

# HOUSING ELEMENT AND FAIR SHARE PLAN

CLINTON TOWNSHIP  
HUNTERDON COUNTY, NEW JERSEY

## **DRAFT FOR PUBLIC COMMENT**

### **Please Note:**

This document should be read in concert with the Final Consistency Review and Recommendations Report prepared by the Highlands Council Staff for the Township of Clinton.

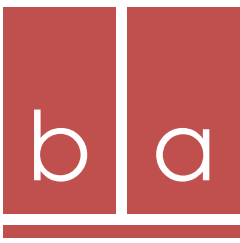
This draft Housing Element and Fair Share Plan has been prepared by Clinton Township in support of a Petition for Plan Conformance. This document has not been adopted by the Township.

April 22, 2015









COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

**B U R G I S**  
A S S O C I A T E S , I N C .

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# HOUSING ELEMENT AND FAIR SHARE PLAN

CLINTON TOWNSHIP

HUNTERDON COUNTY, NEW JERSEY

PREPARED FOR:

TOWNSHIP OF CLINTON PLANNING BOARD

**BA# 3022.01**

The original document was appropriately signed and sealed on April 22, 2015 in accordance with the State Board of Professional Planners.

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## INTRODUCTION

In 1975, the New Jersey Supreme Court determined every developing municipality in New Jersey had an affirmative obligation to provide for its fair share of affordable housing, see So. Burlington Cty. NAACP v. Township of Mount Laurel (Mount Laurel I). In a subsequent decision in 1983 (Mount Laurel II), the Court acknowledged that the vast majority of municipalities in the State had ignored their constitutional obligation, and called for the State legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result was the establishment of the New Jersey Council on Affordable Housing (COAH), the State agency responsible for overseeing the manner in which the State's municipalities address their low and moderate income housing needs.

COAH, in response to their mandate to prepare housing-need numbers for municipalities, adopted affordable housing obligations for communities throughout New Jersey to cover the years 1987-1993 (commonly referred to as the First Round obligation), and 1993-1999 (Second Round obligation), utilizing a 'fair share' methodological approach. Following the Second Round, however, COAH utilized a 'growth share' methodology, and the various iterations of the Third Round housing-need numbers have been adjudicated ever since.

As recently as June 2, 2014, pursuant to a directive by the New Jersey Supreme Court, COAH published new proposed Third Round rules (5:98, 5:99), again revising the previous methodology used to calculate need and the methods which municipalities could utilize to satisfy that need. However, these rules were not adopted, and the matter has again been placed before the Supreme Court.

Due to the fact that COAH's methodology and housing-need numbers have not been resolved to-date, and Clinton Township endeavors to affirmatively address its housing obligation, this Housing Element and Fair Share Plan (HE&FSP) has been prepared at this time. It is consistent with the Township's historic efforts to address its affordable housing obligations, as illustrated by the Township's most recent efforts when the Planning Board adopted a May 17, 2010 Amended Housing Element and Fair Share Plan (filed with COAH on June 8, 2010 and deemed complete on July 25, 2010), as well as prior efforts which resulted in the receipt of substantive certification of its First Round plan from COAH on February 3, 1993 and substantive certification of the Township's Second Round plan on March 7, 2001, along with other filings with COAH.

This Third Round Plan is designed to address the Township's obligation as prescribed by the latest iteration of COAH's determination of housing need, since a review of these numbers appears to reasonably reflect need. It also relies upon the Second Round Rules, since COAH re-adopted those rules in 2011 and extended them to October 16, 2016.

The document is organized into four sections, as follows:

1. The first part, the Housing Element, contains background data on the Township's housing, population, and related demographic characteristics.

2. The second section identifies the Township's affordable housing obligation, pursuant to procedures identified in COAH's projection of need as reflected in its most recently published Third Round housing-need numbers, as modified by Clinton Township's continuing participation in the Highlands Council plan conformance process.
3. The third section contains the Township's draft Fair Share Plan for meeting its affordable housing obligation. In the absence of adopted and judicially sanctioned rules and in accordance with the most recent Supreme Court decision invalidating COAH third round rules, this plan applies COAH's adopted second round (1993-1999) rules to address Clinton Township's affordable housing obligation. This has been done in recognition of the fact that in 2011 COAH re-adopted its Second Round rules and extended them to October 16, 2016.
4. The final section reviews the Highlands Consistency Review for each plan component identified in the Fair Share Plan, in order to determine their consistency with the RMP. Clinton Township recognizes that its response to the affordable housing obligation assigned by COAH must be crafted within the regulatory framework established by the Highlands Council Regional Master Plan.

In summary, the Township Plan incorporates a variety of mechanisms to address its prior round and prospective need affordable housing obligation. This Plan also offers two alternative approaches to address this obligation. These two options provide for municipally sponsored 100 percent affordable sites and an inclusionary site (with one option utilizing the former Municipal Building Site and the Marookian property on Route 31) and the other option utilizing these sites as well as the Windy Acres site. In addition, both options also rely upon existing group homes, a Regional Contribution Agreement that provided funds for affordable housing in New Brunswick, other affordable rental developments in Clinton (Village Green and The Mews, credits without controls, and rental bonus credits. This is detailed in the body of this report.

SECTION I:  
HOUSING ELEMENT



## A. COMMUNITY OVERVIEW

Clinton Township is located in northwest Hunterdon County containing an area of approximately 21,693 acres of land. It is within the Highlands Region, with 97 percent (21,054 acres) of its land area located in the Highlands Planning Area and 3 percent (639 acres) located in the Highlands Preservation Area. The Township adjoins Tewksbury, Union, Readington, Raritan, and Franklin Townships as well as the Town of Clinton and the Boroughs of Lebanon and High Bridge. Interstate 78 (I-78), State Route 31, and U.S. Route 22 extend through the Township. Other major roadways serving the Township include County Routes 623, 629, 639 and 641.

The Township is primarily a rural residential community with substantial areas devoted to permanent open space, farmland, and farmland preservation. Much of the residential development in Clinton Township has occurred in the western half of the municipality.

In December 2009, the Clinton Township governing body adopted Resolution 144-09 which petitioned the Highlands Council for plan conformance for that portion of the Township located in the Highlands Preservation Area. A copy of this resolution is included in this housing element and fair share plan's appendix (A-1).

In December 2009, the Clinton Township governing body adopted Resolution 145-09 which petitioned the Highlands Council for plan conformance for that portion of the Township located in the Highlands Planning Area. A copy of this resolution is included in this housing element and fair share plan's appendix (A-2).

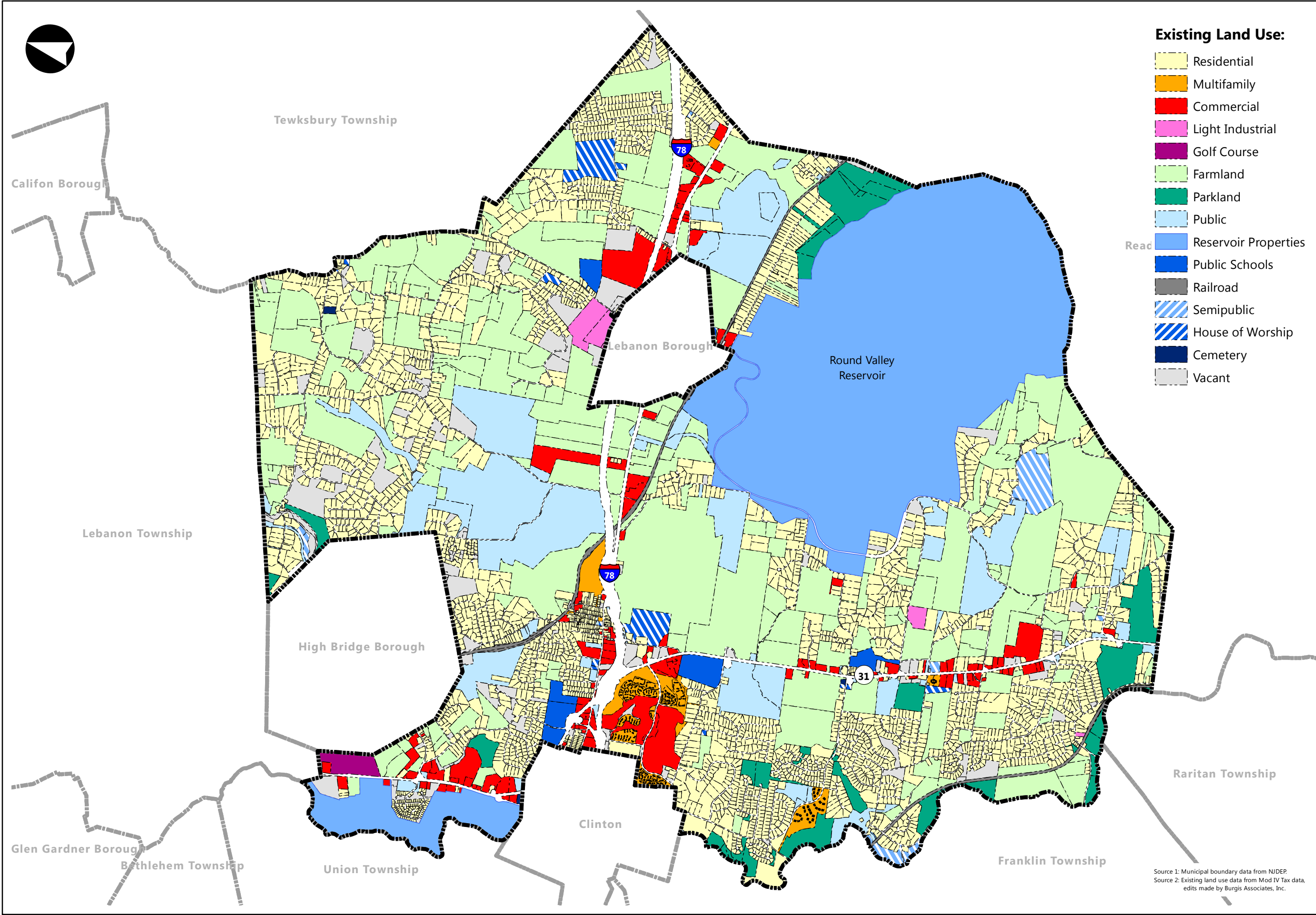
These two resolutions highlight Clinton Township's intention to attain plan conformance with the Highlands Council Regional Master Plan for the entire Township. As a result of these decisions, COAH will accept the Highlands Council determination as to Clinton Township's ability to accommodate additional growth and development, including affordable housing units.

A number of Highlands Council maps of the Township have been included herein (A-3). These maps depict agricultural and environmental resources and constraints, areas of the Township that have been preserved for various public purposes, a delineation of the boundaries between the Highlands Preservation and Planning Areas within the community, as well as the Highlands Council Land Use Capability Zones and other salient features of the community.

The accompanying Existing Land Use Map depicts the distribution of land uses throughout the Township.



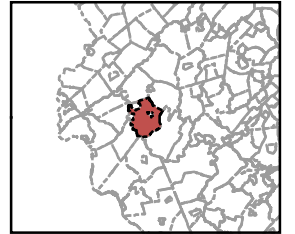




**Existing Land Use:**

- Residential
- Multifamily
- Commercial
- Light Industrial
- Golf Course
- Farmland
- Parkland
- Public
- Reservoir Properties
- Public Schools
- Railroad
- Semipublic
- House of Worship
- Cemetery
- Vacant

Read

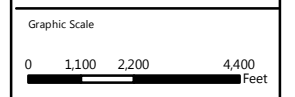


**Legend**

- Boundary
- Parcels

Rev	Description	Date	Dwn	Ckd

Dwg. Title  
**Existing Land Use Map**



JOSEPH H. BURGIS AICP  
 PROFESSIONAL PLANNER  
 NEW JERSEY LIC. NO. 2450

Project No.	3022.01
Sheet No.	1 of 1
Date	03/05/15
Drawn	DN

Source 1: Municipal boundary data from NJDEP  
 Source 2: Existing land use data from Mod IV Tax data,  
 edits made by Burgis Associates, Inc.



## B. RELATIONSHIP TO REGIONAL MASTER PLAN (RMP)

This Housing Element and Fair Share Plan is designed to ensure the provision of a variety of housing opportunities sufficient to affirmatively address the Township's affordable housing obligation, while at the same time respecting the development limitations prescribed by the Highlands Element Land Use Plan, the Township's resource constraints as detailed by the Highlands, and the numerous policies, goals and objectives set forth in the Township Master Plan.

In furtherance of Township efforts to ensure sound planning, this Plan incorporates the following goals and objectives with respect to future housing in the Highlands Area:

1. To the extent feasible, the zone plan will guide anticipated new residential development into compact, center-based projects incorporating a mix of housing types.
2. To provide a realistic opportunity for the provision of the municipal share of the region's present and prospective needs for housing for low-and moderate-income households without sacrificing Clinton Township's agricultural heritage, environmental resources or community character.
3. To the maximum extent feasible, to incorporate affordable housing units into any new residential construction that occurs within the Highlands Area including any mixed use, redevelopment, and/or adaptive reuse projects. This goal should be understood to not preclude the construction of exclusively affordable developments.
4. To preserve and monitor existing stocks of affordable housing.
5. To reduce long term housing costs through:
  - a. The implementation of green building and energy efficient technology in the rehabilitation, redevelopment and development of housing. Recent innovations in building practices and development regulations reflect significant energy efficiency measures, and therefore cost reductions, through building materials, energy efficient appliances, water conservation measures, innovative and alternative technologies that support conservation practices, and common sense practices such as recycling and re-use.
  - b. The promotion of the use of sustainable site design, efficient water management, energy efficient technologies, green building materials and equipment, and retrofitting for efficiencies.
  - c. Maximizing the efficient use of existing infrastructure, through such means as redevelopment, infill and adaptive reuse.

6. To use a smart growth approach to achieving housing needs:
  - a. Use land more efficiently to engender economically vibrant communities, complete with jobs, houses, shopping, recreation, entertainment and multiple modes of transportation.
  - b. Support a diverse mix of housing that offers a wide range of choice in terms of value, type and location. In addition, seek quality housing design that provides adequate light, air, and open space.
  - c. Target housing to areas with existing higher densities and without environmental constraints, within walking distance of schools, employment, services, transit and community facilities with sufficient capacity to support them.

The Township's HE&FSP is consistent with the following goals, objectives, and policies related to housing and community facilities identified in the Highlands RMP:

1. Create market-rate and affordable housing sufficient to meet the needs of the Highlands Region within the context of economic, social and environmental constraints;
2. Establish a region-wide, comprehensive approach to addressing housing needs in the Highlands Region, serving all age groups, income levels and mobility options;
3. A comprehensive housing program addressing regional housing needs within the context of preserving the character and environmental integrity of the Highlands;
4. An interagency partnership with COAH in support of the achievement of both the resource protection requirements of both the Highlands RMP and the municipal constitutional obligation, in "growth areas" to provide a realistic opportunity for the construction of a fair share of affordable housing for low and moderate income households;
5. Preserve and monitor existing stocks of affordable housing;
6. Promote where appropriate and permitted by the Land Use Capability Zone affordable housing within new residential and mixed use development, redevelopment, or adaptive reuse projects;
7. To require that conforming municipalities implement both the resource protection requirements of the Highlands RMP along with the New Jersey Supreme Court's doctrine, in its Mount Laurel decisions, that every municipality in a "growth area" has a constitutional obligation to provide through its land use regulations, sound land use, and long range planning, a realistic opportunity for a fair share of its region's present and prospective needs for housing for low and moderate income families;

8. To require that conforming municipalities update and adopt a housing element, fair share plan, and implementing ordinance(s) to reflect current conditions and resource protection requirements of the Highlands RMP; and,
9. Conforming municipalities, through housing plans, will evaluate and provide for alternate mechanisms to address affordable housing obligations where Highlands RMP resource protection standards restrict the ability of planned but not built sites to be developed for affordable housing.

### C. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the Housing Element provides an inventory of the Township’s housing stock, as required by the Municipal Land Use Law (MLUL). The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated. When reviewing this data it should be noted that totals may vary as different information sources were used and the data vary slightly between sources.

1. Number of Dwelling Units. As shown in the table below, the Township’s housing stock grew by 17 percent between 1990 and 2000, from 3,514 units to 4,234 units. However, the rate of growth has decreased greatly in subsequent years. Estimates for 2012 suggest that Clinton’s housing stock has grown by 8.8 percent since 2000.

**TABLE 1**  
**DWELLING UNITS (1990 TO 2012)**  
**CLINTON TOWNSHIP, NEW JERSEY**

Year	Total Dwelling Units	Numerical Change	Percentage Change
1990	3,514	--	--
2000	4,234	720	17.0%
2012	4,642	408	8.8%

Sources: U.S. Census – 1990 & 2000, American Community Survey 3-Year Estimates.

The following table provides additional detail regarding the tenure and occupancy of the Township's housing stock. As shown below, nearly 85 percent of the Township's housing stock was estimated to be owner-occupied in 2012, down just slightly from 88.5 percent in 2000. The number of vacant units has decreased steadily since 1990, from 138 units (4.1 percent of all units) in 1990 to 79 units (1.7 percent of all units) in 2012.

**TABLE 2**  
**HOUSING UNITS BY TENURE AND OCCUPANCY STATUS (1990 TO 2012)**  
**CLINTON TOWNSHIP, NEW JERSEY**

Category	1990		2000		2012	
	No. Units	Percent	No. Units	Percent	No. Units	Percent
Owner-Occupied Units	2,935	83.5%	3,748	88.5%	3,937	84.8%
Renter-Occupied Units	441	12.5%	381	9.0%	626	13.5%
Vacant Units	138	3.9%	105	2.5%	79	1.7%
<b>Total Units</b>	<b>3,514</b>	<b>100.0%</b>	<b>4,234</b>	<b>100.0%</b>	<b>4,642</b>	<b>100.0%</b>

Source: U.S. Census 1990 & 2000, American Community Survey 3-Year Estimates.

2. Housing Characteristics. The following tables provide additional information on the characteristics of the Township's housing stock, including data on the number of units in the structure and the number of bedrooms. As shown below, the housing stock is predominantly characterized by single-family detached units, which represented nearly 73 percent of all dwelling units in 2012. This is a very slight decrease from previous periods and reflects the creation of additional units in varied housing types since 1990.

