 State fiscal year.

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In addition, the proposed Highlands Implementation Plan and Schedule includes non-mandatory Plan Conformance activities, the estimated costs and timeframes for completion of which the municipality has considered. These activities have been incorporated into the revised Highlands Implementation Plan and Schedule.

Recommended Highlands Council edits tailoring the revised document to the municipality (based on the Petition submittals) have been considered and included in the final version.

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**C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS**

1. **RMP Updates.** The Petition for Plan Conformance was not accompanied by requests for RMP Updates.
2. **Map Adjustments.** The Petition for Plan Conformance was not accompanied by requests for Map Adjustments.
3. **Highlands Center Designation Requests.** The Petition for Plan Conformance was not accompanied by any requests for Highlands Center Designation. However, this subject was briefly discussed in the Borough's January 2008 report titled, *A Procedure for Identification and Evaluation of Redevelopment Opportunities*, which was the product of a Highlands Council MP3 grant. The Borough and the Highlands Council should continue to investigate whether a Highlands Center designation would be beneficial to the Borough.
4. **Highlands Redevelopment Area Designation Requests.** The Petition for Plan Conformance was not accompanied by any requests for Highlands Redevelopment Area Designation. It should be noted however, that three non-residential redevelopment opportunities were explored in the Borough's January 2008 report titled, *A Procedure for Identification and Evaluation of Redevelopment Opportunities*. The Borough Petition states that the municipality will continue to investigate redevelopment areas for future development opportunities. The Highlands Council will be pleased to assist should the Borough be interested in submitting any such requests in the future. Projects of interest may also be incorporated into any Highlands Center designation, obviating the need for separate designation or Highlands Redevelopment Areas.
5. **Other.** The Petition for Plan Conformance was not accompanied by any other requests for approvals, not listed above.

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**D. PRELIMINARY RECOMMENDATIONS**

On the basis of the comprehensive review completed and discussed in detail as described in the preceding Sections, which examined both sufficiency of administrative submittals and consistency of all substantive materials with the Highlands Regional Master Plan, Highlands Council Staff recommends that the Petition for Plan Conformance of the Borough of Ringwood, as currently proposed by the municipality, be approved with conditions as outlined below.

- 1. Approval with Conditions.** Highlands Council Staff recommend that this Petition for Plan Conformance be approved by the Highlands Council. The approval should be conditioned upon completion of all items noted within Sections A through C of this Report (including all items addressed in the herein-referenced Highlands Council Staff-provided MSWord “Track-Changes” versions of the various Petition documents), and in addition, satisfaction of the below-listed requirements..

- a. Adoption of Approved Checklist Ordinance.** The municipality shall prepare and submit to the Highlands Council a draft “Checklist Ordinance” (model available) requiring that Development Applications be deemed incomplete by the reviewing board or applicable municipal authority, until or unless accompanied by: a) for applications under Highlands Council jurisdiction, a Highlands Council Consistency Determination indicating that the application is consistent, or can and will be made consistent with the Regional Master Plan; or b) an NJDEP Highlands Preservation Area Approval, waiver, or Highlands Applicability Determination indicating non-applicability. Upon receipt of Highlands Council approval, the Ordinance shall be prepared for purposes of public review and adoption by the municipal Governing Body. The Governing Body shall provide for and complete the adoption process, at the conclusion of which, a certified copy of the adopted Checklist Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Highlands Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Checklist Ordinance, the proposed changes shall be submitted for review by the Highlands Council prior to adoption by the Governing Body. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption at the municipal level.

Note: The Checklist Ordinance is intended as an interim protection measure only, and should be repealed at the time of adoption of an approved Highlands Area Land Use Ordinance (completion and adoption of which is set forth at 1.d., below).

