

***BOROUGH OF STANHOPE
HIGHLANDS REGIONAL MASTER PLAN
PLANNING REVIEW REPORT***

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PREPARED FOR:

BOROUGH OF STANHOPE
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INTRODUCTION

The purpose of this report is to summarize the relationship of the Highlands Regional Master Plan (RMP) to the Borough of Stanhope and to identify perceived areas of conflict and concern with the current Master Plan of the Borough. Further, this report will identify various inconsistencies between the RMP and actual existing conditions within the Borough. Not all elements of the RMP are relevant to the Borough, such as agricultural resources and karst topography, as they do not exist within the boundaries of the municipality. However, there are other elements of great interest and concern to the Borough such as Lake Musconetcong, existing water/sewer systems and natural resources.

The Borough of Stanhope is wholly contained within the Planning Area of the Highlands Region. The Highlands Council has modified the Interactive Map to acknowledge that these parcels in the northwestern portion of the Borough are located in the Planning Area. There are four land use capability zones (LUCM) or subzones that are identified within the Borough, the Existing Community Zone (ECZ), the Existing Community – Environmentally Constrained Subzone (EC-ECZ), the Existing Community – Lake Community Subzone (LCZ) and the Protection Zone (PZ).

The majority of the Borough is located within the Existing Community Zone, which encompasses all of the currently developed properties within the Borough. The Existing Community – Environmentally Constrained Subzone generally is located in areas between the Existing Community Zone and the Protection Zone, though there are some isolated EC-ECZ areas within ECZ areas. The Lake Community Subzone extends outward from the shores of Lake Musconetcong a distance of 1000 feet, up to and in some cases across Brooklyn Road and along Main Street to High Street. The Protection Zone areas are generally along the northern and eastern perimeters of the Borough adjacent to Byram Township and Hopatcong, though there are some mapped along the Musconetcong River.

Unlike a number of lake communities within the Highland Region, Stanhope has invested in public water and sanitary sewer systems which currently provide service to almost all developed parcels in the municipality. The only exceptions are a limited number of properties at the eastern end of the Borough (adjacent to Hopatcong) which have individual wells and septic; and several properties along Sparta Road that have septic, though they have public water. The sewer and water service areas currently encompass all lands within the Borough. Further, the Borough has adequate sewer and water allocation to serve all properties within the community, and has made significant capital investments in order to serve the entire community.

The Borough's potable water system is fed from groundwater sources, drawn from four wells, two of which are located in the Township of Mount Olive. Three of the wells draw from a gneiss formation, while one (Well #5) draws from a limestone formation. The sanitary sewer system collects sewage from the municipality and conveys it to a regional treatment facility, the Musconetcong Sewerage Authority, which is located just west of the Borough's boundary in Mount Olive. This plant discharges its treated

effluent into the Musconetcong River a short distance downstream from Lake Musconetcong.

The lake itself has been and continues to suffer degradation to its water quality and accelerated eutrophication due to sedimentation and infilling. The lake has also experienced excessive algae blooms and invasive aquatic plant growth during the growing seasons. The built up sediment, decaying vegetation and growth of new aquatic vegetation negatively impact the health of the lake on an on-going basis resulting in a long-term decline unless actions are taken to restore the lake. The Lake Musconetcong Regional Planning Board has commissioned a study of these restoration activities and the findings and recommendations are contained in a report entitled "Dredging Feasibility Report for Lake Musconetcong" (currently in draft format).

Potential future development activity in Stanhope is somewhat limited, primarily due to the amount of available vacant lands and redevelopment opportunities. There are scattered infill parcels that are located within the Existing Community Zone and have ready access to public water and sewer facilities. The majority of the vacant lands are along the northern and eastern boundaries of the Borough and these are located within the Protection Zone. The lands along the northern municipal boundary are zoned PIC, Planned Light Industrial/Commercial Development, which was predicated in part on the implementation of the Acorn Street Connector from Route 605 at the Hopatcong border to Route 206 at Acorn Street. The potential redevelopable areas of the Borough are the industrial properties along Furnace Street and Planeview Street, which are all located within the Existing Community Zone and are adjacent to the Musconetcong River.