**TABLE 3**  
**UNITS IN STRUCTURE (1990 TO 2012)**  
**CLINTON TOWNSHIP, NEW JERSEY**

Units in Structure	1990		2000		2012	
	Number	Percent	Number	Percent	Number	Percent
1-unit, detached	2,799	79.7%	3,347	79.1%	3,377	72.7%
1-unit, attached	195	5.5%	430	10.2%	470	10.1%
2 units	67	1.9%	74	1.7%	161	3.5%
3 or 4 units	45	1.3%	117	2.8%	131	2.8%
5 to 9 units	232	6.6%	131	3.1%	204	4.4%
10 to 19 units	139	4.0%	111	2.6%	157	3.4%
20 or more units	37	1.1%	8	0.2%	142	3.1%
Mobile home	0	0.0%	16	0.4%	0	0.0%
Boat, RV, van, etc.	0	0.0%	0	0.0%	0	0.0%
<b>Total</b>	<b>3,514</b>	<b>100.0%</b>	<b>4,234</b>	<b>100.0%</b>	<b>4,642</b>	<b>100.0%</b>

Source: U.S. Census 1990 & 2000, American Community Survey 3-Year Estimates.

**TABLE 4**  
**NUMBER OF BEDROOMS IN HOUSING UNITS (1990 TO 2012)**  
**CLINTON TOWNSHIP, NEW JERSEY**

Number of Bedrooms	1990		2000		2012	
	Number	Percent	Number	Percent	Number	Percent
Zero	15	0.4%	0	0.0%	0	0.0%
One	225	6.4%	354	8.4%	443	9.5%
Two	575	16.4%	613	14.5%	706	15.2%
Three	1,120	31.9%	1,171	27.7%	1,283	27.6%
Four	1,285	36.6%	1,783	42.1%	1,841	39.7%
Five or More	294	8.4%	313	7.4%	369	7.9%
<b>Total</b>	<b>3,514</b>	<b>100.0%</b>	<b>4,234</b>	<b>100.0%</b>	<b>4,642</b>	<b>100.0%</b>

Source: U.S. Census 1990 & 2000, American Community Survey 3-Year Estimates.

3. Housing Age. The following table details the age of the Township's housing stock. As shown, more than the half (56.2%) of the Township's housing units have been constructed since 1980.

**TABLE 5**  
**YEAR STRUCTURE BUILT**  
**CLINTON TOWNSHIP, NEW JERSEY**

Year Units Built	Number of Units	Percent
2010 or later	0	0.0%
2000 to 2009	348	7.8%
1990 to 1999	741	16.7%
1980 to 1989	1,416	31.8%
1970 to 1979	838	18.8%
1960 to 1969	335	7.5%
1950 to 1959	336	7.6%
1940 to 1949	65	1.5%
1939 or earlier	371	8.3%
<b>Total</b>	<b>4,450</b>	<b>100.0%</b>

Source: American Community Survey 3-Year Estimates.

In addition to the data in the table above, the New Jersey Construction Reporter indicates that 2 homes received a certificate of occupancy in 2011, 4 homes in 2013 and, through October of 2014, an additional 2 homes received a certificate of occupancy, thus increasing the estimated number of homes in Clinton Township to 4,458.

4. Housing Conditions. An inventory of the Township’s housing conditions is presented in the following tables. The first table identifies the extent of overcrowding in the Township, defined as housing units with more than one occupant per room. The data indicates that the number of occupied housing units considered overcrowded has increased negligibly since 2000, from 0.2 to 0.3 percent of all occupied units, the same ratio as recorded in 1990.

**TABLE 6  
OCCUPANTS PER ROOM (1990 TO 2012)  
CLINTON TOWNSHIP, NEW JERSEY**

Occupants Per Room	1990		2000		2012	
	Number	Percent	Number	Percent	Number	Percent
1.00 or less	3,364	99.6%	4,121	99.8%	4,550	99.7%
1.01 to 1.50	11	0.3%	8	0.2%	13	0.3%
1.51 or more	1	0.0%	0	0.0%	0	0.0%
<b>Total</b>	<b>3,376</b>	<b>100.0%</b>	<b>4,129</b>	<b>100.0%</b>	<b>4,563</b>	<b>100.0%</b>

Source: U.S. Census 1990 & 2000, American Community Survey 3-Year Estimates.

The table below presents other key characteristics of housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used.

**TABLE 7  
EQUIPMENT AND PLUMBING FACILITIES (1990 TO 2012)  
CLINTON TOWNSHIP, NEW JERSEY**

Facilities	1990		2000		2012	
	Number	Percent	Number	Percent	Number	Percent
<u>Kitchen:</u>						
With Complete Facilities	3,241	96.0%	4,122	99.8%	4,551	99.7%
Lacking Complete Facilities	135	4.0%	7	0.2%	12	0.3%
<u>Plumbing:</u>						
With Complete Facilities	3,358	99.5%	4,113	99.6%	4,538	99.5%
Lacking Complete Facilities	18	0.5%	16	0.4%	25	0.5%
<u>Heating Equipment:</u>						
Standard Heating Facilities	3,331	98.7%	4,088	99.0%	4,498	98.6%
Other Means, No Fuel Used	45	1.3%	41	1.0%	65	1.4%

Source: U.S. Census 1990 & 2000, American Community Survey 3-Year Estimates.

5. Purchase and Rental Values. As shown in the following table, more than half (55.2%) of Clinton’s rental housing stock had monthly rents of \$1,000 or more in 2000, and that has increased to more than 70% by 2012. The Township’s median monthly rent has risen 19% in the past decade. The Township’s \$1,305 median rent is 3% higher than the median monthly rent of Hunterdon County as a whole (\$1,268).



**TABLE 8**  
**GROSS RENT OF RENTER-OCCUPIED HOUSING UNITS (1990 TO 2012)**  
**CLINTON TOWNSHIP, NEW JERSEY**

Rent	1990		2000		2012	
	Number	Percent	Number	Percent	Number	Percent
Less than \$200	6	1.6%	7	1.9%	0	0.0%
\$200 to \$299	0	0.0%	0	0.0%	0	0.0%
\$300 to \$499	17	4.4%	7	1.9%	0	0.0%
\$500 to \$749	48	12.5%	25	6.9%	0	0.0%
\$750 to \$999	160	41.8%	123	34.0%	135	21.6%
\$1,000 to \$1,499	136	35.5%	116	32.0%	234	37.4%
\$1,500 or More		0.0%	84	23.2%	219	35.0%
No Cash Rent	16	4.2%	0	0.0%	38	6.1%
<b>Total</b>	<b>383</b>	<b>100.0%</b>	<b>362</b>	<b>100.0%</b>	<b>626</b>	<b>100.0%</b>
<b>Median Gross Rent</b>	<b>\$926</b>		<b>\$1,062</b>		<b>\$1,305</b>	
<b>Hunterdon County Median Gross Rent</b>	<b>\$721</b>		<b>\$867</b>		<b>\$1,268</b>	

Source: U.S. Census 1990 & 2000, American Fact Finder Estimates 2009-2013

Table 9 below shows that 40 percent of Clinton’s owner-occupied units had a value of \$500,000 or more in 2012, whereas in the previous decade only 4.1% of Clinton’s owner-occupied units had a value of \$500,000 or more. Owner-occupied units valued between \$300,000 and \$499,999 remained nearly constant between 2000 and 2012 at approximately 40%.

**TABLE 9**  
**VALUE OF OWNER-OCCUPIED HOUSING UNITS (1990 TO 2012)**  
**CLINTON TOWNSHIP, NEW JERSEY**

Value Range	1990		2000		2012	
	Number	Percent	Number	Percent	Number	Percent
Less than \$50,000		0.0%	0	0.0%	12	0.3%
\$50,000 to \$99,999	276	6.9%	36	1.1%	13	0.3%
\$100,000 to \$149,999	467	11.7%	182	5.4%	33	0.8%
\$150,000 to \$199,999	792	19.9%	312	9.2%	175	4.4%
\$200,000 to \$299,999	1,670	42.0%	1,385	40.7%	530	13.5%
\$300,000 to \$499,999	712	17.9%	1,347	39.6%	1,593	40.5%
\$500,000 to \$999,999	58	1.5%	122	3.6%	1,494	37.9%
\$1,000,000 or More		0.0%	16	0.5%	87	2.2%
<b>Total</b>	<b>3,975</b>	<b>100.0%</b>	<b>3,400</b>	<b>100.0%</b>	<b>3,937</b>	<b>100.0%</b>
<b>Median Value</b>			<b>\$283,900</b>		<b>\$460,500</b>	
<b>Hunterdon County Median Value</b>			<b>\$245,000</b>		<b>\$419,000</b>	

Source: U.S. Census 1990 & 2000, American Community Survey 3-Year Estimates.

Note: The data from the Source does not add to the totals the Source suggests in all instances, and is not consistent with other data Sources.

6. Number of Units Affordable to Low- and Moderate-Income Households. Clinton's housing region, Region 3, is comprised of Hunterdon, Middlesex and Somerset Counties. Based on the most current COAH regional income limits, the median household income for a three-person household is \$94,500. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$75,600.

An affordable sales price for a three person moderate-income household earning 80 percent of the median income is estimated at approximately \$150,000. This estimate is based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.3. As depicted in Table 9 above, 1.4% of the community's dwellings were valued at less than \$150,000 according to the Census data.

For renter-occupied housing, an affordable monthly rent for a three-person household is estimated at approximately \$1,890. According to the most recent U.S. Census data, more than half (59 percent) of the Township's rental units had a gross rent less than \$1,500.

7. Substandard Housing Capable of Being Rehabilitated. COAH provides the number of units in a community that are in need of rehabilitation and are not likely to experience "spontaneous rehabilitation." Clinton's rehabilitation share is 27 units. This issue is explored in the Fair Share Obligation section of this document.

#### D. PROJECTION OF MUNICIPAL HOUSING STOCK

The COAH regulations provide that a community's projection of future housing be based upon an assessment of data which minimally must include the number of housing units constructed or construction permits issued during the last ten years, the number of low and moderate income housing units constructed previously, the number of low and moderate income housing units rehabilitated previously, a projection of the community's housing stock for the next six year period, and the number of subdivisions and site plans approved for residential purposes during the last six years. Each of these items are identified and outlined below.

1. Housing Units Constructed During the Last Ten Years

The table below provides data concerning building permits issued during the past ten years. During this period, a total of 203 building permits were issued, all for single-family residences. A total of 165 of these 203 building permits were issued in 2004 and 2005, representing 81% of the total. Since 2005 the Township issued, on average, less than 5 permits per year.

TABLE 10  
NUMBER OF BUILDING PERMITS ISSUED  
CLINTON TOWNSHIP, NEW JERSEY  
2004-2013

Year Issued	Single and Two	Multi	Total
2004	93	0	93
2005	72	0	72
2006	12	0	12
2007	9	0	9
2008	8	0	8
2009	3	0	3
2010	3	0	3
2011	0	0	0
2012	1	0	1
2013	2	0	2
<b>Total</b>	<b>203</b>	<b>0</b>	<b>203</b>

Source: New Jersey Construction Reporter.

2. Number of Low and Moderate Income Housing Units Previously Constructed

Low and moderate income housing has been constructed in Clinton Township. Table 11 below provides the relevant details.

TABLE 11  
CONSTRUCTED AFFORDABLE HOUSING  
CLINTON TOWNSHIP, NJ

Development	Number of Credits
Existing Group Home	5
Credits without Controls	13
West Main Street Affordable Family Rentals	3
The Mews	35
Family Rental Bonus Credits	3
<b>Total Credits</b>	<b>59</b>

In addition to the number of credits indicated in the table above, Clinton Township has funded a Regional Contribution Agreement with the City of New Brunswick whereby 108 units were transferred from Clinton to New Brunswick.

3. Number of Low and Moderate Income Housing Units Previously Rehabilitated

COAH assigned Clinton Township a third round rehabilitation obligation of 27 units. This obligation will be addressed through participation in the Hunterdon County's housing rehabilitation program.

4. Projection of Community's Housing Stock for the Next Ten Years

Since 2005, Clinton Township has issued less than five building permits annually, as detailed in Table 10 above. Based on this recent building trend, available vacant land, difficulty in extending sanitary sewer service and the need to conserve the community's environmental resources and community character, it is assumed that between 2015 and 2024, less than forty building permits will be issued for market rate housing.

**E. POPULATION ANALYSIS**

The COAH regulations call for an analysis of the community's socio-economic characteristics, including an assessment of population size, rate of population growth, age and sex characteristics, income levels, and household size. Each of these items is described in this section of the report.

1. Population Size and Rate of Population Growth

Table No. 12 presents the population size and growth rate for the Township of Clinton from 1960 to 2010. Clinton had 3,770 residents in 1960. In 1990 the township's population stood at 10,816 residents. The 2010 Census indicates a population of 13,478 residents, a 4.0 percent increase from the previous census count.

TABLE 12  
RATE OF POPULATION GROWTH  
CLINTON, NEW JERSEY  
1960-2010

Year	Population	Change (No.)	Change (%)
1960	3,770	--	--
1970	5,119	1,349	35.8%
1980	7,345	2,226	43.5%
1990	10,816	3,471	43.3%
2000	12,957	2,141	19.8%
2010	13,478	521	4.0%

Source: 2006 Clinton Township Reexamination Report; American Community Survey 3-Year Estimates.

## 2. Age Characteristics

Data concerning characteristics of the township's population by age is presented below.

**TABLE 13  
AGE CHARACTERISTICS (1990 TO 2010)  
CLINTON TOWNSHIP, NEW JERSEY**

Age	1990		2000		2010	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	713	6.4%	852	6.6%	584	4.3%
5 to 19 years	2,159	20.0%	2,818	21.7%	2,975	22.1%
20 to 24 years	1,124	10.7%	1,166	9.0%	1,298	9.6%
25 to 34 years	1,816	17.2%	1,372	10.6%	1,032	7.7%
35 to 44 years	2,052	20.1%	2,363	18.2%	1,704	12.6%
45 to 54 years	1,471	12.0%	2,226	17.2%	2,647	19.6%
55 to 64 years	847	7.8%	1,209	9.3%	1,801	13.4%
65 to 74 years	382	3.5%	570	4.4%	863	6.4%
75 to 84 years	189	2.3%	261	2.0%	430	3.2%
85 years and over	63	0.0%	120	0.9%	144	1.1%
<b>Total</b>	<b>10,816</b>		<b>12,957</b>		<b>13,478</b>	
<b>Median Age</b>	<b>32.7</b>		<b>36.4</b>		<b>40.9</b>	

Source: U.S. Census 1990 & 2000, American Community Survey 3-Year Estimates.

Table No. 14 depicts birth and death statistics for the township. Information is not provided beyond 2011. This data indicates that for the selected years there has been a net population increase of the local population of 379 residents.

**TABLE 14  
NUMBER OF BIRTHS AND DEATHS: 2004 - 2011  
CLINTON, NEW JERSEY**

Year	Births	Deaths	Change
2004	118	59	59
2005	117	65	52
2006	131	39	92
2007	97	55	42
2008	109	53	56
2009	105	68	37
2010	82	69	13
2011	89	61	28
<b>Total</b>	<b>848</b>	<b>469</b>	<b>379</b>

Source: New Jersey Department of Health, New Jersey Health Statistics

### 3. Income Level

The following table provides data for household income. The median Clinton household income for 1989 was \$67,918; by 2012 this figure increased to \$113,750. Comparable data for Hunterdon County indicates that the median household income was \$54,628 in 1989 and \$105,880 in 2012.

**TABLE 15**  
**HOUSEHOLD INCOME (1989 TO 2012)**  
**CLINTON TOWNSHIP, NEW JERSEY**

Income Category	1989		1999		2012	
	Number	Percent	Number	Percent	Number	Percent
Less than \$10,000	119	3.5%	53	1.3%	126	2.8%
\$10,000 to \$14,999	53	1.6%	37	0.9%	70	1.5%
\$15,000 to \$24,999	210	6.2%	117	2.8%	194	4.3%
\$25,000 to \$34,999	290	8.5%	112	2.7%	122	2.7%
\$35,000 to \$49,999	427	12.5%	252	6.1%	294	6.4%
\$50,000 to \$74,999	783	23.0%	793	19.2%	538	11.8%
\$75,000 to \$99,999	729	21.4%	781	18.9%	545	11.9%
\$100,000 to \$149,999	800	23.5%	983	23.8%	897	19.7%
\$150,000 to \$199,999		0.0%	577	14.0%	747	16.4%
\$200,000 or more		0.0%	421	10.2%	1,030	22.6%
<b>Total</b>	<b>3,411</b>	<b>100.0%</b>	<b>4,126</b>	<b>100.0%</b>	<b>4,563</b>	<b>100.0%</b>
<b>Median Household Income</b>	<b>\$67,918</b>		<b>\$96,570</b>		<b>\$113,750</b>	
<b>Hunterdon County Median</b>	<b>\$54,628</b>		<b>\$79,888</b>		<b>\$105,880</b>	

Source: U.S. Census 1990 & 2000, American Community Survey 3-Year Estimates.

### 4. Household Size

As shown in the accompanying table, Clinton's household size has, on average, declined during the past thirty year period. In 1990, Clinton's average household size was 3.12. By 2010 this figure had decreased to 2.68 persons per household.

**TABLE 16**  
**AVERAGE HOUSEHOLD SIZE (1990 TO 2010)**  
**CLINTON TOWNSHIP, NEW JERSEY**

Year	Total Population	Number of Households	Average Household Size
1990	10,816	3,376	3.12
2000	12,957	4,129	3.14
2010	13,478	4,568	2.68

Source: U.S. Census; 2006 Clinton Township Reexamination Report;  
American Community Survey 3-Year Estimate

**F. EMPLOYMENT CHARACTERISTICS AND TRENDS**

The following data regards existing and probable future employment characteristics, including historic trends, employment characteristics, occupational patterns, and related data.

1. Historic Employment Trends

Table No. 17 provides employment data from 1990 to 2012. This data indicates the number of jobs in Clinton fluctuated somewhat throughout this period.