- b. Adoption of Approved Highlands ERI.** The Highlands Environmental Resource Inventory (ERI) shall be prepared in a clean, final document format for purposes of



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public review and adoption. A copy shall be provided to the Highlands Council. The municipal Environmental Commission shall provide for and complete the required process of formal adoption of the ERI by the local Commission. At the conclusion of the process, a certified copy of the adopted ERI shall be provided to the Highlands Council. The process of ERI adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the ERI, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Commission.

- c. Adoption of Approved Master Plan Highlands Element.** The Master Plan Highlands Element shall be completed in accordance with the requirements of Section B4 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Element shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Planning Board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Element by the municipal Planning Board. At the conclusion of the process, a certified copy of the adopted Highlands Element shall be provided to the Highlands Council. The process of Highlands Element adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Element, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Planning Board.
- d. Adoption of Approved Highlands Area Land Use Ordinance.** The Highlands Area Land Use Ordinance shall be completed in accordance with the requirements of Section B5 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Area Land Use Ordinance shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. After the municipal Planning Board has adopted the Master Plan Highlands Element, the municipal Governing Body shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Area Land Use Ordinance by the municipal Governing Body. At the conclusion of the process, a certified copy of the adopted Highlands Area Land Use Ordinance shall be provided to the Highlands Council with notice of its effective

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date. The process of Highlands Area Land Use Ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Area Land Use Ordinance, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the Governing Body.

- i. Highlands Council Information and Training Sessions.** Prior to the effective date of the Highlands Area Land Use Ordinance, municipal representatives (e.g., Land Use Administrators, Zoning Officials, Planners) shall attend information and training session(s) to be provided by the Highlands Council on the implementation and administrative procedures set forth within the Ordinance. Such sessions will provide detailed instruction on application processes and procedures, notice requirements, Highlands Council referrals and call-up provisions, decision-making and formal action, variances, waivers, exceptions, and enforcement activities and the implications of Highlands Act exemptions for local development reviews.
- e. Adoption of Updated Zoning Map.** The Borough shall prepare an updated Municipal Zoning Map which shall be adopted immediately following or at the time of adoption of the Highlands Area Land Use Ordinance, to reflect the new overlay Highlands Zones and Sub-Zones. The adoption process shall mirror that outlined above for the Highlands Area Land Use Ordinance.
- f. COAH Approval of Housing Element & Fair Share Plan.** The Highlands Council shall be copied on all related correspondence and kept apprised of the COAH-approval process as it unfolds. Any subsequent revision to the Housing Element and Fair Share Plan shall be provided to the Highlands Council for review and approval prior to implementation by the municipality. Until and unless the municipality secures final approval of a Highlands Council-approved (as RMP consistent) Housing Element and Fair Share Plan, this Plan Conformance component shall remain a conditionally approved item. (In recognition of potential changes in the applicable COAH Rules and state laws pertaining to the provision of affordable housing in the state of New Jersey, these requirements shall be considered subject to modification, with the intent being only to ensure that the municipality remains in compliance with all applicable statutes, rules, regulations and requirements, at any given time, and maintains consistency with the RMP, so as to protect the municipality from legal challenge.)

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- g. Adoption of Ordinances Implementing Fair Share Plan.** Governing Body adoption of Ordinances required to implement the Fair Share Plan shall follow approval of the Housing Element and Fair Share Plan, in accordance with all requirements of the Superior Court or COAH, as applicable, and all legal requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final Court- or COAH-approved Fair Share Plan moreover, shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.
- h. Wastewater Management Plan (WMP).** The municipality shall prepare a Wastewater Management Plan working with the Highlands Council under Plan Conformance, for approval by the NJDEP. This plan will be recognized as a chapter of the County WMP in accordance with NJDEP Administrative Order 2010-03 and all applicable NJDEP rules and requirements. As a municipality conforming for the full municipal area, Ringwood will collaborate with the Highlands Council to develop a WMP that conforms to the RMP, on a schedule based on Plan Conformance approval. The Highlands Council will draft the WMP using information from the municipality, and collaborate with the municipality to finalize the WMP for NJDEP consideration and approval.
- i. Adherence to Approved Highlands Implementation Plan & Schedule.** The municipality shall undertake to complete all remaining mandatory Plan Conformance activities listed in the Highlands Council-approved Highlands Implementation Plan & Schedule, in accordance with: a) the timeframes set forth therein, to the maximum extent feasible and practicable, or with such adjusted timeframes as may be authorized by the Highlands Council or otherwise mutually agreed by the municipality and the Highlands Council; and b) the availability of funding from the Highlands Council or, on a voluntary basis, by the municipality or other party, to ensure the satisfactory completion of each project or activity, or each phase of such project or activity, as appropriate. Non-mandatory Plan Conformance activities shall neither take precedence over nor shall impede the completion of mandatory items and shall be undertaken only as time and resources are available to support them.