Future development activity within the Borough, regardless of the guidelines of the RMP, is currently regulated by the State through rules promulgated under the Freshwater Wetlands Protection Act, the Flood Hazard Area Control Act, Stormwater Management, Surface Water Quality Standards (Category One streams), Pollutant Discharge Elimination System (sanitary sewer extensions), Safe Drinking Water Act and Water Quality Management Planning. These regulations, in various applications, control development and construction activity along streams, lakes and wetlands; address the quantity and quality of runoff to streams and lakes; and the expansion of existing sanitary sewer and water facilities.

We have reviewed the RMP to assess the relationship of its primary goal "to protect, restore and enhance water quality and water quantity in the Region" on the unique conditions and environmental features that are found in Stanhope. We have also reviewed the RMP and associated figures to identify discrepancies and inconsistencies with conditions found "on the ground". It is recognized that the RMP was based upon 2002 mapping and that development in subsequent years would not be reflected accurately. The Highlands Council developed procedures, RMP Updates and Map Adjustments, to address these types of issues. We have also reviewed the RMP with respect to existing Borough land use ordinances, the Master Plan and other planning documents.

EXISTING LAND USE AND COMMUNITY FEATURES

The development patterns that are present in Stanhope include industrial, commercial and residential (of various densities) uses. There are presently seven (7) different residential zones within the Borough, ranging from high density residential (HR and VAR) to large lot single family (RC). The industrial zone is limited to a handful of properties in the southeastern portion of the Borough along the Musconetcong River. These lands were examined several years ago for redevelopment, however, the principal landowner was not supportive of the redevelopment plans. Commercial zones are scattered throughout the Borough and include areas along Main Street (VB), Route 183 (HC) and across the northern portion of the Borough (PIC).

Residential land use represents approximately 40 percent of the Borough's land area (excluding the area of Lake Musconetcong within the Borough). Commercial/industrial land uses comprise approximately 9 percent and public/charitable land uses comprise about 25 percent. The remaining lands within the Borough are currently vacant.

There are municipally owned parcels including the municipal building, Department of Public Works (DPW) garage and yard, utility facilities (water and sewer), parks and recreation facilities as well as other vacant lands within the Borough. There are other governmental or quasi-governmental and utility company parcels within the Borough. These parcels include the Musconetcong Sewerage Authority (MSA) pump station, fire station, rescue squad, PSE&G (including transmission lines), State highway right of way (Routes 183 and 206) and NJDEP lands (Lake Musconetcong, Morris Canal parcels and others).

There is little vacant land remaining in the Borough, which is typical of small, older towns that developed around rail stations and industrial facilities. Most of the vacant land is concentrated along the northern and eastern boundaries, abutting Byram Township and Hopatcong Borough, respectively. Approximately half of these abutting areas in the adjacent municipalities are residentially developed, large lot development in Byram and small lot development in Hopatcong. There is also a 200 foot wide PSE&G easement containing transmission lines that extends through the northern portion of the Borough extending from the Route 206/183 interchange area into Byram and Hopatcong at Sparta Road.

The densities of the residential zones range from 1 unit for every 5 acres to 25 units per acre. The majority (42 percent) of the Borough's residential land area is zoned MR – Medium Density Residential which permits a density of 3 units per acre. Some of these existing residentially developed lands also involve areas that would now be considered steep slopes under Borough ordinance (greater than 12 percent) as well as the policy set forth in the RMP. Most of the low density residential zones are areas with significant environmental constraints which limit the development potential of these areas under municipal zoning, which is consistent with the goals and policies of the RMP.

Therefore, the majority of the municipality, being already developed, has limited relevance to the goals and policies of the RMP, other than in general terms of managing the existing infrastructure in an environmentally conscious manner. The Borough has

adopted the State's municipal stormwater management rules and monitors them through the Borough's "Municipal Stormwater Regulation Program" and its Tier A Municipal Stormwater General Permit. However, with a predominantly developed community, the ability to enhance water quantity, water quality and groundwater recharge are limited, though most new development, even individual lots, provide some measure of these elements. It is certainly an important goal of Stanhope to work toward improvements to the water quality and natural resources of Lake Musconetcong and the Musconetcong River.