**TABLE 17**  
**EMPLOYMENT STATUS, POPULATION 16 AND OVER (1990 TO 2012)**  
**CLINTON TOWNSHIP, NEW JERSEY**

Employment Status	1990		2000		2012	
	Number	Percent	Number	Percent	Number	Percent
In labor force	5,544	65.5%	6,170	72.9%	6,311	63.7%
Civilian labor force	5,526	65.2%	6,170	72.9%	6,302	63.6%
Employed	5,379	63.5%	5,958	70.4%	5,889	59.4%
Unemployed	147	1.7%	212	2.5%	413	4.2%
% of civilian labor force		2.7%		3.4%		6.6%
Armed Forces	18	0.2%	0	0.0%	9	0.1%
Not in labor force	2,925	34.5%	3,740	44.2%	4,522	45.6%
<b>Total Population 16 and Over</b>	<b>8,469</b>		<b>9,910</b>		<b>10,833</b>	

Source: U.S. Census 1990 & 2000, American Community Survey 3-Year Estimates.

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of employed Clinton residents. Table 189 details occupation characteristics, while Table 19 details industry characteristics. Over 57% of employed Clinton residents are identified as employed in management, professional or related occupations. The classification with the second greatest percentage is sales and office occupations

**TABLE 18**  
**EMPLOYED RESIDENTS AGE 16 AND OVER, BY OCCUPATION (1990 TO 2012)**  
**CLINTON TOWNSHIP, NEW JERSEY**

Occupation	1990		2000		2012	
	Number	Percent	Number	Percent	Number	Percent
Management, Professional and related occupations	2,752	48.8%	3,542	59.4%	3,370	57.2%
Service Occupation	364	6.5%	411	6.9%	556	9.4%
Sales and Office Occupations	1,893	33.6%	1,339	22.5%	1,385	23.5%
Farming, fishing and forestry occupations	87	1.5%	0	0.0%	0	0.0%
Construction, extraction and maintenance	328	5.8%	296	5.0%	229	3.9%
Production, transportation and material moving occupations	210	3.7%	370	6.2%	349	5.9%
<b>Total</b>	<b>5,634</b>	<b>100.0%</b>	<b>5,958</b>	<b>100.0%</b>	<b>5,889</b>	<b>100.0%</b>

Source: U.S. Census 1990 & 2000, American Community Survey 3-Year Estimates.



As depicted on Table 19, in 2012, the greatest number of employed Clinton residents were employed in educational, health and social services (17.2%), followed by professional, scientific, management, administrative and waste management services (16.4%).

**TABLE 19**  
**EMPLOYED RESIDENTS AGE 16 AND OVER, BY INDUSTRY (1990 TO 2012)**  
**CLINTON TOWNSHIP, NEW JERSEY**

Industry	1990		2000		2012	
	Number	Percent	Number	Percent	Number	Percent
Agriculture, forestry, fishing, hunting and mining	120	2.2%	16	0.3%	57	1.0%
Construction	243	4.5%	321	5.4%	305	5.2%
Manufacturing	1,117	20.8%	1,102	18.5%	923	15.7%
Wholesale trade	319	5.9%	210	3.5%	210	3.6%
Retail trade	824	15.3%	495	8.3%	580	9.8%
Transportation and warehousing, and utilities	506	9.4%	210	3.5%	176	3.0%
Information	0	0.0%	421	7.1%	266	4.5%
Finance, insurance, real estate and rental and leasing	521	9.7%	508	8.5%	660	11.2%
Professional, scientific, management, administrative and waste management services	286	5.3%	942	15.8%	966	16.4%
Educational, health and social services	1,249	23.2%	1,121	18.8%	1,011	17.2%
Arts, entertainment, recreation, accommodation and food services	55	1.0%	248	4.2%	353	6.0%
Other services	0	0.0%	239	4.0%	224	3.8%
Public administration	139	2.6%	125	2.1%	158	2.7%
<b>Total</b>	<b>5,379</b>	<b>100.0%</b>	<b>5,958</b>	<b>100.0%</b>	<b>5,889</b>	<b>100.0%</b>

Source: U.S. Census 1990 & 2000, American Community Survey 3-Year Estimates.

Table 20 reveals that between the years 2009 and 2013 building permits were issued authorizing the construction of 99, 243 square feet of non-residential construction.

**TABLE 20**  
**NON-RESIDENTIAL DEVELOPMENT AS MEASURED BY ISSUED BUILDING PERMITS (2009 to 2013)**  
**CLINTON TOWNSHIP, NEW JERSEY**

Year	Commercial/Office	Industry*	Total
2009	11,200 sq. ft.	9,155 sq. ft.	20,355 sq. ft.
2010	8,800 sq. ft.	5,660 sq. ft.	14,460 sq. ft.
2011	15,018 sq. ft.	16,071 sq. ft.	31,089 sq. ft.
2012	0 sq. ft.	11,188 sq. ft.	11,188 sq. ft.
2013	18,370 sq. ft.	3,781 sq. ft.	22,151 sq. ft.
<b>Total</b>	<b>53,388 sq. ft.</b>	<b>45,855 sq. ft.</b>	<b>99,243 sq. ft.</b>

Source: NJ Construction Reporter.

\* Inclusive of utility, warehouse, and office/warehouse combinations.

3. Other Regional or Community Factors Impacting Upon Future Municipal Employment

The Township has experienced moderate non-residential growth in the past decade, with office, and manufacturing accounting for most of this growth. With a weak office market, continued fall-out for the recession, and the constraints imposed by Highlands regulations, the Township does not anticipate substantial non-residential development over the next decade.

4. Probable Future Employment Characteristics

The Highlands RMP Adjusted Growth Projections for Clinton suggest fewer than 600 jobs will be added to the Clinton workforce between 2004 and 2018. The Township’s future employment characteristics are anticipated to reflect its present characteristics.

**G. DETERMINATION OF COMMUNITY FAIR SHARE HOUSING NEEDS**

The determination of the fair share housing need in Clinton Township is noted in the accompanying section of this report. It reflects the data base presented by COAH in 2014.

SECTION II:  
FAIR SHARE HOUSING PLAN



## A. FAIR SHARE HOUSING PLAN AND REQUESTED CREDITS

### Introduction

The Township of Clinton has a third round affordable housing obligation as determined by COAH. This affordable housing obligation is composed of three elements, including:

- |   |               |
|---|---------------|
| 1. Prior Round Obligation:                  | 335 dwellings |
| 2. Prospective Need Obligation (2014-2024): | 131 dwellings |
| 3. Rehabilitation Obligation:               | 27 dwellings  |

This plan seeks to address this affordable housing obligation through the imposition of a variety of plan mechanisms, as noted below. In summary, the plan offers two alternative approaches to address the obligation. These two options provide for municipally sponsored 100 percent affordable sites and an inclusionary site (with one option utilizing the former Municipal Building Site and the Marookian property on Route 31) and the other option utilizing these sites as well as the Windy Acres site. In addition, both options also rely upon existing group homes, a Regional Contribution Agreement that provided funds for affordable housing in New Brunswick, other affordable rental developments in Clinton (Village Green and The Mews), credits without controls, and rental bonus credits. This is detailed below.

Alternative A which proposes the development of new affordable housing units exclusively on the former Municipal Building and Marookian sites is at present the preferred approach as the more viable of the two Plan options to meet the Township's fair share obligation. The development of the Windy Acres site, a component of Plan Alternative B, is contingent upon the Township securing off-site water and sewer infrastructure to service this site when available. In the event the Township is unable to accomplish this, the Marookian site will receive all affordable housing units assigned to the Windy Acres site as detailed in the description of Alternative A herein.

The plan seeks to address the affordable housing obligation by application of COAH Round 2 (1993-1999) rules, since COAH had re-adopted these rules in 2011 and extended their use until October 2016. Additionally, the Supreme Court in its most recent affordable housing decision endorsed use of this methodology by COAH.

The properties included in the plan comply with NJAC 5:93-5.3, as these sites are approvable, available, developable and suitable. Furthermore, the selected sites are in conformance with the planning principles and requirements enumerated in the State Development and Redevelopment Plan.

This plan provides for flexibility, recognizing that other options may also become available to assist the Township in addressing its affordable housing obligation.







The Village Green at Annandale

The Mews at Annandale

Annandale Old Municipal Building

Marookian Site

Windy Acres

Lebanon Borough

WEST ST.

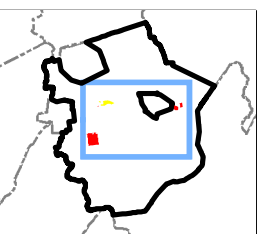
BEAVER AVE.

Rt 31

I-78

US 22

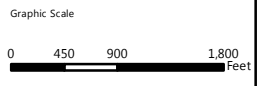
MAIN ST.



Legend  
 Proposed Sites  
 Developed Sites  
 Municipal Boundary

Rev	Description	Date	Dwn	Ckd

Dwg. Title  
**Affordable Housing Sites**



JOSEPH H. BURGIS AICP  
 PROFESSIONAL PLANNER  
 NEW JERSEY LIC. NO. 2450

Project No. 2919.03  
 Sheet No. 1 of 1  
 Date 03/05/2015  
 Drawn TS

Dwg. No.  
 AH Sites 11x17  
 2015 COPYRIGHT BA- NO TO BE REPRODUCED

Source 1: Orthophotography from NJGIN, dated 2007.  
 Source 2: Parcel Data from NJGIN Warehouse, dated 2012.







Alternative A

Alternative 'A' uses all prior affordable housing approvals, the former Municipal Building and Marookian sites, and rental bonus credits, as detailed in the accompanying table.

TABLE 21  
ALTERNATIVE 'A' PLAN  
CLINTON TOWNSHIP, NEW JERSEY

<u>Alt A: Compliance Mechanism</u>	<u>No. Affordable Units</u>
<b>Prior Round 335 Unit Obligation</b>	
Prior Cycle Credits (pre-1986):	
Existing Group Home	5
Credits Without Controls	13
RCA's Transferred to New Brunswick:	108
Affordable Rentals, Private Developer Sites:	
Village Green at Annandale (W Main St)	4
The Mews	35
Group Homes (approved)	20
Affordable Rentals, Municipally Sponsored 100% Affordable Sites:	
Former Municipal Building Site	3
Marookian Site (2 story) (Route 31)	53
Rental Bonuses:	
Village Green at Annandale (W Main St)	4
The Mews	35
Former Municipal Building Site	3
Marookian Site (2 story) (Route 31)	<u>53</u>
Total:	336 (1 in excess of that which is req.)

**Prospective Need 131 Unit Obligation**

Built Units:	Marookian Site (2 story) (Route 31)	66
Rental Bonuses:	Marookian Site (2 story) (Route 31)	<u>66</u>
Total		132 (1 in excess of that which is req.)

Note: A total of 119 units on the Marookian parcel are proposed in this option. The concept plan for the Route 31 site indicates the developable portion of this tract can accommodate up to 168 units, indicating the proposed 119 units can readily be accommodated on-site.

---

The sites that are included in the plan are described as follows:

1. Former Municipal Building Site: The former municipal building property is located at the southeast corner of West Street and Washington Street in the Annandale portion of Clinton Township. Identified by Township tax records as Lot 3 of Block 53, this somewhat irregularly shaped thru-lot, which has frontage on Center Street as well as West Street and Washington Street, has a lot area of 0.92 acres. Additional lot area would be provided by a vacation of the east portion of Washington Street between West Street and Center Street.

The site is developed with a two story building previously used as a general store and later the Township Municipal Building. This building has a 9,253 square foot footprint and contains a total of 18,506 square feet of floor space. The property also has paved and gravel parking areas. It has been vacant for approximately 15 years. It is located within a Historic District that is listed on the State Register of Historic Places, and is considered a "contributory" to the historic character of the district. The building in its current state is characterized by deteriorating physical conditions.

Based on a review of New Jersey Department of Environmental Protection (NJDEP) maps and information, surveys of the site and other relevant data, it has been determined that there are no known environmental constraints affecting the property. The property is in a neighborhood characterized by detached residential development. The adjoining lot to the south is developed with a house of worship.

Clinton Township has prepared an Area in Need of Redevelopment report to facilitate the redevelopment of this building as a fourteen unit structure with three of the units set aside for affordable households. A hearing on this is scheduled for March 16, 2015. The design is intended the building's historical significance by preserving and rehabilitating the front portion of the building. The three proposed affordable units will be designed pursuant to COAH rules concerning bedroom distribution. Compliance with the affordability controls contained in NJAC 5:80-26.1 et sq. will be achieved. Clinton Township is seeking an additional 3 rental bonus credits for this development.

An aerial photo with the subject property outlined is shown on the following page followed by two contemporary pictures of the building.

See A-10 in the appendix for the detailed Highlands Council analysis of the site.



 <b>BURGIS ASSOCIATES, INC.</b> COMMUNITY PLANNING   LAND DEVELOPMENT AND DESIGN   LANDSCAPE ARCHITECTURE 25 Westwood Avenue Westwood, New Jersey 07675 P: 201.666.1811 F: 201.666.2399		Project Title <b>Former Municipal Building Site          Area in Need of Redevelopment Study</b> <small>LIBERTON TOWNSHIP   HUNTERDON COUNTY, NEW JERSEY</small>	
Project No. <b>2919.09</b>	Date <b>02.03.15</b>	Drawn <b>TB</b>	Subject Site [ ]
Scale	Prop. No. <b>XXX</b>	<small>2012 COPYRIGHT BY BURGIS ASSOCIATES, INC. NOT TO BE REPRODUCED</small>	





*Frontage along West Street*



*Southerly Side of Building and Lot*



2. Marookian Site: This property is designated on the municipal tax map as Block 82 Lots 4 and 4.03. Clinton Township intends to limit the 100% affordable housing community to Lot 4.03. This 99 acre site is along Route 31 south of Regional Road. Approximately 19 acres are to be developed for affordable housing. The property is owned by Clinton Township. The site is currently encumbered with a restriction limiting use of the property to open space purposes. Clinton Township has had discussions indicating the feasibility of obtaining a diversion to enable this site to be developed with affordable housing if Clinton restricts other acreage for open space purposes. Clinton will do so.

An 'approvable site' is one that can be developed for affordable housing in a manner consistent with the regulations of all agencies with jurisdiction over the site. The site is in the Suburban Planning Area (PA-2) of the State Development and Redevelopment Plan. The intent of the State Plan is for accommodating market forces and demand for new development. The intent of the State Development Plan is to guide development into more efficient and serviceable patterns in this area.

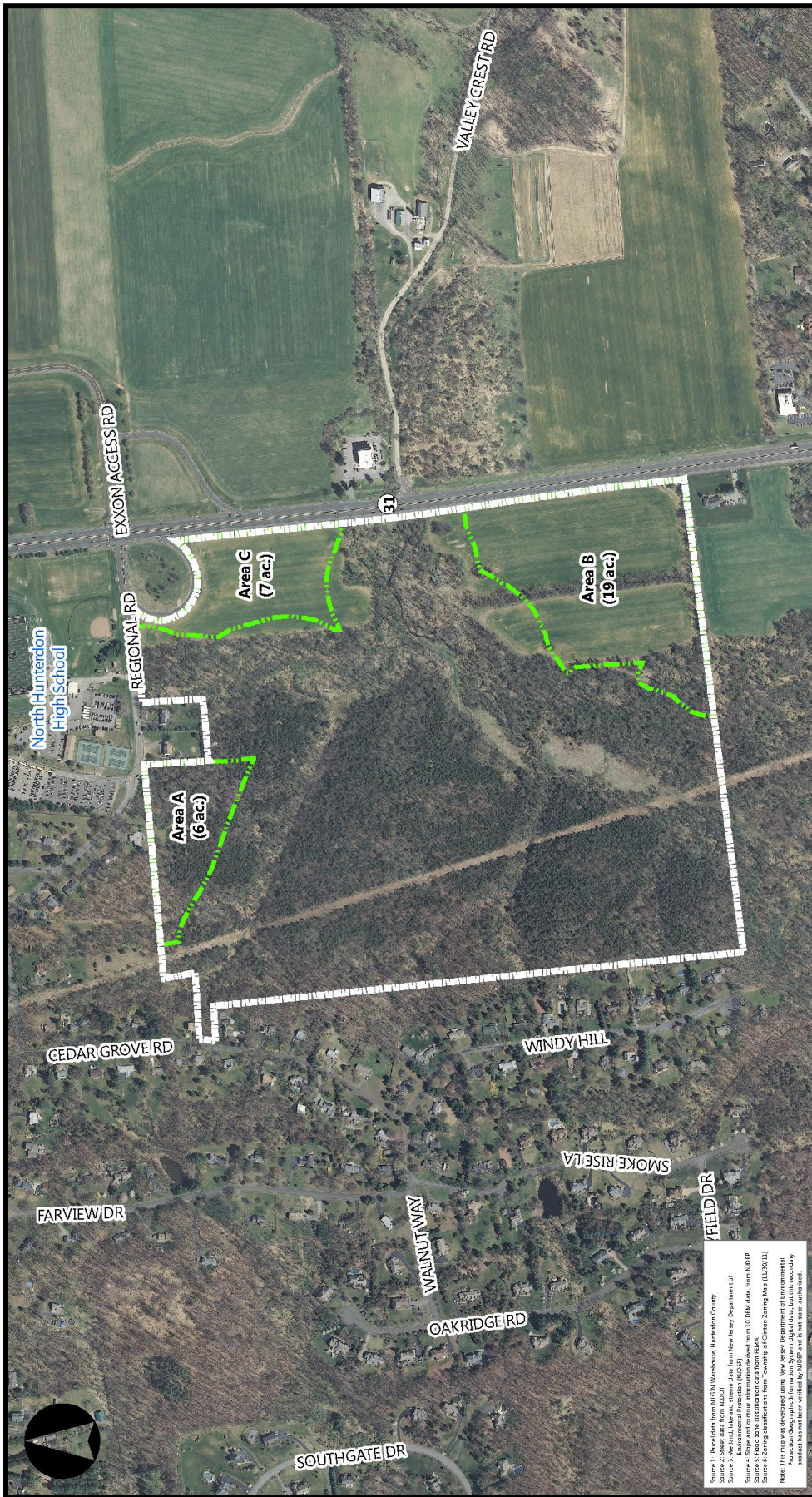
The site is in the Highlands Planning Area. As depicted on the concept plan developed for this site affordable housing can be developed consistent with the policies and goals of the Regional Master Plan. The Marookian site is approvable for the development of a 100% affordable housing community.