  - i. Development/Approval of Implementation Plan Components.** Within the constraints above, all planning, regulatory, and resource management documents shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.
  - ii. Adoption of Regulations Implementing Plan Components.** All ordinances, rules, and regulations shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.

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**iii. Mandatory Components.** Specific mandatory components include development and implementation of the plans/programs/ordinances herein listed (once models have been provided by the Highlands Council and funding provided), all intended as municipal-wide, long-term initiatives unless specifically noted otherwise. Where applicable and appropriate, these will build upon any such plans, programs, or ordinances that have already been developed or adopted by the municipality. It is the explicit intention of the Highlands Council that such plans/programs be developed in a manner to ensure that implementation is both feasible and practicable, potentially involving assistance of outside agencies/organizations, working cooperatively for and with the municipality. In each case where the municipality will serve as lead, release of funds is contingent upon approval of a scope of work by the Highlands Council Executive Director.

- Water Use & Conservation Management Plan (WUCMP). The Highlands Implementation Plan & Schedule prioritizes this task by authorization of funding to develop a WUCMP for a HUC14 subwatershed, 02030103070050, to prevent, reduce or eliminate deficits in Net Water Availability, which result in impaired stream flows and aquifer declines during drought periods. The Highlands Council will serve as lead for this project in close consultation with the Borough.
- Habitat Conservation & Management Plan. The Highlands Implementation Plan & Schedule prioritizes this task by allocation of funding to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects.
- Lake Restoration Management Plan: Phase 1 Assessment. The Highlands Implementation Plan & Schedule prioritizes this task by allocation of funding to develop the first phase of a Lake Management Plan. The Phase 1 work will provide a preliminary assessment of the limnological status and environmental integrity of the Borough's lakes and Lake Management Areas (with the exception of Wanaque and Monksville Reservoirs, which are the responsibility of the North Jersey District Water Supply Commission). This project will help Ringwood and the Highlands Council determine priorities for the later development of Lake Management Plans, using future grant allocations
- Stormwater Management Plan (Updates Only)
- Land Preservation and Stewardship Program

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- Sustainable Economic Development Planning (Master Plan Element). The Highlands Implementation Plan & Schedule prioritizes this task by allocation of funding to improve the economic viability of the Borough, which has historic development areas with limited growth and redevelopment capacity due to the lack of sewerage. This examination may further prior Borough efforts on possible redevelopment projects, potentially leading to Highlands Redevelopment Area designation, or as noted previously potential Highlands Center designation.
- Septic System Management/Maintenance Plan
- Implementing ordinances associated with each of the above (long-term, as applicable), as well as a Right to Farm ordinance (adoption of which is anticipated earlier in the full Plan Conformance phase without need for a prior planning/program document).

**iv. Non-Mandatory Components:** The Highlands Implementation Plan and Schedule also provides for certain non-mandatory components including development and implementation of the plans herein listed, all intended as municipal-wide, long-term initiatives unless specifically noted otherwise. Where applicable and appropriate, these will build upon any such plans, programs, or ordinances that have already been developed or adopted by the municipality. It is the explicit intention of the Highlands Council that such plans be developed in a manner to ensure that implementation is both feasible and practicable, potentially involving assistance of outside agencies/organizations, working cooperatively for and with the municipality. In each case where the municipality will serve as lead, release of funds is contingent upon approval of a scope of work by the Highlands Council Executive Director.