The Borough is represented on the Lake Musconetcong Regional Planning Board (LMRPB) and has undertaken various activities to improve water quality of the lake and river. The LMRPB annually treats and removes invasive aquatic plant growth within the Lake, although, this is limited by the available funding and is reactive (managing the results of the problem) and not pro-active (solving the underlying problem). The LMRPB has commissioned a study of appropriate means to restore the natural resources of the lake and to improve its water quality. The study report is in draft format at this time but is assessing the feasibility of dredging the lake.

The Borough has an on-going program to implement riparian buffer plantings to enhance and restore the lake shore and river banks. This program seeks to convert lawn areas and areas with invasive plant growth and plant natural, native shrubs and trees. This program results in benefits to the natural environment and stormwater runoff into the waterways. It also discourages Canada geese from using these areas, which also results in water quality benefits.

The Borough of Stanhope is wholly located within the Planning Area as established in the Highlands Act. Further, it contained a designated Town Center (which expired on October 16, 2008) that generally extended along State Route 183, U.S. Route 206, Main Street and the Musconetcong River. The Borough also created a Tax Abatement Area along the Route 183/206 to encourage the upgrading of existing structures and properties within this corridor. A Town Center is an area "that has a high investment in public facilities and services several neighborhoods with a highly diverse housing stock and a central core of retail, office and community facilities".

Consideration had been given several years ago to better integrating the Industrial Zone parcels into the balance of the designated Town Center. These industrial parcels are located along the Musconetcong River, adjacent to the Borough of Netcong, proximate to Netcong's transit village area. A portion of the former Industrial Zone was previously zoned for age-restricted housing in order to provide a housing type that previously was not a permitted use within the municipality. There is an active business enterprise operating within the Industrial Zone that has no plans to relocate from their existing facilities. Therefore, after extensive review and discussion of these industrial parcels, the Borough is maintaining the existing industrial zoning in this area.

The Borough is fully served by public water facilities under the management of the Borough's Water Utility. It is also fully served by public sanitary sewer facilities, managed at the municipal level by the Borough's Sewer Utility, which is part of the regional Musconetcong Sewerage Authority.

With respect to the Borough water system, the Borough needs to upgrade their potable water system, specifically the tower zone, which suffers from a number of operating and functional deficiencies. The Borough has advanced through the initial planning stage of infrastructure upgrades and enhancements to the potable water system to provide increased water storage, improved water pressure and flow through out the system and improved fire protection coverage, particularly to the tower zone. Based upon this initial planning study, the Borough is planning both a replacement of the existing elevated water storage tank and system upgrades. The system upgrades include both enlargements of existing water mains and also new water mains to provide redundancies in the distribution system.

The existing water system consists of two pressure zones, the lower zone and the tower (higher) zone. The lower zone contains the downtown area and generally the western portion of the Borough including the highway corridor and the two condominium communities. The tower zone contains services above elevation 900 which generally includes the eastern portion of the Borough, including the elementary school and high school.

The lower pressure zone is supplied directly from the Borough's wells with storage provided in two ground level reservoirs with a total capacity of 450,000 gallons. The tower zone is fed through the ground level reservoirs into an elevated 50,000 gallon storage tank which is filled from a water booster station. The current proposal is to locate a new elevated water storage tank on the current tank site (Block 10707, Lot 2) located south of Brooklyn Road. After analyzing the operations of the system and order-of-magnitude construction costs, it was determined that this parcel is best suited for this purpose because of its topography and particularly its elevation in relation to the surrounding properties.

Currently, existing properties in the upper elevations of the Borough have poor water pressure, particularly on the second floor, and poor fire flows. This location would rectify this undesirable condition and would provide a modern facility to replace the aged facilities currently serving the Borough. But most importantly, this new facility will substantially improve fire protection service throughout the Borough, both from a pressure standpoint and from a storage volume standpoint, particularly for the properties in the higher elevations in the Borough.

"Stanhope has an increasingly limited supply of suitable vacant land that is available for future development" (Master Plan Re-Examination, May 8, 2006, page 19). At this time, given the recent court decision, the extent of the Borough's third round affordable housing obligation is not known. The northern portion of the Borough, adjacent to the Township of Byram is largely undeveloped primarily due to lack of accessibility and areas of steep slopes. Much of the recent development in the Borough has involved infill development, redevelopment of parcels and rehabilitation of obsolete or under-utilized structures.