'Developable' means the site has access to appropriate water and sewer infrastructure and is consistent with the applicable area wide water quality management plan. Clinton Township is seeking an amendment to the county wastewater management plan to permit sanitary sewer service to be extended to this site. The Township has been assured this request will be approved. To service this site with potable water Clinton will either extend water infrastructure to the site or in the alternative provide a potable water well on site. This site is in a new water availability area, water should be available. The site is developable for the development of a 100% affordable housing community.

'Suitable sites' are those adjacent to compatible land uses, have access to appropriate streets and is consistent with environmental policies of NJAC 5:93-4. This site has access to Route 31, an appropriate street. The property to the north and west will remain restricted open space. Property to the south is farmland as is property across Route 31. The Marookian site is suitable for the development of a 100% affordable housing community

An aerial photo of the site is on the following page, with a concept development plan on the page after the aerial photo. See A-10 in the appendix for a detailed Highlands Council analysis of the site.





Source 1: The project is located in Hunterdon County, New Jersey.  
 Source 2: Flood data from NJDOT.  
 Source 3: Wetland, lake and stream data from New Jersey Department of Environmental Protection.  
 Source 4: Slope and contour information derived from LIDAR data, from NJDEP.  
 Source 5: Flood zone classification data from FEMA.  
 Source 6: Zoning classifications from Township of Clinton Zoning Map (11/09/11).  
 Note: This map was developed using New Jersey Department of Environmental Protection data. The information is provided for informational purposes only. The product has not been verified by NJDEP and is not state authorized.

<b>Legend</b> Marookian Site Concept Areas		Date: 2013.05 Scale: 1 in = 400 feet	Title: TS Author: AE
		Project Name: MAROOKIAN SITE STUDY AREA <small>Prepared for: Hunterdon County, New Jersey</small>	
<b>AERIAL OF EXISTING CONDITIONS</b>		 <b>B R G 1 S ASSOCIATES, INC.</b> COMMUNITY PLANNING   LAND DEVELOPMENT AND DESIGN   LANDSCAPE ARCHITECTURE <small>27 Woodland Avenue          Marlborough, MA 01752</small>	





ROUTE 31

BLOCK 82  
LOT 3.01

BLOCK 82  
LOT 2



Project No.	2919.05	Drawing Date	09.18.14	Address No.	X	of	X
Drawing Scale	3/32" = 1'	Sheet No.	X	Drawing No.	X	of	X
				Drawing No.	B1		

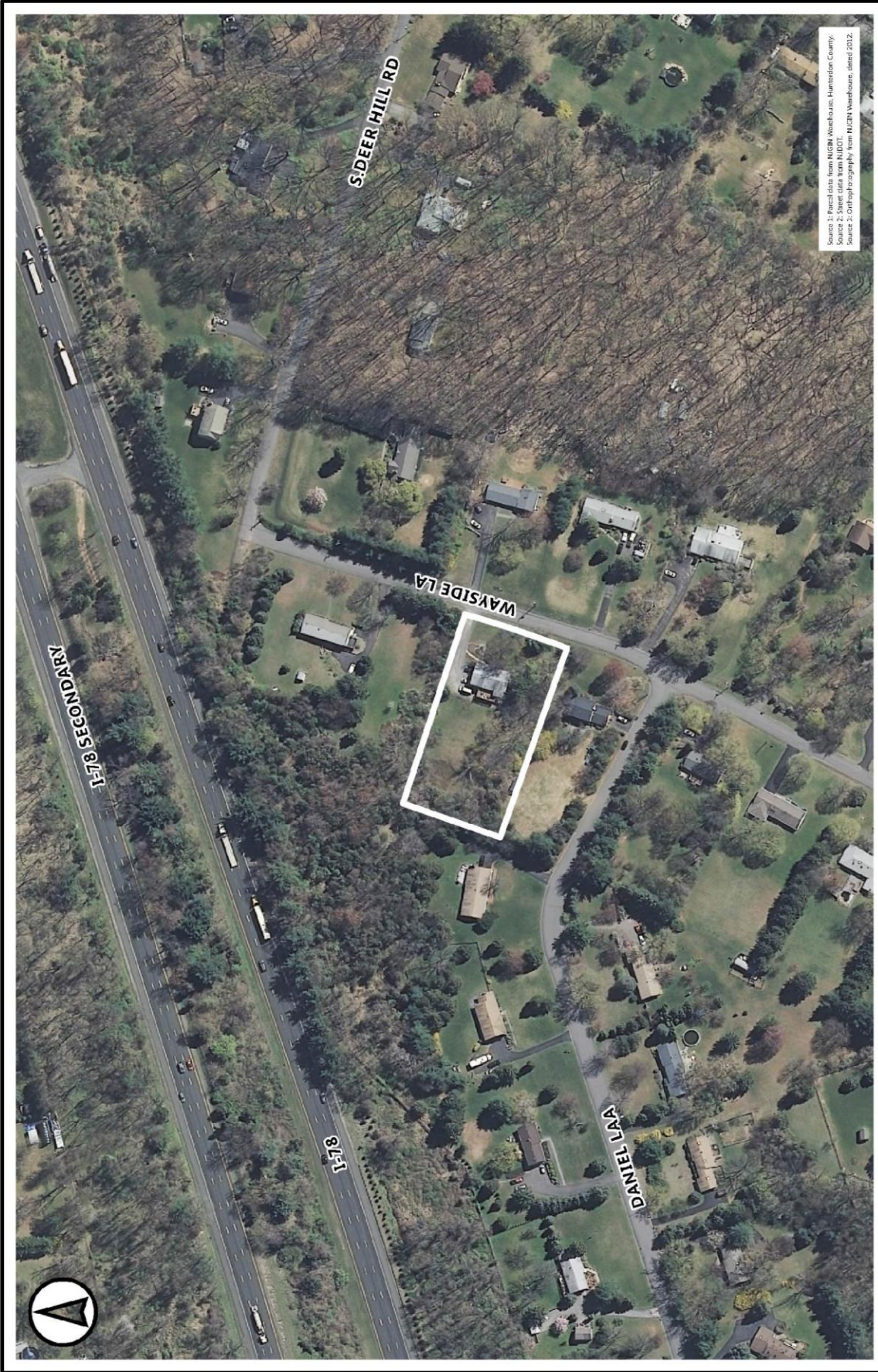
ALL DIMENSIONS IN FEET UNLESS OTHERWISE NOTED

Drawing Name  
**MAROOKIAN SITE: MULTI-FAMILY CONCEPT B1**  
Project Name  
TOWNSHIP OF CLINTON

**b c**  
Clinton Planning | Land Development and Design | Landscape Architecture  
 15 Westwood Avenue  
 Westwood, NJ 07675  
 201.261.0200

3. Existing Group Home and Credits Without Control: The Township is eligible to receive credit for an existing group home at 4 Wayside Lane (Block 4.023 Lot 40). This facility, operated by Venice Avenue Community Residence, Inc., is a five bedroom group home for individuals with developmental disabilities who have no income. The non-profit organization receives funding from the State to operate the facility. In addition, the Township is eligible for thirteen units for credits without control, which were previously certified by COAH. These prior cycle credits thus address eighteen units of credit for the prior round obligation.





<b>Group Home</b> 	<b>Project No:</b> 3022.01		<b>Date:</b> 03.05.15	<b>Version:</b> DN	<b>Legend</b> 
	<b>Scale:</b> 1" = 200'		<b>Draw No.:</b> gh		
<b>Project Title:</b> Housing Plan TOWNSHIP OF CURTIS   HUNTERDON COUNTY, NEW JERSEY					
<b>Client:</b> BURGIS ASSOCIATES, INC. COMMUNITY PLANNING   LAND DEVELOPMENT AND DESIGN   LANDSCAPE ARCHITECTURE 25 WINDSOR AVENUE WESTFIELD, NEW JERSEY 07075 P: 202.565.1333 T: 202.565.2399					
<small>SEE CURTIS LA. NOT TO BE REPRODUCED.</small>					

4. Regional Contribution Agreement with City of New Brunswick: The Township had entered into an agreement with the City of New Brunswick to transfer funds for 108 affordable housing units. Clinton had made its final payment toward this transfer on August 26, 2002. In total, the Township paid \$2,265,000 towards the RCA with the City.
5. Village Green at Annandale: Village Green was previously approved with the inclusion of three units of affordable housing. In February, 2015 amendments to their plan which would result in increasing the number of affordable units to four was approved. The board shall be voting on the resolution at an upcoming meeting. An accompanying aerial depicts this site along with the Mews site described below.
6. The Mews: The Mews is an existing inclusionary development project containing 35 low and moderate income rental housing units. This 43 acre property was developed as a 221 unit development approved in 2001. The Resolution of approval for this development is presented in the Appendix to this report. The accompanying aerial depicts the site's development.
7. Group Homes (approved): Several projects have been approved by the Township which include a total of 20 group home affordable housing units. These sites are commonly known as CRC Longview (4 units), CRC Headley (6 units), Beaverbrook Homestead (8 units) and Payne Farms (2 units).
8. Rental Bonus Credits: Pursuant to the Second Round rules, this plan includes 171 rental bonus credits. These credits are for the following rental units: Village Green at Annandale (4 units), The Mews (35 units), the Former Municipal Building Site (3 units) and Marookian Site (119 units).





<b>Project Title</b> Village Green at Annandale and The Mews		<b>Project No.</b> 3022.01	<b>Date</b> 03.05.15	<b>Drawn</b> DN
<b>Project Title</b> Housing Plan		<b>Scale</b> 1" = 350'	<b>Map No.</b> m&vg	<b>Scale</b> DN
<b>Client</b> BURGIS ASSOCIATES, INC. <small>COMMUNITY PLANNING   LAND DEVELOPMENT AND DESIGN   LANDSCAPE ARCHITECTURE</small> 25 HUNTERDON AVENUE HUNTERDON COUNTY, NEW JERSEY 07935 P: 908.563.1111 F: 908.563.2339		<b>DATE: 03/05/15 11:41 AM</b>		

Alternative B: Alternative 'B' uses all prior affordable housing approvals, the former Municipal Building and Marookian sites, Windy Acres, and rental bonus credits, as detailed in the accompanying table.

TABLE 22  
ALTERNATIVE 'B' PLAN  
CLINTON TOWNSHIP, NEW JERSEY

<u>Alt B: Compliance Mechanism</u>	<u>No. Affordable Units</u>
<u>Prior Round 335 Unit Obligation</u>	
Prior Cycle Credits (pre-1986):	
Existing Group Home	5
Credits Without Controls	13
RCA's Transferred to New Brunswick:	108
Affordable Rentals, Private Developer Sites:	
Village Green at Annandale (W Main St)	4
The Mews	35
Group Homes (approved)	20
Affordable Rentals, Municipally Sponsored 100% Affordable Sites:	
Former Municipal Building Site	3
Marookian Site (2 story)	53
Rental Bonuses:	
Village Green at Annandale (W Main St)	4
The Mews	35
Former Municipal Building Site	3
Marookian Site (2 story)	53
Total:	336 (1 in excess of that which is req.)



## Prospective Need 131 Unit Obligation

### Built Units:

Windy Acres Site (2 story)	<u>66</u>
----------------------------	-----------

### Rental Bonuses:

Windy Acres Site (2 story)	<u>66</u>
----------------------------	-----------

Total	132 (1 in excess of that which is req.)
-------	---

### Note:

1. A total of 53 units on the Marookian site are proposed in this option. The concept plan for the Route 31 site indicates the developable portion of this tract can accommodate up to 168 units, indicating the site can accommodate the 53 units being proposed here.
  2. A total of 66 units on the Windy Acres site are proposed in this option. The concept plan in the 2010 Housing Plan indicates this tract can accommodate up to 150 units. This indicates this site can readily accommodate the proposed number of units for this site, or there can be a different distribution of units provided between the Marookian and Windy Acres parcels, if determined appropriate or necessary, including having all of the units built on Marookian.
- 

See Alternative A descriptions of all other sites that are common to both alternatives A and B. The following is noted with respect to Windy Acres:

1. Windy Acres: The Windy Acres affordable housing site is designated on the municipal tax map as Block 7 Lots 18.03 and 31.02. This 36.9 acre parcel located along Main Street is owned by Clinton Township and is free of encumbrances which preclude development for affordable housing. As such this parcel is available for affordable housing purposes.

An 'approvable site' is one that can be developed for affordable housing in a manner consistent with the regulations of all agencies with jurisdiction over the site. The site is in Suburban Planning Area (PA-2) of the State Development and Redevelopment Plan. The intent of the State Plan is for accommodating market forces and demand for new development. The intent of the State Development Plan is to guide development into more efficient and serviceable patterns in this area.

Windy Acres is in the Highlands Planning Area. Clinton Township has formally requested a Map Adjustment from the Highlands Council to include the site in an existing community zone which will permit extension of water and sewer infrastructure to the site. Development of a 100% affordable housing community on this site can be achieved in conformance with the Regional Master Plan of the Highlands Council. This parcel is approvable.

'Developable' means the site has access to appropriate water and sewer infrastructure and is consistent with the applicable area wide water quality management plan. Clinton Township intends to extend water and sewer infrastructure to this parcel. This alternative, though desirable, cannot occur without such off-site infrastructure.

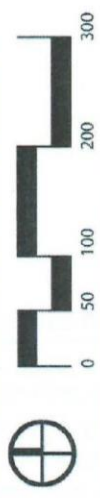
'Suitable sites' are those adjacent to compatible land uses, have access to appropriate streets and is consistent with environmental policies of NJAC 5:93-4. Windy Acres is along Main Street, an appropriate street for residential purposes and is adjacent to the eastern edge of the Borough of Lebanon and other compatible land uses.

See A-10 in the appendix for the detailed Highlands Council analysis of the site.





- Direct entry units (3) - 117
  - Senior apartments - 26
  - Special need units - 7
  - Clubhouse
- TOTAL UNITS: 150  
TOTAL PARKING: 219



**ILLUSTRATIVE SITE PLAN**

**CONIFER REALTY, LLC**  
**MT. LAUREL, NJ**

**WINDY ACRES**  
**CLINTON TOWNSHIP, NJ**

**BARTON PARTNERS**  
ARCHITECTS-PLANNERS  
700 E. Main Street, 3rd Floor  
Northampton, PA 19401-4122  
www.bartonpartners.com

PROJECT NUMBER:  
**10029**  
DATE:  
**03.10.10**

Source: Amended Third Round Housing Element and Fair Share Plan, by Clarke Caton Hintz, Township of Clinton, Hunterdon County, New Jersey. Adopted May 17, 2010.

Rehabilitation Component:

Clinton Township has been assigned a rehabilitation obligation of 27 units. Clinton Township will partner with the Hunterdon County Housing Corporation (HCHC) to serve as the rehabilitation program's administrative agency for the program as it has in the past. Clinton will provide no less than \$10,000 per rehabilitated unit, with spending for administrative purposes limited to 20% of hard costs. The Township will provide and reserve half of the funds necessary to implement the rehabilitation program at the time COAH grants Clinton Township substantive certification for this housing element and fair share plan.

The Township will continue to impose a development fee on all non-exempt, non-residential developments. Clinton Township will either appropriate funds in its operating budget or may utilize its bonding authority to generate additional funds that may be necessary if the development fee ordinance fails to generate enough resources to fully fund the rehabilitation program.

## APPENDICES



A-1 Resolution 144-09



RESOLUTION 144-09

**TOWNSHIP OF CLINTON  
SUBMISSION OF PETITION FOR PLAN CONFORMANCE  
TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
FOR LAND IN THE HIGHLANDS PRESERVATION AREA**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

**WHEREAS**, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region; and

**WHEREAS**, the Highlands Act establishes two principal sub-areas within the New Jersey Highlands Region, known as the Preservation Area and the Planning Area; and

**WHEREAS**, the Highlands Act requires that within nine to 15 months after the effective date of the Highlands Regional Master Plan (September 8, 2008) each municipality located wholly or partially in the Highlands Preservation Area shall submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Highlands Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance); and

**WHEREAS**, Clinton Township is located in the Highlands Region with lands lying within the Preservation Area, as defined by the Highlands Act; and


**WHEREAS**, the Highlands Council prepared and distributed to the Highlands Region municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

**WHEREAS**, the Highlands Council's Plan Conformance Guidelines also require that, for municipalities with lands located with the Highlands Preservation Area, a Petition for Plan Conformance be filed with the Highlands Council no later than December 8, 2009, which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Highlands Regional Master Plan and the Highlands Plan Conformance Guidelines.

**NOW, THEREFORE BE IT RESOLVED**, that the Township Council of Clinton Township hereby submits this Petition for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Highlands Preservation Area in accordance with the Highlands Act, the Highlands Regional Master Plan, and the Highlands Plan Conformance Guidelines.

I, Donna J. Burham, Township Clerk, hereby certify that the above resolution is a true and correct copy of a resolution adopted by the Mayor and Council of the Township of Clinton at a regular and duly convened meeting held on December 2, 2009.

In witness therefore, I have set my hand and affixed the seal of the Township of Clinton, this 3rd day of December, 2009.

