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**INCORPORATED BY REFERENCE INTO  
HIGHLANDS COUNCIL RESOLUTION 2012-6  
ADOPTED FEBRUARY 16, 2012**

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

**PETITION FOR PLAN CONFORMANCE:  
BOROUGH OF OGDENSBURG, SUSSEX COUNTY**

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

**FEBRUARY 10, 2012**

## **INTRODUCTION**

This Final 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 Ogdensburg, 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.

The Borough of Ogdensburg has petitioned for Plan Conformance with regard to the Preservation Area only. The entirety of this 197-acre area is preserved land. Approval of Plan Conformance for the Borough of Ogdensburg will have no effect on the Borough’s master plan or development ordinances, which do not regulate preserved lands. Therefore, most requirements normally applicable to Petitions for Plan Conformance are not relevant to the Borough of Ogdensburg, and were waived or deferred by the Highlands Council Executive Director, by letter of January 25, 2012 addressed to the Mayor. This Report addresses the remaining aspects of Plan Conformance.

At any time the Borough may reconsider and petition for plan conformance for the Planning Area portion of the municipality.

## REPORT SUMMARY

**Municipality:** Borough of Ogdensburg, Sussex County

**Date of Petition Submission:** December 2, 2009

**Date Deemed Complete:** January 25, 2012

**Conformance Area:** Preservation Area

**Staff Recommendation:** Approve Petition as Presented; No Conditions Attached

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

<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	Deferred	None
3. Module 4 ERI	Waived	None
4. Module 5 Highlands Element	Waived	None
5. Module 6 Land Use Ordinance	Waived	None
6. Module 7 Petition		
a. Self-Assessment Report	Waived	None
b. Implementation Plan/Schedule	Waived	None

\*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	

**A. REVIEW OF ADMINISTRATIVE SUBMITTALS**

1. **Resolution.** The Resolution petitioning the Highlands Council for Plan Conformance was adopted by the municipal Governing Body at its noticed public meeting of November 9, 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 municipal lands located in the Preservation Area only. This Area contains 197 acres, or approximately 13.7% of the municipality, all of which constitutes preserved lands.
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/Ordinance petitioning the Highlands Council for Plan Conformance. The submission includes the following:
  - a. Copy of adopted meeting minutes of the Planning Board held on October 28, 2009 to discuss Plan Conformance and/or Petition components.
  - b. Resolution as noted above, adopted at public meeting of Governing Body held November 9, 2009.
3. **List of Current Planning Documents.** Requirement waived by letter of the Highlands Council Executive Director dated January 25, 2012.

**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 September 2009.
2. **Housing Element & Fair Share Plan (Module 3).** Requirement deferred by letter of the Highlands Council Executive Director dated January 25, 2012, until such time as the municipality's obligations have been clarified by legislation or Court decision, at which time the municipality shall address its fair share obligations accordingly.
3. **Environmental Resource Inventory (Module 4).** Requirement waived by letter of the Highlands Council Executive Director dated January 25, 2012.
4. **Master Plan Highlands Element (Module 5).** Requirement waived by letter of the Highlands Council Executive Director dated January 25, 2012.
5. **Highlands Area Land Use Ordinance (Module 6).** Requirement waived by letter of the Highlands Council Executive Director dated January 25, 2012.

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

- a. **Municipal Self-Assessment Report.** Requirement waived by letter of the Highlands Council Executive Director dated January 25, 2012.
- b. **Highlands Implementation Plan & Schedule.** Requirement waived by letter of the Highlands Council Executive Director dated January 25, 2012.

**C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS**

**RMP Updates, Map Adjustments, Highlands Center Designation Requests and Highlands Redevelopment Area Designation Requests.** The Petition for Plan Conformance was not accompanied by any such requests.

**D. STAFF RECOMMENDATIONS**

On the basis of the Staff review completed and 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 Ogdensburg, as currently proposed by the municipality, be **approved as presented, with no conditions attached, but with the recognition that the Borough will ensure conformance with its constitutional obligations regarding affordable housing.**

**E. MUNICIPAL RESPONSE PERIOD**

Due to the unique circumstances of this Petition for Plan Conformance, where all lands in the Preservation Area are preserved, the Highlands Council did not provide a Draft Consistency Review and Recommendations Report to the municipality and the Municipal Response period is not applicable. The municipality has been provided with a copy of this Final Draft Report.

**F. COMMENTS FROM THE PUBLIC**

The Final Consistency Review and Recommendations Report was 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.

One comment was received after the expiration of the period established by the Highlands Council for receipt of written public comment (January 25, 2012 – February 8, 2012).

**G. FINAL RECOMMENDATIONS**

Based upon the comment received, the recommendations of Highlands Council Staff concerning the Petition for Plan Conformance of the Borough of Ogdensburg remain unchanged.

In conclusion, the Highlands Council Staff recommends that the Petition for Plan Conformance of the Borough of Ogdensburg be approved; with the recognition that the Borough will ensure conformance with its constitutional obligations regarding affordable housing.