Sussex County has studied and continues to examine the extension of County Route 605 (the Acorn Street Connector) between the bridge over the Lackawanna Cutoff near the boundary with Hopatcong and Byram to U.S. Route 206 at Acorn Street. Currently

through traffic from Byram, Hopatcong and Sparta using County Route 605 to reach the arterial highway system (Interstate 80, U. S. Route 46 and U.S. Route 206) must travel through Stanhope, past residential areas, the regional high school and the Borough elementary school. The extension of this roadway is not consistent with the goals and policies of the RMP as it would affect forested areas, steep slopes and wetlands within an area designated as the Protection Zone.

REGIONAL MASTER PLAN INCONSISTENCIES

We have reviewed the RMP to identify errors and inconsistencies between this document, including the Land Use Capability Map and other maps, and existing development conditions in the Borough of Stanhope and well-researched, vetted planning tenets set forth in the Borough's Master Plan Re-examination Report dated May 8, 2006 (which is an update of the 1999 Re-Examination Report and the 1994 Master Plan).

The State Development and Redevelopment Plan (SDRP) through the cross-acceptance process with the Borough have been delineated into three planning area components:

1. Town Center (as previously described)
2. PA-2 (primarily the previously developed areas of the Borough)
3. PA-5 (the areas east of the railroad and north of Brooklyn Road, an area along the municipal boundary with Byram between Sparta Road and Route 206 and Borough-owned lands along the northeastern portion of the lake)

The Borough recognizes that the RMP was intended to be developed as a resource-based plan on a macro-scale and weighed a number of indicators to develop the Land Use Capability Map. However, the Borough is concerned that a Protection Zone designation for some portions of the municipality may constrain and limit the Borough's ability to meet its goals and objectives as set forth in the Borough's Master Plan and under the Municipal Land Use Law (MLUL) and as developed through the cross-acceptance process of the SDRP. The concern is that the RMP will not permit or address the needs of the Borough, its residents and its place in the larger Highlands Region.

The first purpose of planning as set forth in the Municipal Land Use Law states "(the intent and purpose of this act is) "to encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare". The needs and goals of the Borough are to encourage and provide housing needs, including the ability to provide a variety of housing types across a range of affordability levels; support the adopted redevelopment plan and its goals and objectives; encourage and guide uses and development in accordance with the planning tenets of a Town Center designation; encourage appropriate commercial uses in appropriate locations to provide a balanced mix of land uses; sustain the existing tax abatement program to encourage the enhancement of

existing properties within the designated area; and infrastructure enhancements of the existing water facilities to improve fire protection and service for the community.

The Borough's general concerns and comments on the plan can be categorized into four (4) categories. These categories are as follows:

1. The overlay zone boundaries generally do not follow property lines. This will create confusion and uncertainty about standards and criteria to apply. Overlay zone boundaries must follow property boundaries or other definable boundaries (easements, streams, roadways, etc.).
2. The overlay zone boundaries do not accurately reflect parcels owned by municipal, State and other governmental/quasi-governmental entities/agencies and utility companies. These parcels should, for the most part, be included within the Existing Community Zone to permit these entities and agencies to provide for the general health, safety and welfare of the public. Those parcels that are preserved open space, parklands or other environmentally sensitive lands should be placed within the Protection Zone.
3. The overlay boundaries do not reflect existing or approved development conditions either due to outdated information or errors in mapping. This category in some instances overlaps with the first category.
4. It is the Borough's position that portions of the existing vacant lands within the northern portion of the municipality, adjacent to Byram Township, are not accurately classified based upon the existing utility infrastructure, smart growth principles and level of environmental constraints.

Issue #1 – Split Land Use Capability Designation

Our first specific concern with the Land Use Capability Map contained in the RMP is that it does not follow existing property lines. It is recognized that there could be portions of a given parcel that may be designated as part of the "Environmentally Constrained" Subzone while the balance of the parcel is located within the Existing Community Zone. However, the Borough does not support a split designation between the Existing Community and Protection Zones. Likewise, the Lake Community Subzone should apply to either the entire parcel or to none of it. Further, the incremental benefit or detriment of these overlay zones is nominal and in some cases are protected by other current regulatory frameworks.