  
\_\_\_\_\_



A-2 Resolution 145-09



**RESOLUTION 145-09  
TOWNSHIP OF CLINTON  
INTENTION TO REVISE MASTER PLAN AND  
DEVELOPMENT REGULATIONS FOR PLAN CONFORMANCE  
FOR LAND IN THE HIGHLANDS PLANNING AREA**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

**WHEREAS**, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the New Jersey Highlands Region; and

**WHEREAS**, the Highlands Act establishes two principal sub-areas within the New Jersey Highlands Region, known as the Preservation Area and the Planning Area; and

**WHEREAS**, Section 13:20-15.a, of the Highlands Act states that for any municipality located wholly in the Highlands Planning Area or for the portion of a municipality lying within the Highlands Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Highlands Planning Area, to conform them with the goals, requirements and provisions of the Highlands Regional Master Plan (Plan Conformance), and:

**WHEREAS**, Clinton Township is located in the New Jersey Highlands Region with lands lying within the Highlands Planning Area, as defined by Section 7 of the Highlands Act; and

**WHEREAS**, the Highlands Council prepared and distributed to the Highlands Region municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Highlands Regional Master Plan and the Highlands Plan Conformance Guidelines; and

**WHEREAS**, Plan Conformance by the municipality is strictly voluntary for lands in the Highlands Planning Area. and Clinton Township may at any time voluntarily revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Highlands Planning Area, to conform them to the Highlands Regional Master Plan; and

**WHEREAS**, at any time during the Plan Conformance process, Clinton Township may withdraw from the Plan Conformance process and any approvals, rejections or conditions of revised municipal master plan or development regulations recommended by the Highlands Council during the Plan Conformance process, will not be binding on Clinton Township; and

Clinton Township may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Highlands Planning Area; and

**WHEREAS**, should Clinton Township make the determination that Clinton Township shall petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Highlands Planning Area, to conform them with the goals, requirements and provisions of the Highlands Regional Master Plan and Plan Conformance Guidelines, Clinton Township shall enact an ordinance setting forth such intention, as required by the Highlands Act; and

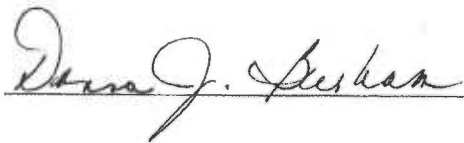
**WHEREAS**, upon application of Clinton Township, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to Clinton Township for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, as applicable to the development and use of land in the Highlands Planning Area, which are designed to bring those plans and regulations into conformance with the Highlands Regional Master Plan and the Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council; and

**WHEREAS**, should Clinton Township formally withdraw from the Plan Conformance process, grant funding awarded to Clinton Township up to the date of withdrawal that has been appropriately utilized in accordance with the Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council;

**NOW, THEREFORE BE IT RESOLVED**, that the Township Council of Clinton Township hereby submits this resolution of intention to revise its master plan and development regulations for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Highlands Planning Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

I, Donna J. Burham, Township Clerk, hereby certify that the above resolution is a true and correct copy of a resolution adopted by the Mayor and Council of the Township of Clinton at a regular and duly convened meeting held on December 2, 2009.

In witness therefore, I have set my hand and affixed the seal of the Township of Clinton, this 3rd day of December, 2009.



  
\_\_\_\_\_

## A-3 Townwide Highlands Council Maps

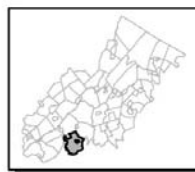


Figure 1. Preservation Area



-  Preservation Area
-  Municipal Boundaries

CLINTON TOWNSHIP

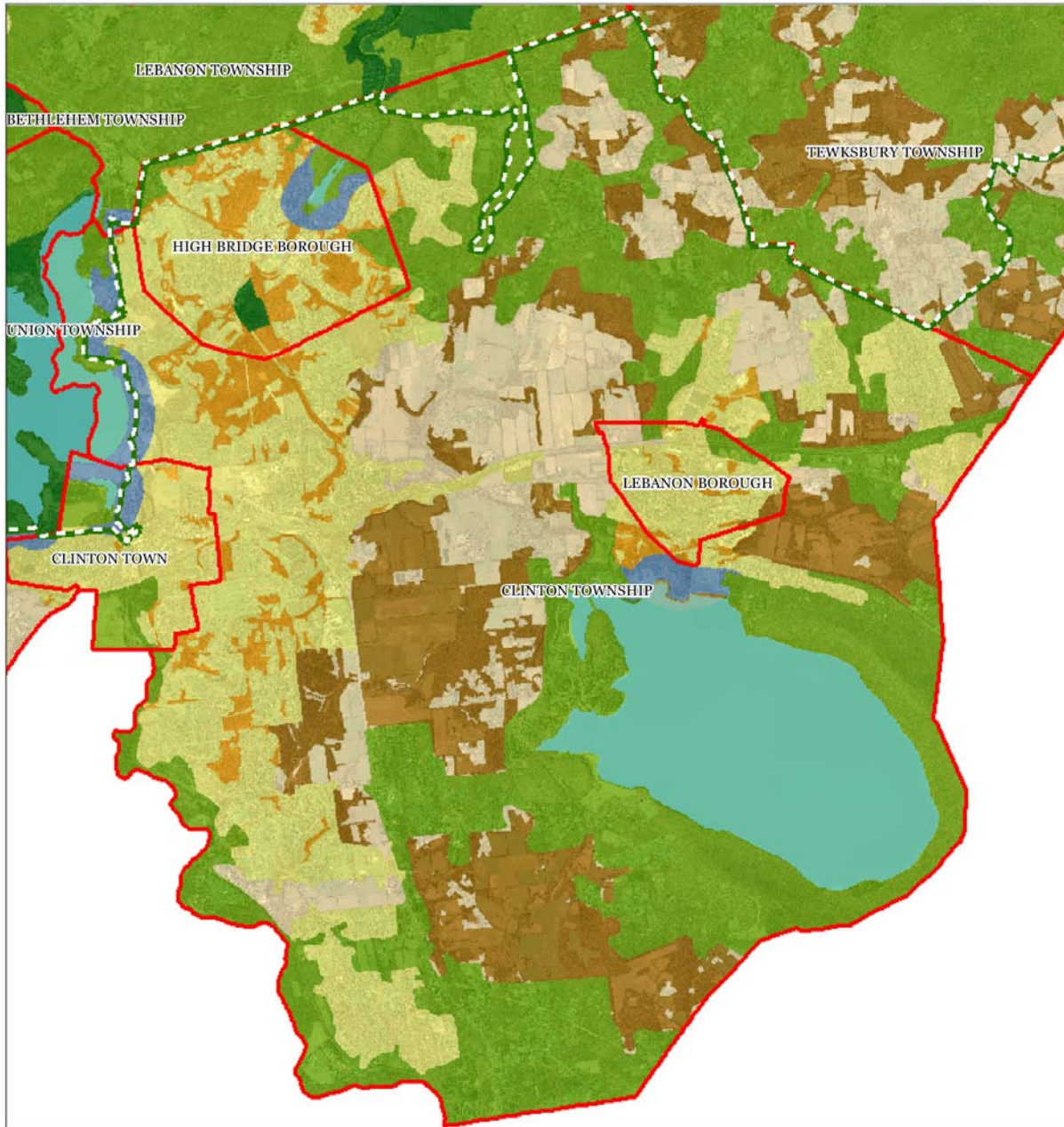


1 inch = 0.955 miles





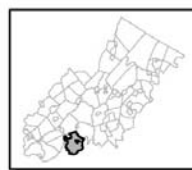
Figure 2. Land Use Capability Map Zones



Regional Master Plan Overlay Zone Designation

- |  |                             |
|--|-----------------------------|
| <b>Zone</b>                                    |                             |
| Protection                                     | Lakes Greater Than 10 acres |
| Conservation                                   | Preservation Area           |
| Existing Community                             | Municipal Boundaries        |
| <b>Sub-Zone</b>                                |                             |
| Existing Community Environmentally Constrained |                             |
| Conservation Environmentally Constrained       |                             |
| Lake Community                                 |                             |
| Wildlife Management                            |                             |

**CLINTON TOWNSHIP**

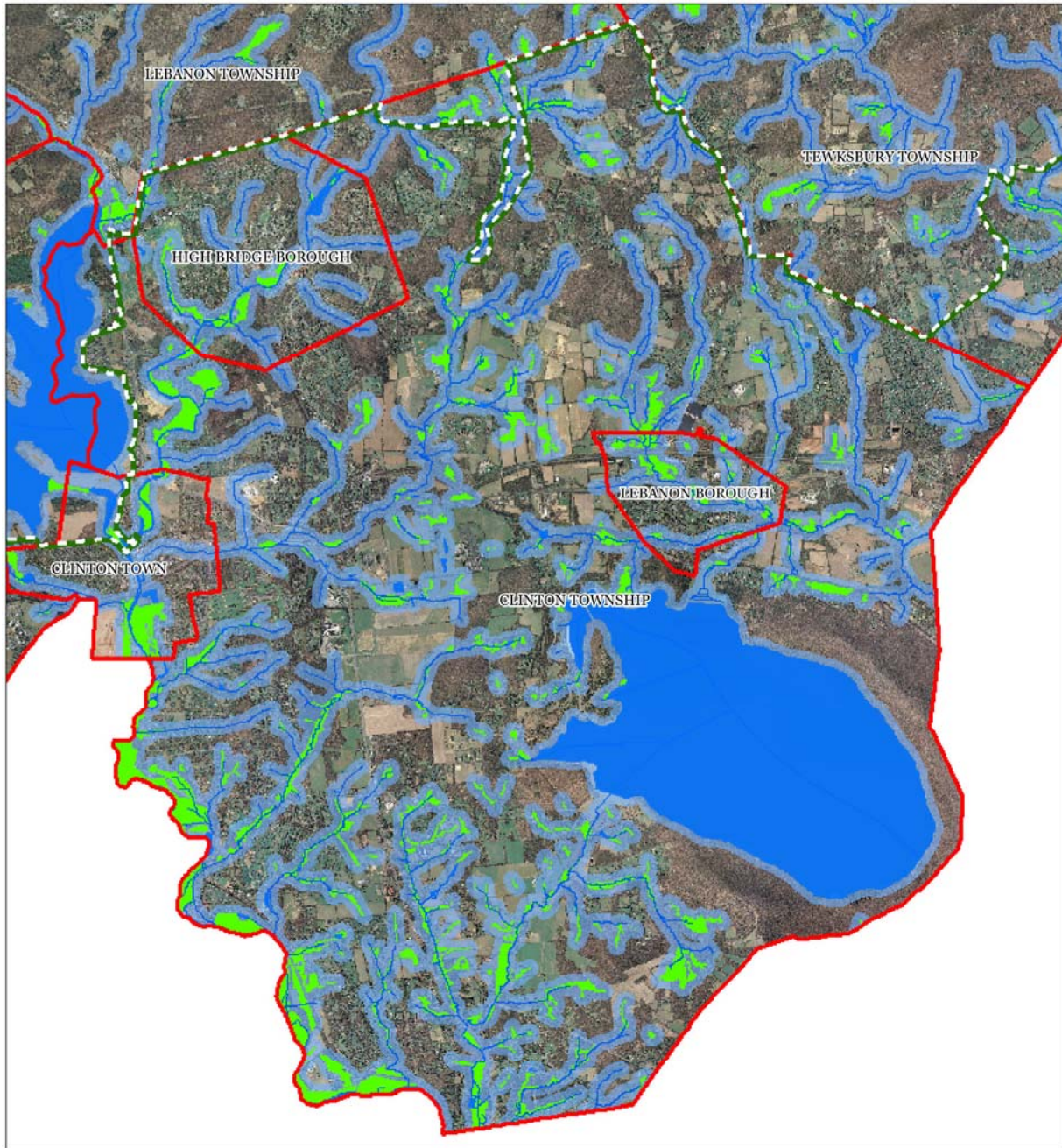


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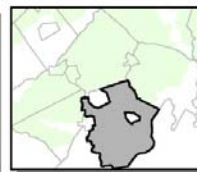


Figure 7. Highlands Open Waters



-  Highlands Open Water Buffers (300ft)
-  Streams
-  Wetlands
-  Lakes & Ponds
-  Preservation Area
-  Municipal Boundaries