- Stream Corridor Restoration/Protection Plan. The Highlands Implementation Plan & Schedule prioritizes this task by allocation of funding to protect or restore streams, and to mitigate the impacts of future land uses on such water resources, with a focus on the Wanaque River and tributaries.

**j. Revisions/Amendments Subject to Highlands Council Approval.** Any proposed revision or amendment to any of the aforementioned documents, or to any other document, plan, or other item approved by the Highlands Council as a component of Plan Conformance, shall be provided to the Highlands Council for review. In the event the Highlands Council staff determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the applicable municipal board, commission, or governing body. Any revision or amendment adopted without the approval of the

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Highlands Council may subject the municipality to revocation of Plan Conformance approval.

**2. Optional Petition Requests. N/A**

**E. MUNICIPAL RESPONSE PERIOD**

The Highlands Council provided a Draft Consistency Review and Recommendations Report dated April 28, 2011 (sent to the municipality on April 29, 2011). The Municipal Response Period was extended to June 15, 2011. The municipality provided revised deliberative materials in support of the Petition for Plan Conformance, for Highlands Council consideration.

The Municipal Response submittals included the items listed below, each described and discussed in relation to the matter of consistency with the Regional Master Plan and sufficiency to meet the requirements for Plan Conformance.

1. Revised draft of the Master Plan Highlands Element (Module 5). The revisions included both minor edits and removal of the Development Transfer Plan Element. The revisions further the document toward completion as required for Plan Conformance. Removal of the Development Transfer Plan is in keeping with the Borough's location fully within the Preservation Area.
2. Draft of the Highlands Area Land Use Ordinance (Module 6) containing several comments and requests for clarification. The submittal provides opportunity for the Highlands Council to further explain certain provisions of the Highlands Area Land Use Ordinance.
3. Revised draft of the Highlands Implementation Plan and Schedule. The revisions propose a longer timeframe for completion of the Master Plan Highlands Element, Highlands Area Land Use Ordinance, and revised Zoning Map, bring the document toward its final form.

**F. COMMENTS FROM THE PUBLIC**

The Final Draft Consistency Review and Recommendations Report is posted to the Highlands Council website and made available (in paper format) at the Highlands Council offices in Chester, NJ, for review and comment by the general public. Comments may be submitted to the Highlands Council by e-mail ([james.hutzelmann@highlands.state.nj.us](mailto:james.hutzelmann@highlands.state.nj.us)), facsimile transmission (908-879-4205), surface mail, or hand delivery (Highlands Council, 100 North Road, Chester, NJ 07930). All comments will be made available for public inspection in the offices of the Highlands Council in Chester, NJ. At the conclusion of the public comment period, a summary comment/response document will be prepared by Highlands Council Staff which will be posted to the Highlands Council website along with any final revisions resulting from Council review and consideration of public comments.

Upon its completion, the comment/response document will be attached to this document, at Appendix A

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**G. FINAL RECOMMENDATIONS**

*This Section is completed after review and consideration of all comments regarding a Petition for Plan Conformance.*

Based upon the comments received, the recommendations of Highlands Council Staff concerning the Petition for Plan Conformance of the Borough of Ringwood, [remain unchanged/require substantial revision/require only minor modifications from the Preliminary and/or Revised Recommendations, as discussed herein below.

1. Item #1.
2. Item #2.
3. Item #3. ]

In conclusion, the Highlands Council Staff recommends that the Petition for Plan Conformance of the Borough of Ringwood be approved/denied/approved with conditions; with all applicable conditions being those listed and discussed in Section D, above, and if applicable, as supplemented and/or modified by the revisions discussed herein, above.

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**APPENDIX A**

**PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES**

**Petition for Plan Conformance**

**Borough of Ringwood, Passaic County**