As examples, of split designations on public lands, both the regional high school property and the Borough elementary school properties are partially contained in the Protection Zone with the remainder in the Existing Community Zone. Further, there are a number of privately owned parcels that are split zoned between the Protection and Existing Community Zones are as follows:

1. The rear of residential properties along Lenape Drive and Woods Avenue.
2. Properties on the east side of Sparta Road bounded by Lenape Drive on the south, the railroad right of way on the east and the municipal boundary to the north.
3. Portions of the High Point and Stonegate condominium complexes, including common areas of each association's property.
4. The rear of residential and commercial properties along State Route 183 between Main Street and Dell Road.
5. The rear of residential properties along Bell Street.
6. Properties within the limits of the former Town Center area.

It is the Borough's position that all of these parcels should be placed into either the Existing Community Zone or Existing Community – Environmentally Constrained Subzone. The Borough is concerned with regards to these properties in that splitting an individual parcel between two Highland zones precludes an owner of an existing developed parcel from using their property to the fullest extent permitted under applicable regulations; and second, the ability to identify and replicate the zone boundary. Split zoning of any lot creates inherent difficulties in defining applicable design and regulatory standards.

Generally, under municipal master plans and zoning ordinances, zone boundaries follow streets, property lines and other well defined features. "Split zoning" of properties can create a hardship condition under the Municipal Land Use Law if the remainder portion is rendered unusable. To create this condition when preparing a master plan would not appear to represent an appropriate or reasonable planning purpose.

The current designation within the Protection Zone clearly constrains the ability of the Stanhope Borough Board of Education and the Lenape Valley Regional Board of Education of providing and planning for the needs of our children now and into the future.

Issue #2 – Government/Public Utility Owned Lands

The second area of concern relates to parcels owned by the Borough, State and other governmental/quasi-governmental agencies and utility companies. These parcels, Borough and other government owned properties, are wholly or partially identified as being located within the Protection Zone. These properties include the existing Borough Department of Public Works complex on Smith Street, portions of the NJDOT rights of way of Route 206, a Musconetcong Sewerage Authority pump station (Block 11706, Lot 3) and several utility company parcels (PSE&G) including Block 11701, Lot 12 and Block 11705, Lot 1.01.

Further, PSE&G has a electric transmission line, within a 200 foot wide easement that extends from the Route 206 interchange with International Drive in the western portion of the Borough, across Route 206, north of the Stonegate Condominium complex and on into Byram Township. This 200 foot wide easement is and will continue to be maintained by the utility company, has been cleared of trees and contains an access road for maintenance purposes.

There is also another parcel of land owned by the Borough Board of Education located to the northeast of the elementary school and partially contiguous to the high school property. This parcel is shown to be predominantly within the Protection Zone, with some fringe areas adjacent to High Point Condominiums to be in the Existing Conditions – Environmentally Constrained Subzone.

Again, it is the Borough's position that these parcels, being critical elements of existing and necessary future public facilities and infrastructure systems, should be placed in the Existing Community Zone.

Issue #3 – Existing/Approved Development Conditions

The third area of concern is that the Land Use Capability Map identifies a number of existing developed properties as being located partially or entirely in the Protection Zone. Additionally, there are other parcels that have received land use approvals from the Borough Land Use Board. These include various parcels between Lepont Street and Brooklyn Road that either have already been developed with single family homes, approved for subdivision or are existing single family lots.

Issue #4 – Inconsistent Zone Classification

These areas represent generally vacant or underdeveloped parcels that are shown to be within the Protection Zone as depicted on the Land Use Capability Map. The Borough's position is that these parcels should be appropriately and reasonably contained within the Existing Community Zone or alternatively in the Existing Community – Environmentally Constrained Subzone based upon a review of all of the policies set forth in the RMP.

The Borough of Stanhope provides public sanitary sewerage service (through the Borough Sewer Department and MSA) and public water service (through the Borough Water Utility) to the entire community. The Borough has available allocation in both utilities to serve the entire community and has made substantial investments, now and planned for the future, based upon the development of the full extent of its available allocation. Further, based upon the existing level of development of the community, the highway access it is afforded, the public transportation available (bus service along Route 183 and the Netcong train station), it is particularly suited and appropriately situated to provide smart growth opportunities in accordance with the Act.