**CLINTON TOWNSHIP**

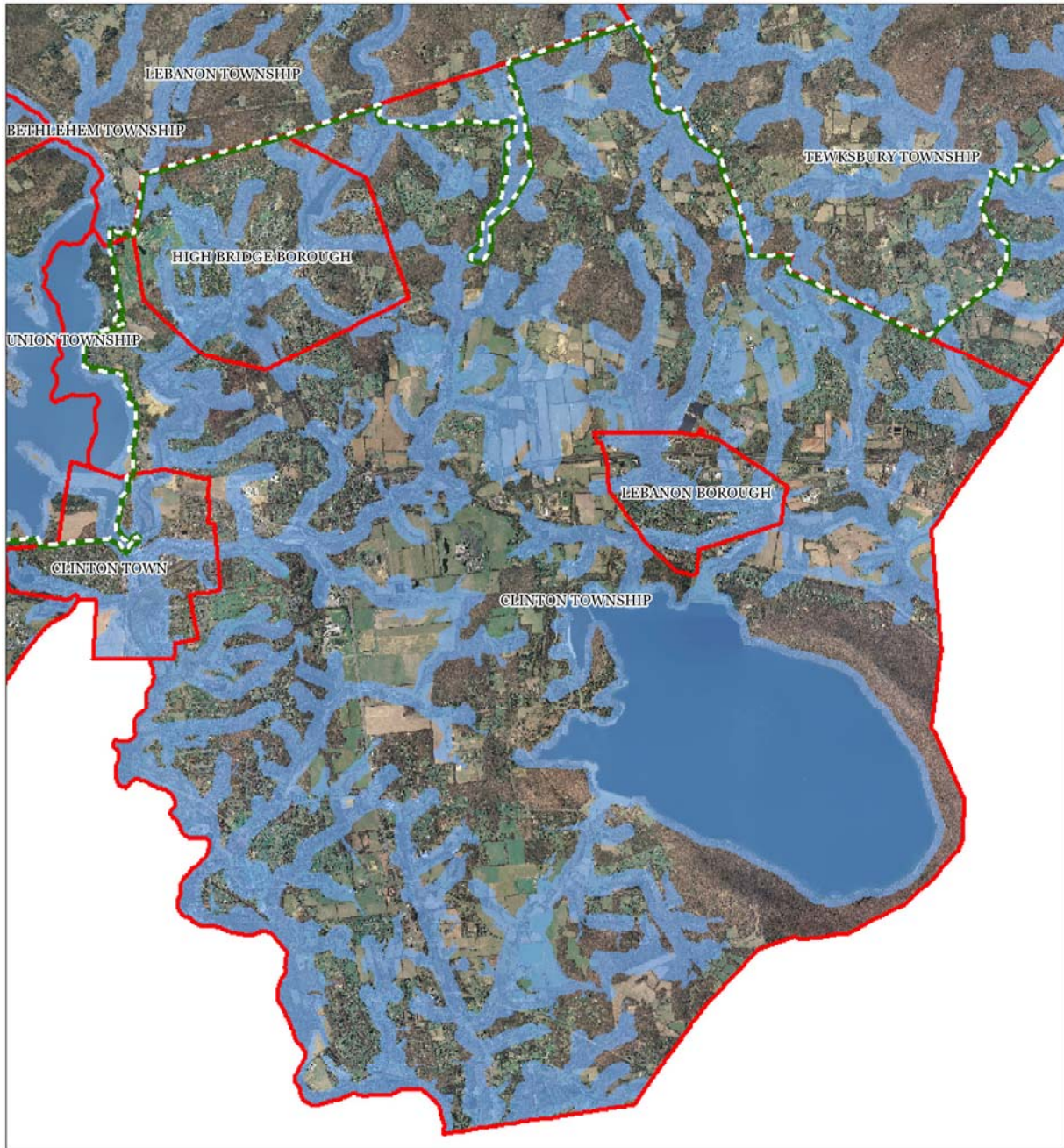





1 inch = 0.954 miles



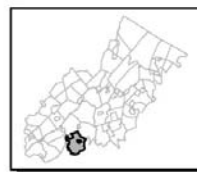


Figure 8. Highlands Riparian Areas



-  Riparian Area
-  Preservation Area
-  Municipal Boundaries

**CLINTON TOWNSHIP**

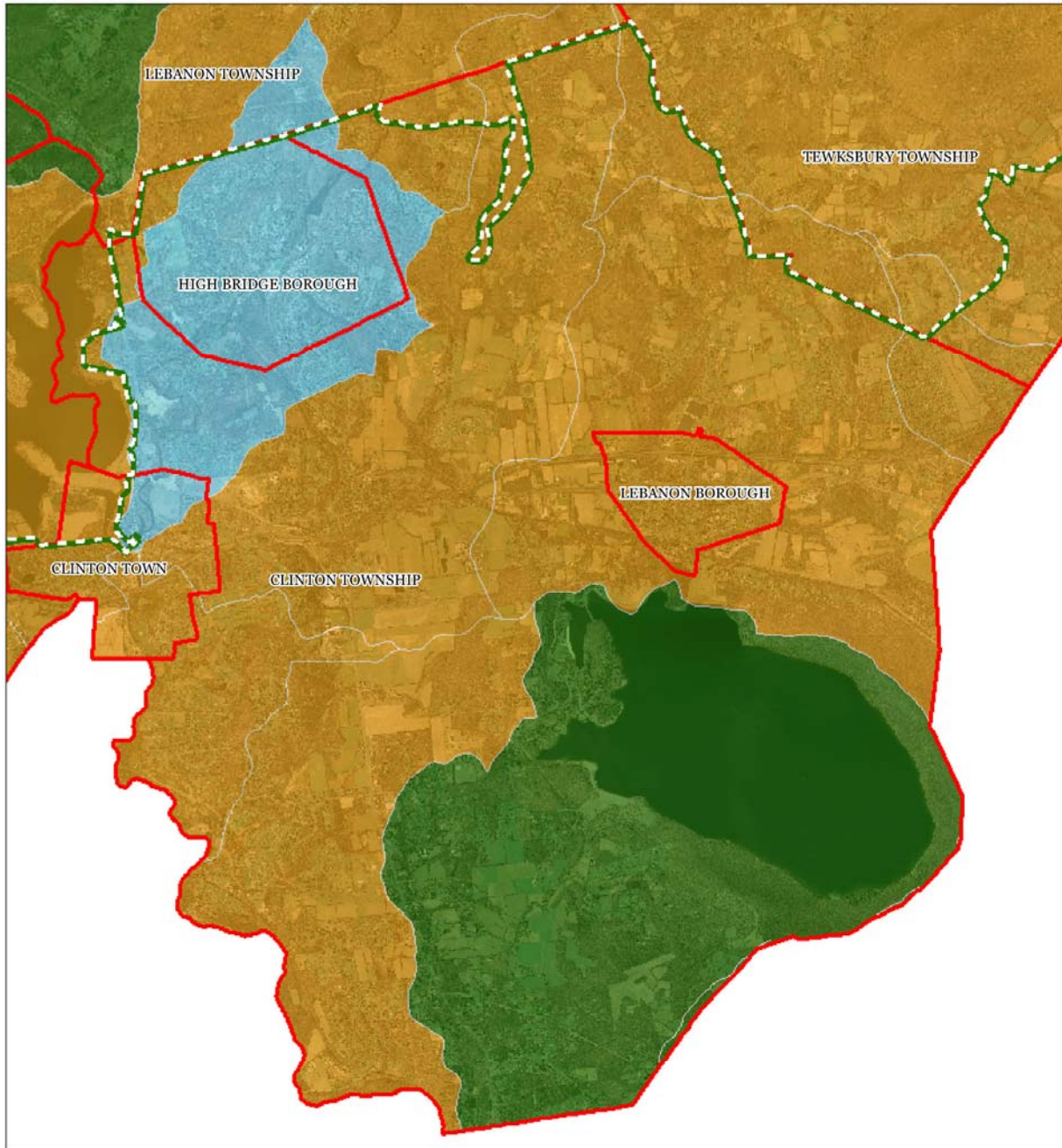


1 inch = 0.955 miles





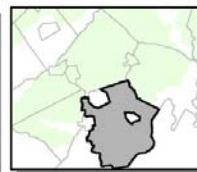
Figure 10. Riparian Integrity



Riparian Integrity by HUC14 Subwatershed

-  Low
-  Moderate
-  High
-  Preservation Area
-  Municipal Boundaries

CLINTON TOWNSHIP

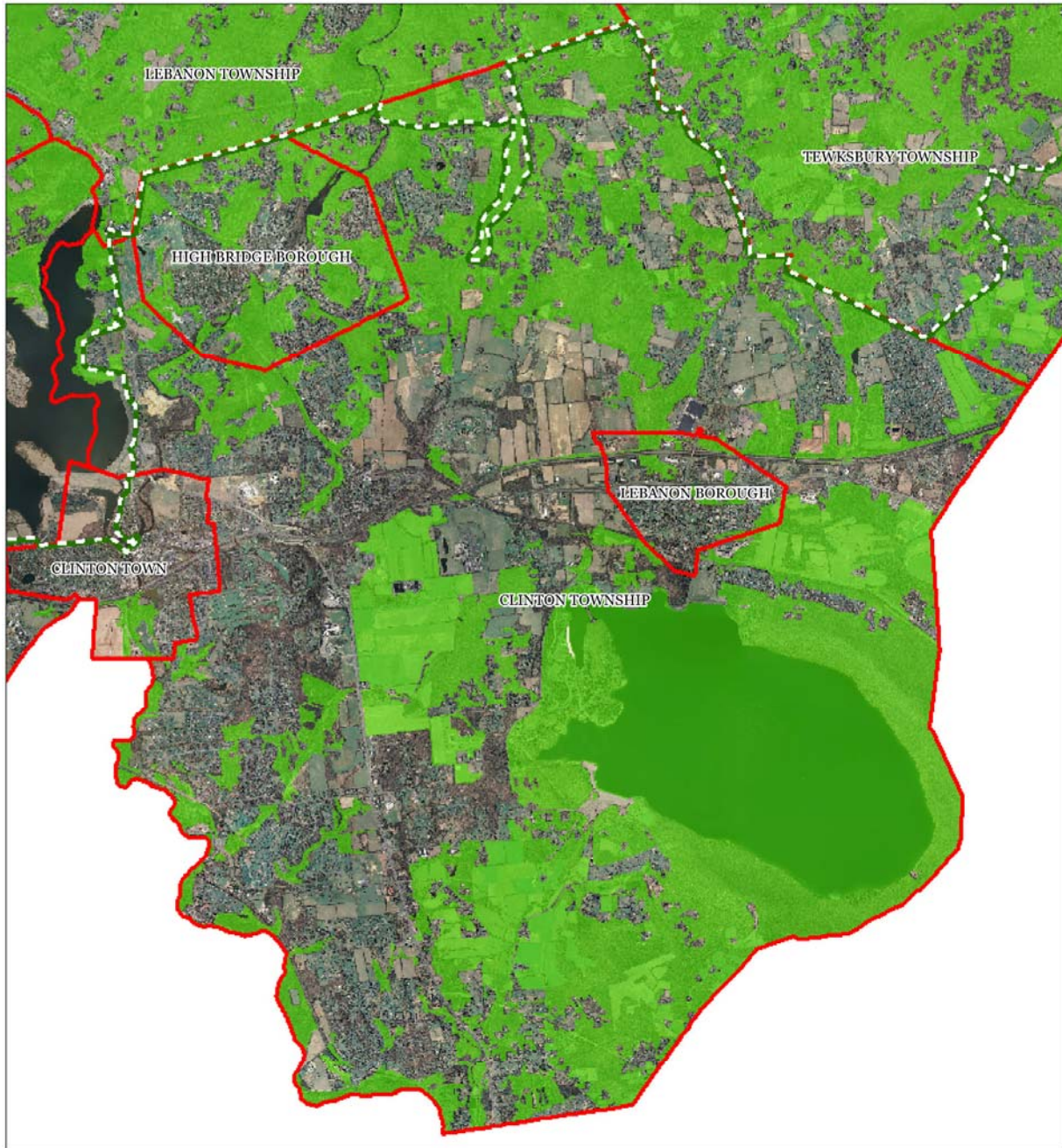





1 inch = 0.956 miles



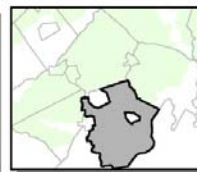
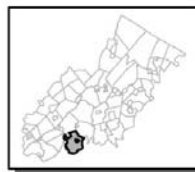


Figure 12. Critical Wildlife Habitat



-  Critical Wildlife Habitat
-  Preservation Area
-  Municipal Boundaries

**CLINTON TOWNSHIP**

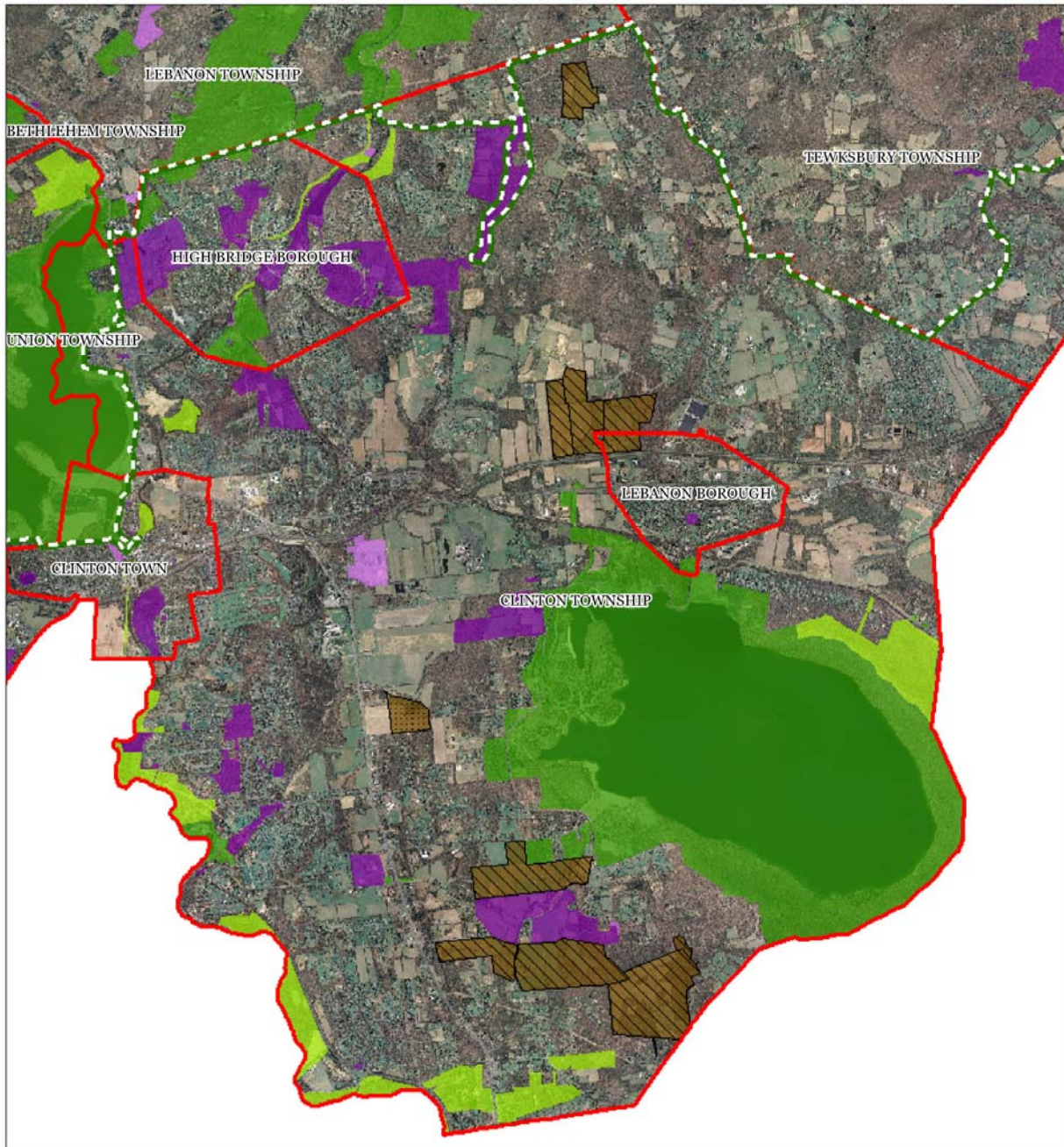


1 inch = 0.955 miles







Figure 15. Preserved Lands



Conservation Easements		Preserved Lands	
	Green Acres		Federal Open Space
	SADC Final		State Open Space
	SADC 8 Year		County Open Space
	SADC Preserved		Municipal Open Space
	Municipal Boundaries		Non-Profit/Private Open Space
	Preservation Area		Water Supply Watershed Lands
			Preserved Farmland

**CLINTON TOWNSHIP**

1 inch = 0.955 miles



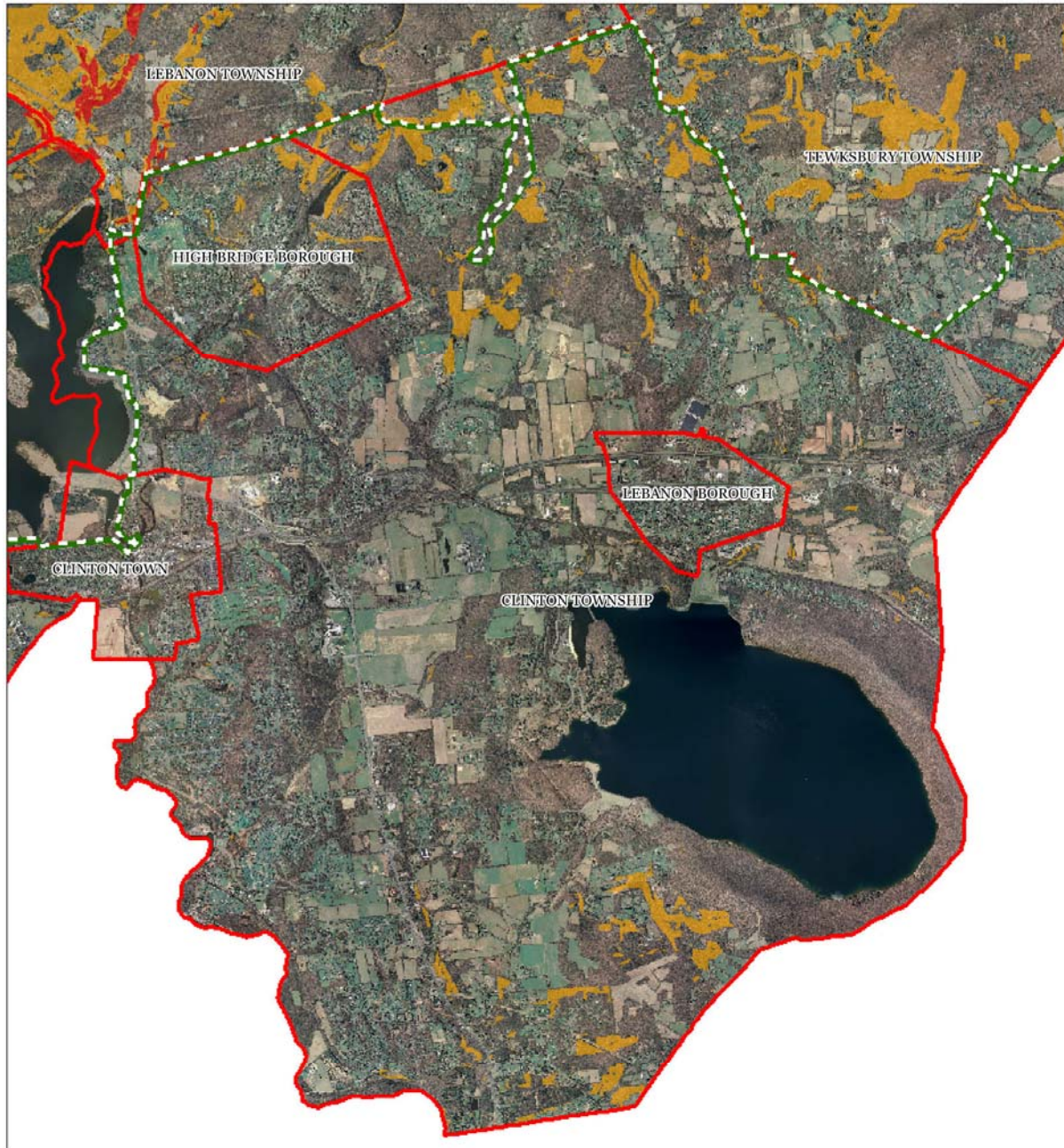





Figure 16. Highlands Conservation Priority Areas




Conservation Priority Area

 Moderate

 High

 Preservation Area

 Municipal Boundaries

**CLINTON TOWNSHIP**



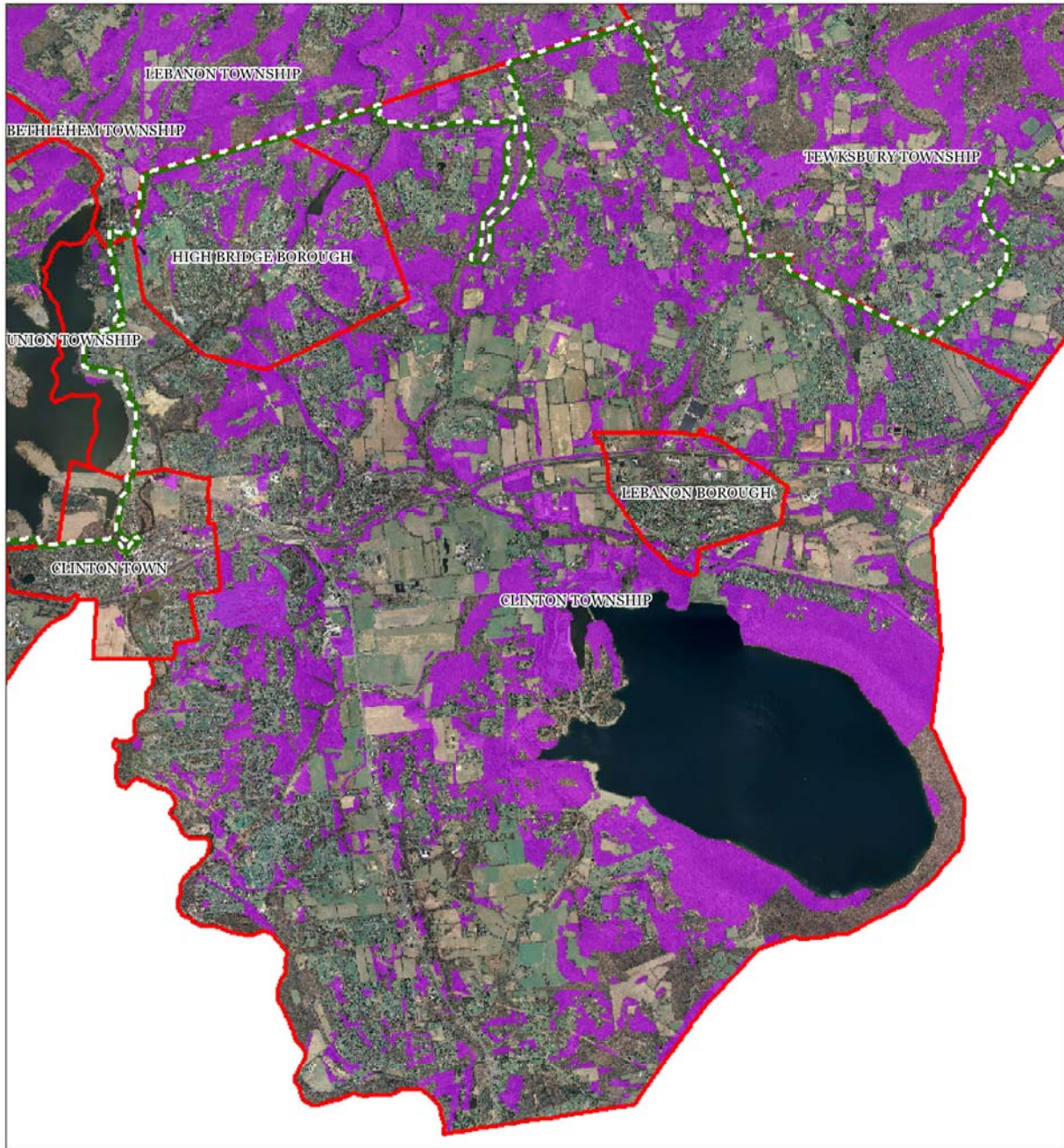
1 inch = 0.955 miles




  
Highlands Council  
New Jersey



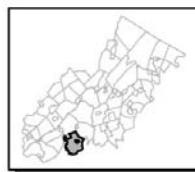


### Figure 21. Prime Ground Water Recharge Areas



-  Prime Ground Water Recharge Areas
-  Preservation Area
-  Municipal Boundaries

**CLINTON TOWNSHIP**






1 inch = 0.956 miles



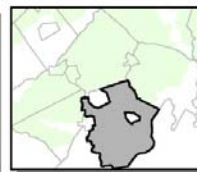
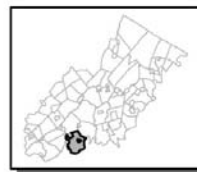


Figure 24. Agricultural Resource Area



-  Agricultural Resource Area
-  Preservation Area
-  Municipal Boundaries

**CLINTON TOWNSHIP**

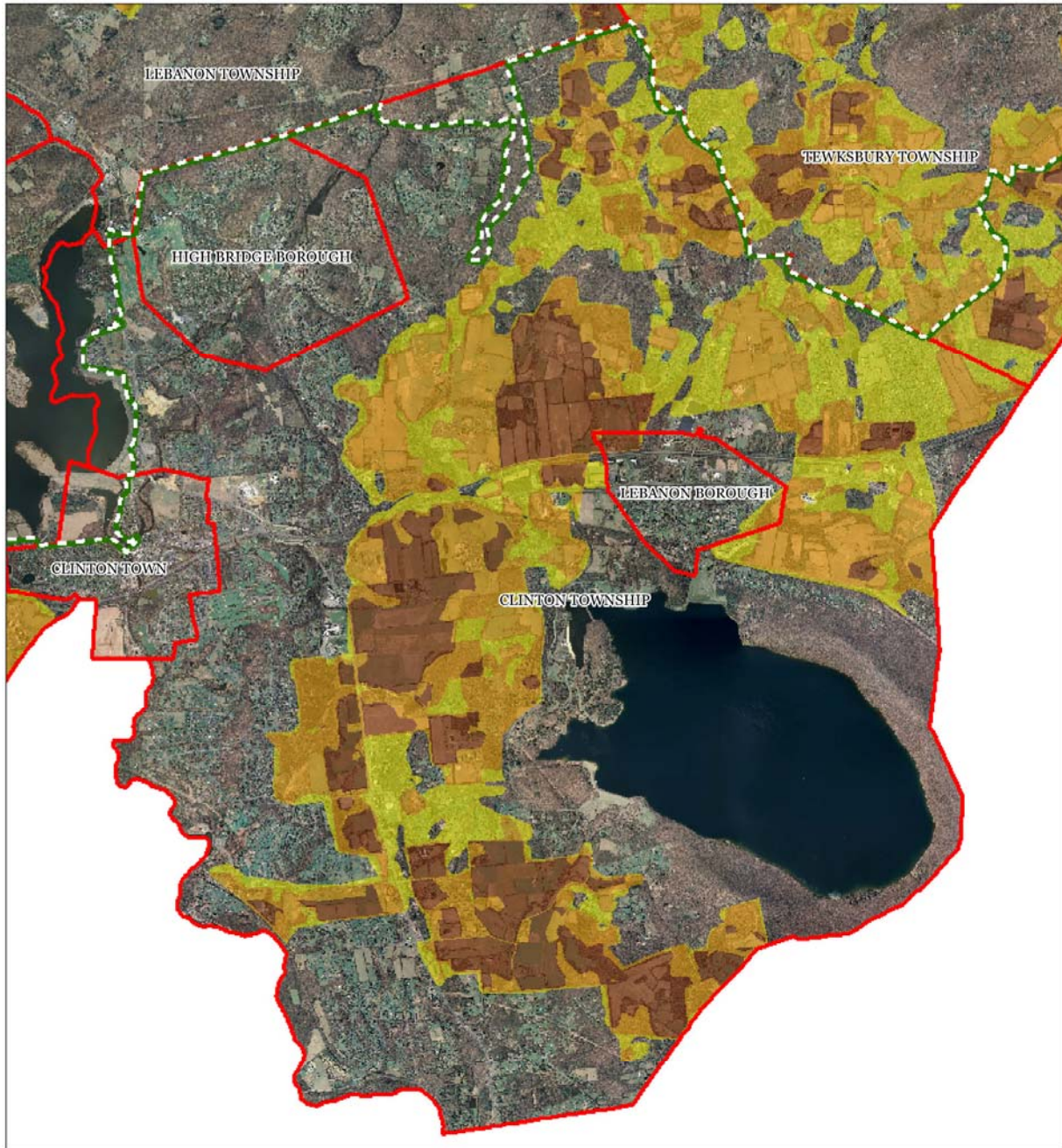







1 inch = 0.955 miles



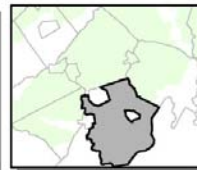


Figure 25. Highlands Agricultural Priority Area



- Agricultural Priority Area
-  Low
  -  Moderate
  -  High
  -  Preservation Area
  -  Municipal Boundaries

CLINTON TOWNSHIP



1 inch = 0.955 miles







Figure 26. Preserved Farms, SADC Easements, All Agricultural Uses



SADC Easements

-  SADC Final
-  SADC 8 Year
-  SADC Preserved
-  Preserved Farmland
-  Agriculture Uses

-  Preservation Area
-  Municipal Boundaries

CLINTON TOWNSHIP

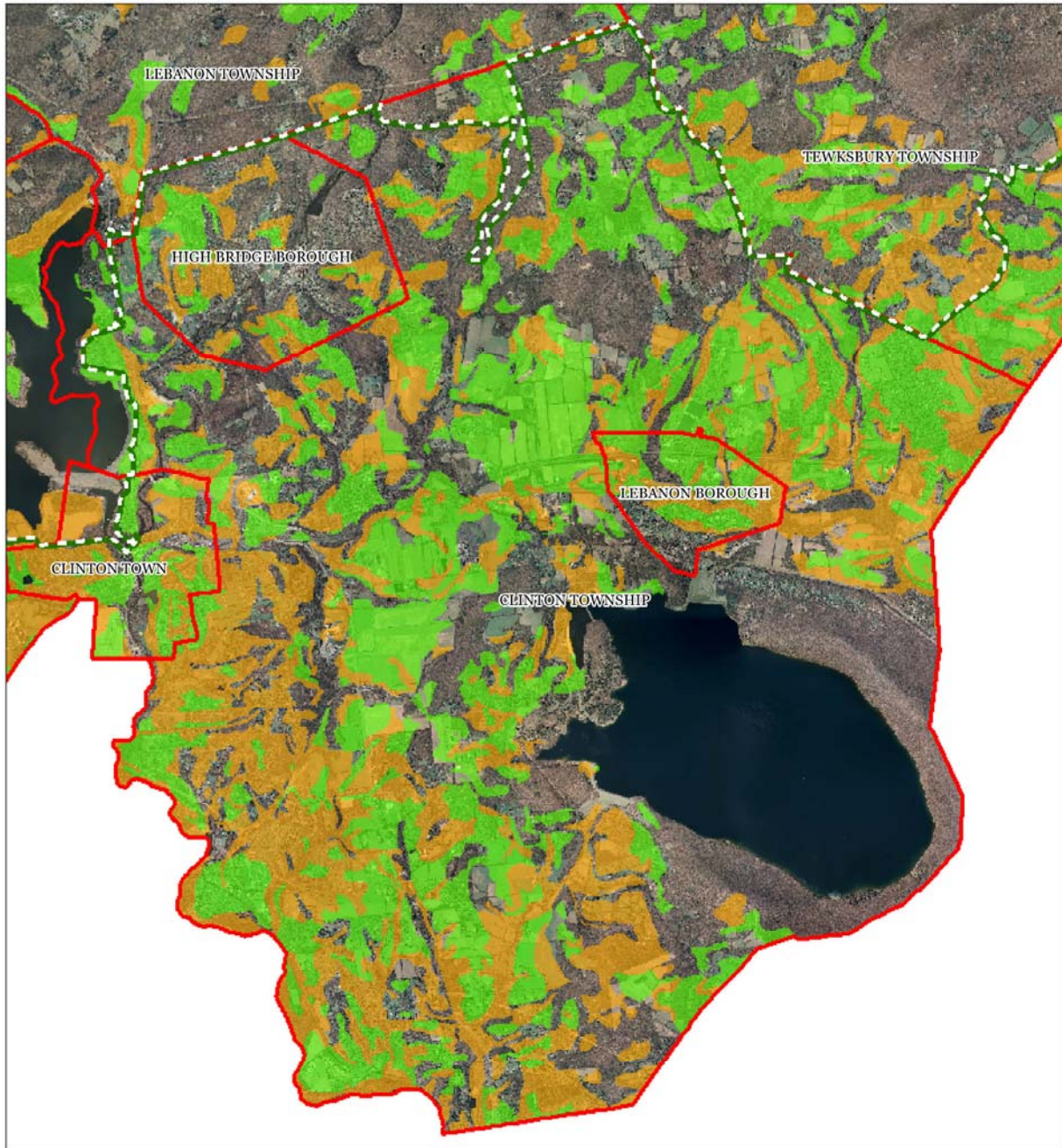


1 inch = 0.955 miles





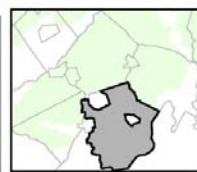
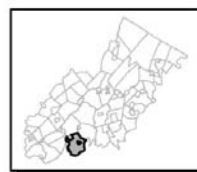
Figure 27. Important Farmland Soils



Important Farmland Soils

-  Prime Farmland
-  Farmland of Local Importance
-  Farmland of Statewide Importance
-  Farmland of Unique Importance
-  Preservation Area
-  Municipal Boundaries

CLINTON TOWNSHIP

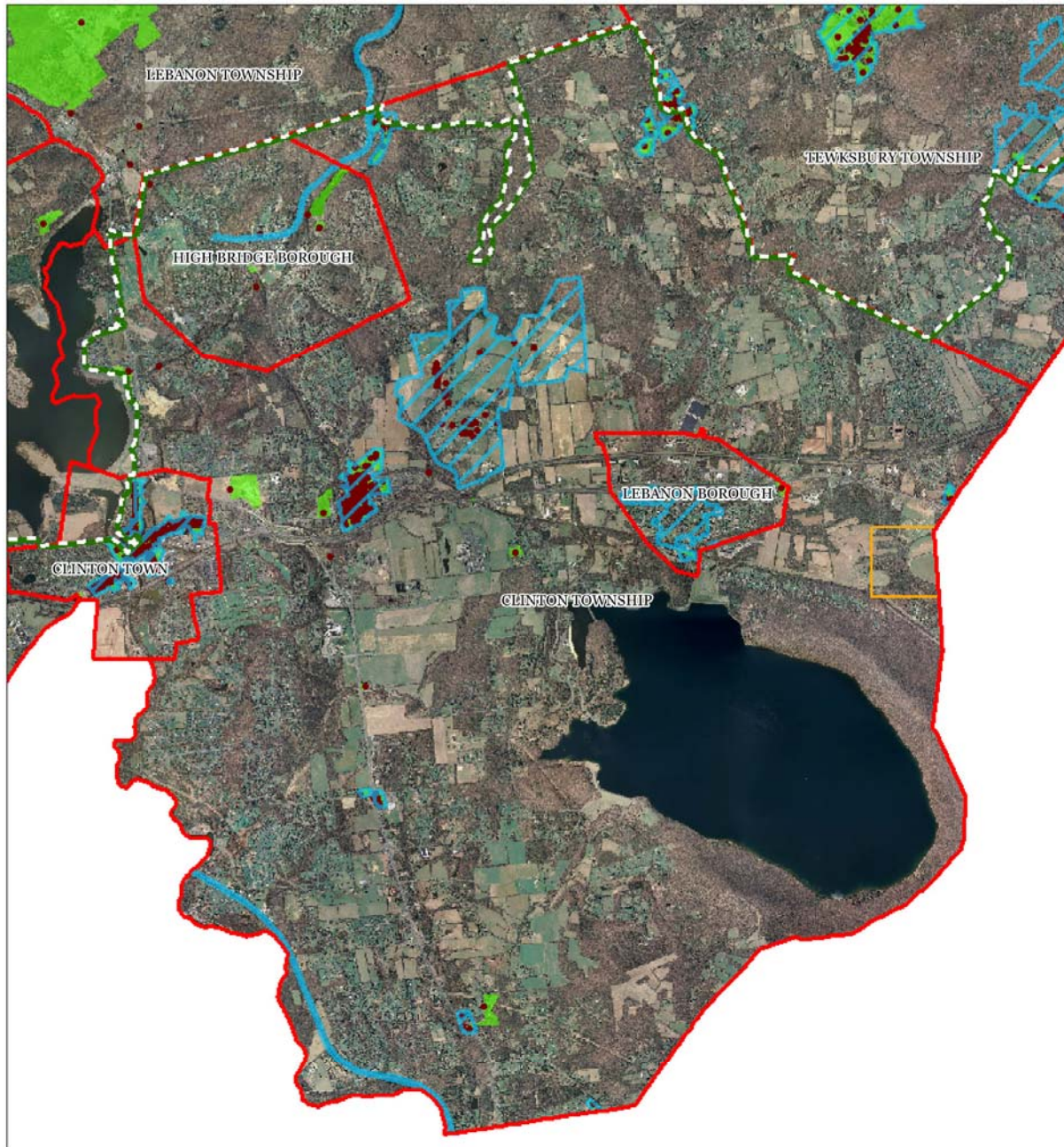


1 inch = 0.955 miles





Figure 28. Historic, Cultural, and Archeological Resources Inventory



-  Preservation Area
-  Municipal Boundaries
-  Archaeological Grids (1 sqmi)
-  NJ Historic Districts
-  Historic Property Points
-  Historic Property Polygons