While some of these vacant and underdeveloped parcels do contain some areas of environmentally sensitive lands, the Act requires that the smart growth component identify undeveloped lands in the Planning Area which are not significantly (emphasis added) constrained by environmental limitations such as steep slopes, wetlands or dense forests and are located near or adjacent to existing development and infrastructure that could be developed. The Borough believes that the following described areas fully comport with this goal of the Act. These areas are as follows:

- A. Along the east side of State Route 183 and U.S. Route 206 from Stonegate Lane to the municipal boundary with Byram Township. These properties are also already developed for the most part, but more importantly are contained within the Borough's Tax Abatement Area to encourage rehabilitation and redevelopment of these properties. Further, these areas are zoned for commercial development, which is appropriate given the arterial nature of the adjoining highways. This is also inconsistent with the State Development and Redevelopment Plan and the Town Center designation that applied to this area.

Given the character, existing development patterns and highway accessibility, these parcels along the State highway system represent the most appropriate and suitable locations for this type of development. The narrow band of Existing Community Zone in these areas is inappropriate and inconsistent with commercial development and would almost assuredly not support and enhance the use of tax abatement strategies to encourage rehabilitation and redevelopment. The pattern of commercial development along Route 183 and Route 206 is well established not only in Stanhope but continuing northerly into Byram Township.

These parcels should be placed into the Existing Community Zone.

- B. Two additional areas the Borough believes should be partially reclassified are as follows: 1) The area generally bounded by Grove Road on the southeast, Brook Drive (paper street) to the northeast, Stanhope Board of Education property to the northwest and existing residential properties to the southwest (Block 10801, Lots 2-8, Blocks 10805 through 10807, all vacant lots and Block 10809, all vacant lots). If the surrounding Board of Education properties are reclassified as Existing Community Zone, as we believe they reasonably should be to support educational purposes, the remaining isolated tract contains less than 50 acres which is substantially less than the minimum 640 acres identified in the RMP as being the minimum contiguous area for a Protection Zone designation.

The second area is located immediately north of the high school property and east of the Stanhope Borough/Stanhope Board of Education properties (Block 11802, Lot 1). This is an area that is a suitable and appropriate development site, particularly with respect to affordable housing requirements. This tract is located adjacent to and across the

street from already developed parcels, including the high school, residential properties and commercial properties.

Water service is already available at this site from an existing water main in Sparta Road. Sanitary sewer service is readily available from an existing sanitary manhole located at the intersection of Sparta Road with Lenape Road and also from a sanitary sewer line to the high school property. The site is contained within the Borough's sanitary sewer service area.

This tract is currently located in the PIC Zone which permits light manufacturing/industrial uses, warehousing, laboratories, office buildings and self-storage facilities. It also permits continuing care facilities and nursing homes as conditional uses. Preliminary consideration has been initiated with the Borough to examine a change in zoning to permit a clustered residential use at a higher density that could also accommodate some of the Borough's Round 3 COAH obligation on this site.

We believe that the requested changes to the Land Use Capability Map and the Council's land use capability designations are consistent with the overall policies of the Highlands Regional Master Plan. The Map and zoning designations as currently published are inconsistent with current development conditions and with appropriate land use planning tenets as set forth in the Municipal Land Use Law.

MASTER PLAN COMMENTS

As to the Lake Community Sub-Zone, the Borough has a number of concerns as most of the area encompassed within this sub-zone is fully developed, primarily with single family residential dwellings, but also a significant portion of the commercial area of its downtown area. A uniform 1000 foot limit about the lake for the Borough extends almost to Borough Hall located on Main Street, which is only marginally visible to and downstream of the lake. While the Borough certainly is supportive and actively pursues activities to preserve and enhance Lake Musconetcong, the general planning goals and objectives do not necessarily relate well to the specific conditions within the Borough proximate to the Lake.

Lake Musconetcong and its associated HUC-14 are classified as a "Low Resource Value Watershed" because it has a low proportion of forest lands and habitat for T/E species and a higher percentage of developed lands. The surface water quality of Lake Musconetcong has been categorized as impaired, with most impairment related to fecal coliform bacteria, phosphorus and temperature. Stanhope and the other towns immediately abutting the lake are all fully served by public sanitary sewer systems, and therefore much of these problems are likely related to upstream conditions, wildlife impacts and the history and on-going lack of a committed effort on the part of the State to support lake management activities in Lakes Musconetcong and Hopatcong. The Borough promotes the use of low phosphorus fertilizers to minimize impacts to

stormwater runoff. In addition, the Borough is implementing the required actions under the Municipal Stormwater Regulation Program in accordance with stormwater permit.

The RMP classifies Lake Musconetcong and the river downstream of the lake as a "Special water", though this appears to be inconsistent with the classification of Lake Hopatcong and the upstream portion of the river as an "intermediate water". The Highlands Open Waters contain a 300 foot buffer for special waters which is inconsistent with the newly adopted Flood Hazard Area rules which impose a 150 foot riparian buffer around the lake and effects most development activities proximate to Lake Musconetcong.

In Subpart g of Chapter IV, the discussion of Lake Management goals, policies and objectives states that, in general, existing lake communities are overdeveloped, damaged and poorly managed, while also being fully built out, with limited potential for major land use changes and predated environmental protections. This is an overly broad statement that does not reflect the specific conditions in the Borough, its efforts and its long support for the Lake Musconetcong Regional Planning Board. As stated previously, the Borough is fully served by public sanitary sewer facilities.

"Stanhope has an increasingly limited supply of suitable vacant land that is available for future development" (Master Plan Re-Examination, May 8, 2006, page 19). At this time, given the uncertainty surrounding the final COAH rules, the extent of the Borough's third round affordable housing obligation is not definitively known. The northern portion of the Borough, adjacent to the Township of Byram is largely undeveloped primarily due to lack of current accessibility and areas of steep slopes. Much of the recent development in the Borough has involved infill development, redevelopment of parcels and rehabilitation of obsolete or under-utilized structures.

As such, the Borough will be considering changes or modifications to their land use zoning for several areas of the community in light of changed circumstances, including affordable housing requirements, wastewater management and other infrastructure issues. Other modifications or changes to the land use ordinances and master plan may be considered based upon subsequent reviews of the Highlands Land Use Ordinance and Highlands Element. The Borough has recently completed an "Open Space and Recreation Plan which explored a variety of natural and scenic resources within the community. We believe this report and its findings are consistent and supportive of some of the goals and policies of the RMP.

Stanhope is concerned about the loss of tax ratables associated with properties that are placed in the Protection Zone should tax appeals be filed. As Stanhope is a small community, the incremental impact of reductions in property values could have an inordinate impact on the property tax structure of the community. Funding opportunities and compensation for these losses need to be identified so that the borough can assess the ramifications of these impacts.

The Borough recognizes that the RMP was intended to be developed as a resource-based plan on a macro-scale and weighed a number of indicators to develop the Land Use Capability Map. However, the Borough continues to be concerned that a

Protection Zone designation for some portions of the municipality may constrain and limit the Borough's ability to meet its goals and objectives as set forth in the Borough's Master Plan and under the Municipal Land Use Law (MLUL) and as developed through the cross-acceptance process of the SDRP. The concern is that the RMP will not permit or address the needs of the Borough, its residents and its place in the larger Highlands Region.

One significant issue related to the Borough's infrastructure, that the Borough wishes to strongly emphasize, is their need to upgrade their potable water system. The Borough has advanced through the initial planning stage of infrastructure upgrades and enhancements to their potable water system to provide increased water storage, improved water pressure and flow through out the system and improved fire protection coverage, particularly to the tower zone. In fact the Borough is about to move into the design and permitting stage of these efforts, with construction hopefully starting by mid-2011. This significant public health and safety need must be acknowledged and accepted within the RMP. This is predominantly about the need to provide necessary and appropriate water service to existing land uses within the Borough and maintaining the ability to serve future development that is consistent with good planning tenets.

We believe that the current and previously requested changes to the Land Use Capability Map and the Council's zoning designations are consistent with the overall policies of the Highlands Regional Master Plan. The Map and overlay designations as currently published are inconsistent with current development conditions and with appropriate land use planning tenets as set forth in the Municipal Land Use Law.

The Borough is continuing their evaluation of the Highlands RMP through the plan conformance process and has received a grant for \$50,000 to support these activities. To date the Borough has completed Modules 1, 2 and 4 and is well underway with their efforts on Module 3. Work has commenced on Modules 5 and 6 and the Borough and their professionals will be reporting on these activities in the coming weeks.



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