CLINTON TOWNSHIP

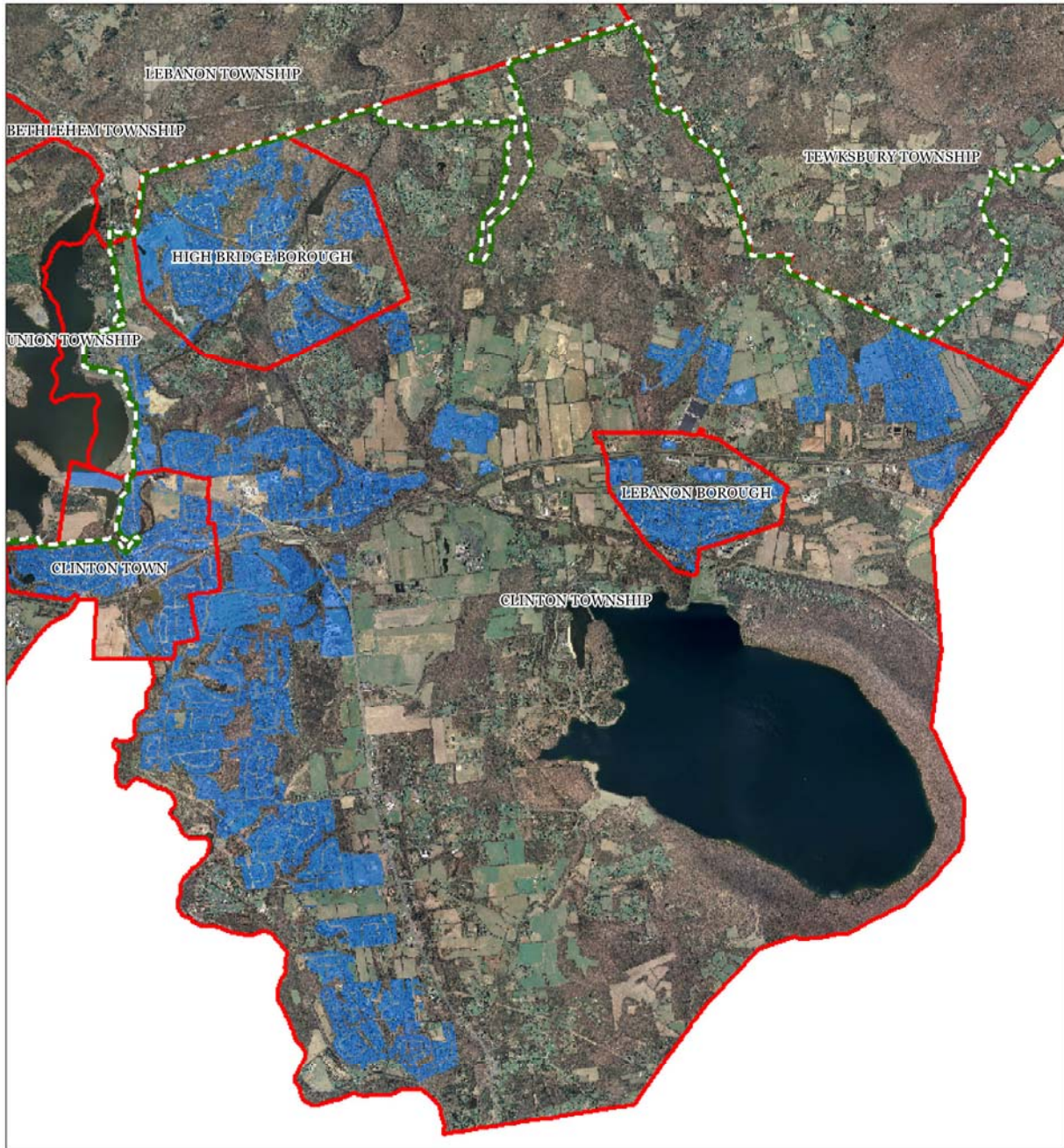


1 inch = 0.955 miles



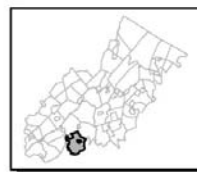


### Figure 31. Public Community Water Systems



- Public Community Water Systems
- Preservation Area
- Municipal Boundaries

**CLINTON TOWNSHIP**

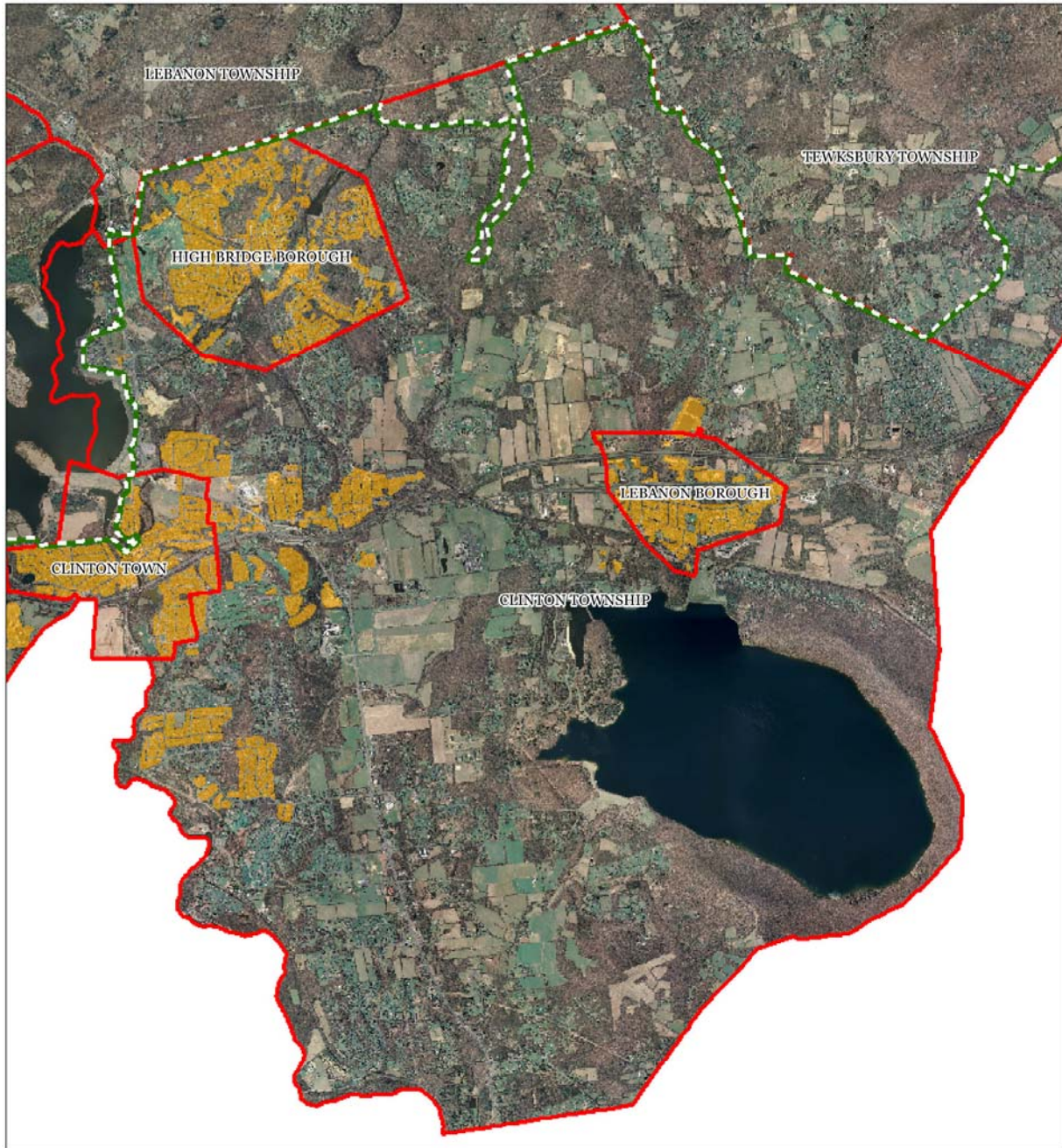


1 inch = 0.955 miles








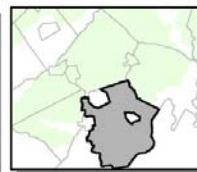
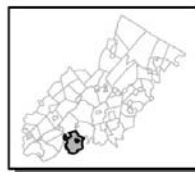
Figure 32. Highlands Domestic Sewerage Facilities



Highlands Domestic Sewerage Facilities

-  Existing Area Served
-  Preservation Area
-  Municipal Boundaries

CLINTON TOWNSHIP

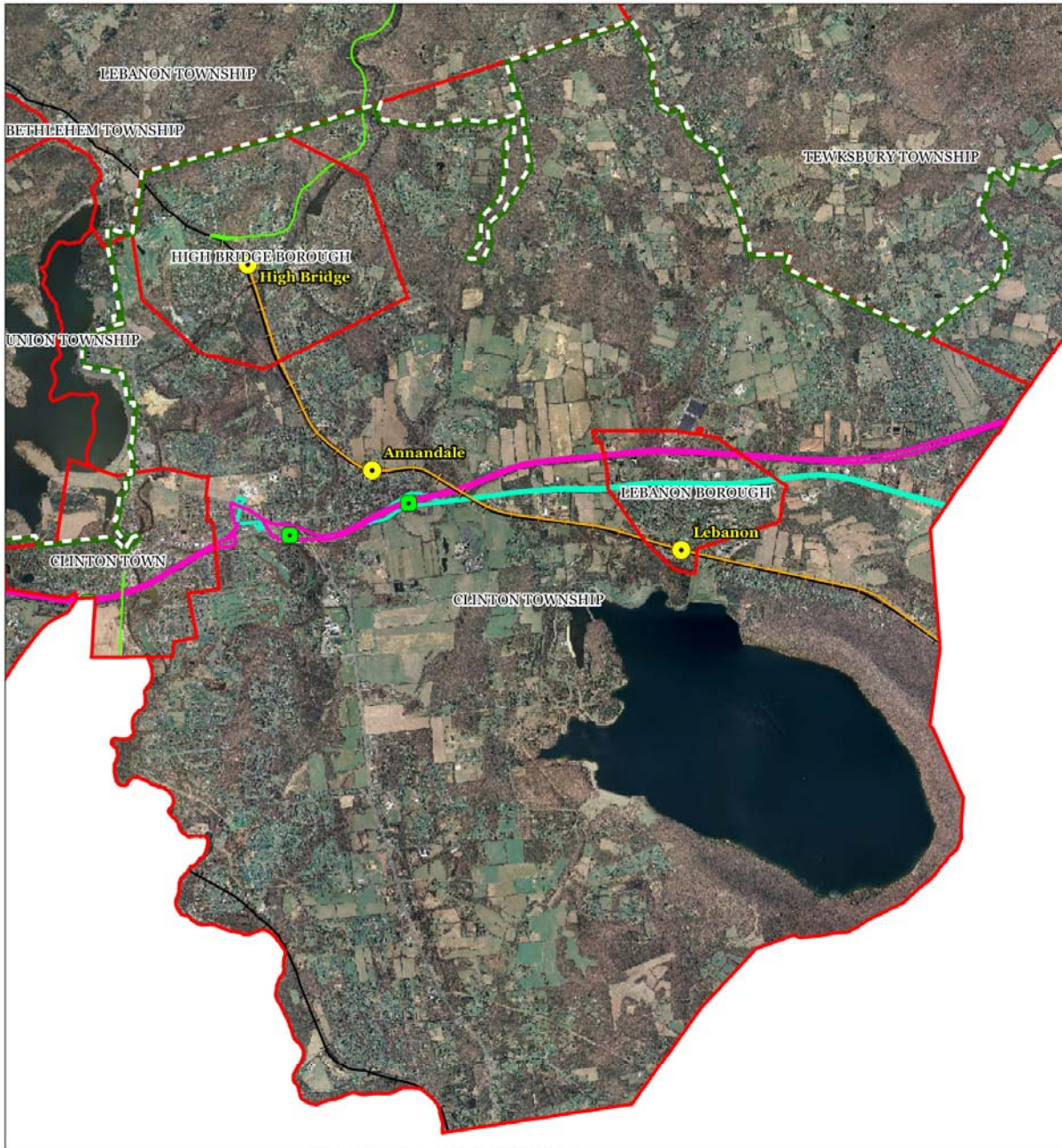


1 inch = 0.955 miles



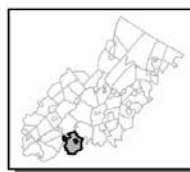


Figure 34. Highlands Transit Network



- Rail Network**
- Boonton Line
  - Main Line & Bergen County Line
  - Morris and Essex Line
  - Raritan Valley Line
  - Freight Rail Lines
  - Abandoned Freight Rail
- Rail Stations**
- Rail Stations
- Park and Ride Sites**
- Park and Ride Sites
- Private Bus Lines**
- Private Bus Lines
- NJ Transit Bus Lines**
- NJ Transit Bus Lines
- Airports**
- Airports

**CLINTON TOWNSHIP**



1 inch = 0.956 miles





A-4 Township of Clinton Development Fee Ordinance  
(adopted March 25, 1993; amended through September 12, 2012)



## § 165-155. Development fees.

[Added 3-25-1993 by Ord. No. 511-93; amended 10-27-1994 by Ord. No. 560-94; 12-12-2002 by Ord. No. 801-02; 6-14-2006 and 9-13-2006 by Ord. No. 908-06; 12-13-2006 by Ord. No. 918-06; 9-12-2012 by Ord. No. 1042-12]

### A. Purpose.

- 1) In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the "Act"), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- 2) Pursuant to P.L.2008, c.46 Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal Affordable Housing Trust Funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.
- 3) This section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L.2008, c.46, Sections 8 and 32 through 38. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

### B. Basic requirements.

- 1) This section shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- 2) The Township shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

### C. Definitions. The following terms, as used herein, shall have the following meanings:

#### **AFFORDABLE HOUSING DEVELOPMENT**

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent-affordable development.

#### **COAH or THE COUNCIL**

The New Jersey Council on Affordable Housing established under the Act that has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in the state.

## DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

## DEVELOPMENT FEE

Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

## EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (N.J.S.A. 54:1-35a through N.J.S.A. 54:1-35c).

## GREEN BUILDING STRATEGIES

Those strategies that minimize the impact of development on the environment and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

### D. Residential development fees.

#### 1) Imposed Fees

- a. Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.
- b. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of 1.5% of the equalized assessed value of the initial "by-right" number of units and 6.0% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
- c. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees shall equal 1.5% of the equalized assessed value on the first two units, and 6.0% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.



- 2) Eligible exactions, ineligible exactions and exemptions for residential development.
  - a. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
  - b. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
  - c. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use or is demolished and replaced, and not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- 3) Exemption. Owner-occupied residential structures demolished and replaced as a result of a fire, flood or natural disaster shall be exempt from paying a development fee.

E. Nonresidential development fees.

- 1) Imposed fees.
  - a. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
  - b. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
  - c. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.
- 2) Eligible exactions, ineligible exactions and exemptions for nonresidential development.
  - a. The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the two-and-one-half-percent development fee, unless otherwise exempted below.
  - b. The two-and-one-half-percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

- c. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as said statute may from time to time be amended, and as specified in Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption Form." Any exemption claimed by a developer shall be substantiated by that developer.
- d. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
- e. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner.

#### F. Collection Procedures

- 1) Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- 2) For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the developer as per the instructions provided in the Form N-RDF. The Township Tax Assessor shall verify any exemptions claimed and prepare estimated and final assessments in accordance with the instructions provided in Form N-RDF.
- 3) For all development:
  - a. The construction official responsible for the issuance of a building permit shall notify the Tax Assessor of the issuance of the first building permit for a development that is subject to a development fee.
  - b. Within 90 days of receipt of said notice, the Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
  - c. The construction official responsible for the issuance of a final certificate of occupancy shall notify the Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

- d. Within 10 business days of a request for the scheduling of a final inspection, the Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
  - e. Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- 4) Payment of development fees. Fifty percent of the estimated development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying any difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
  - 5) Appeal of development fees.
    - a. Residential. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
    - b. Nonresidential. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Township. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable Housing Trust Fund.

- 1) There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Township Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- 2) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - a. Payments in lieu of on-site construction of affordable units;

- b. Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
  - c. Rental income from municipally operated units;
  - d. Repayments from affordable housing program loans;
  - e. Recapture funds;
  - f. Proceeds from the sale of affordable units; and
  - g. Any other funds collected in connection with the Township's affordable housing program.
- 3) Within seven days from the opening of the trust fund account, the Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the Township, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
  - 4) All interest accrued in the Affordable Housing Trust Fund shall only be used on eligible affordable housing activities approved by COAH.

#### H. Use of funds.

- 1) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by COAH to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- 2) Funds shall not be expended to reimburse the Township for past housing activities.
- 3) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the Township's Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

- a. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
  - b. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the Township's Fair Share Plan to make them affordable to households earning 30% or less of median income.
  - c. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- 4) The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- 5) No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for Township employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.
- I. Monitoring. The Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township's affordable housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.
- J. Ongoing collection of fees. The Township's ability to impose, collect and expend development fees shall expire with its substantive certification unless the Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Township fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222 (N.J.S.A. 52:27D-320). The Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Township retroactively impose a development fee on such a development. The Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.



## A-5 Resolution of Intent to Bond





SAMPLE DRAFT RESOLUTION  
OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CLINTON  
SIGNIFYING AN INTENT TO BOND IN THE EVENT THAT THERE IS A SHORT FALL IN FUNDING RECEIVED  
FROM THE TOWNSHIP'S MANDATORY DEVELOPMENT FEE ORDINANCE

WHEREAS, the Township of Clinton submitted a Fair Housing Plan to COAH, which plan included within it provisions for municipally sponsored construction and rehabilitation of deficient housing units; and

WHEREAS, the Fair Housing Plan required compliance with various COAH restrictions, rules and regulations; and

WHEREAS, the Township acknowledges the COAH rules and regulations that provide that, although the utilization of a mandatory development fee ordinance is an appropriate mechanism to raise money for the purpose of offsetting the expenses incurred in connection with the Fair Housing Plan, that the mechanism must have an alternative in the event that no monies are derived from the mandatory development fee ordinance or the funds are not received in a timely fashion for the purpose of funding the cost generated by the municipally sponsored construction program or the rehabilitation program for related Fair Housing purposes.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Clinton that it does hereby establish its intent that in the event that the projected funding from the Township's mandatory development fee ordinance is insufficient to pay the proposed affordable housing mechanisms, it is the intention of the Township Council to adopt appropriate bond ordinances in order to accomplish the funding in an appropriate time frame.

I hereby certify the above to be a true copy of a resolution adopted by the Township of Clinton Council at a duly convened meeting held on \_\_\_\_\_.

\_\_\_\_\_

Township Clerk



## A-6 Draft Fair Share Ordinance



This section sets forth draft regulations regarding low and moderate income housing units in Clinton that are consistent with the provisions of N.J.A.C. 5:93 et. seq. as effective on June 6, 1994. These rules are pursuant to the Fair Housing Act of 1985 and Clinton's constitutional obligation to provide for its fair share of low and moderate income housing.

1. The township's new construction or inclusionary component will be divided equally between low and moderate income households as per N.J.A.C. 5:93-2.20.
2. Except for inclusionary developments constructed pursuant to low income tax credit regulations:
  - a. at least half of all units within inclusionary development will be affordable to low income households; and
  - b. at least half of all rental units will be affordable to low income households; and
  - c. at least one-third of all units in each bedroom distribution pursuant to N.J.A.C. 5:93-7.3 will be affordable to low income households.
3. Inclusionary developments that are not restricted to senior citizens will be structured in conjunction with realistic market demands so that:
  - a. the combination of efficiency and one bedroom units is at least 10 percent and no greater than 20 percent of the total low and moderate income units; and
  - b. at least 30 percent of all low and moderate income units are two bedroom units; and
  - c. at least 20 percent of all low and moderate income units are three bedroom units; and
  - d. low and moderate income units restricted to senior citizens may utilize a modified bedroom distribution. At a minimum, the number of bedrooms will equal the number of senior citizen low and moderate income units within the inclusionary development.
4. In conjunction with realistic market information, the following criteria will be used in determining maximum rents and sale prices:
  - a. efficiency units shall be affordable to one person households; and
  - b. one bedroom units shall be affordable to 1.5 person households; and
  - c. two bedroom units shall be affordable to three person households; and
  - d. three bedroom units shall be affordable to 4.5 person households; and
  - e. median income by household size shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD; and

- f. the maximum average rent and price of low and moderate income units within each inclusionary development will be affordable to households earning no more than 60 percent of median income; and
  - g. the maximum sales prices of low and moderate income units within each inclusionary development shall be affordable to households earning no more than 70 percent of median income; and
  - h. for both owner-occupied and rental units, the low and moderate income units will utilize the same heating source as market units within an inclusionary development; and
  - i. low income units will be reserved for households with a gross household income less than or equal to 50 percent of the median income approved by COAH; moderate income units will be reserved for households with a gross household income less than 80 percent of the median income approved by COAH as per N.J.A.C. 5:93-9.16; and
  - j. the regulations outlined in N.J.A.C. 5:93-9.15 and 9.16 will be applicable for purchased and rental units.
5. For rental units, developers and/or municipal sponsors may:
- a. establish one rent for a low income unit and one for a moderate income unit for each bedroom distribution; and
  - b. gross rents, including an allowance for utilities, will be established so as not to exceed 30 percent of the gross monthly income of the appropriate household size as per N.J.A.C. 5:93-7.4(a). The tenant-paid utility allowance will be consistent with the utility allowance approved by HUD for use in New Jersey.
6. For sale units:
- a. the initial price of a low and moderate income owner-occupied single family housing unit will be established so that after a down payment of five percent, the monthly principal, interest, homeowner's insurance, property taxes (based on the restricted value of the low and moderate income unit) and condominium or homeowner fee do not exceed 28 percent of the eligible gross monthly income; and
  - b. master deeds of inclusionary developments will regulate condominium or homeowner association fees or special assessments of low and moderate income purchasers at one-third of that paid by market purchasers. This one-third percentage is consistent with the requirement of N.J.A.C. 5:93-7.4(e). Once established within the master deed, the percentage will not be amended without prior approval from COAH; and
  - c. the township will follow the general provisions concerning uniform deed restriction liens and



enforcement through certificates of occupancy or reoccupancy on sale units as per N.J.A.C. 5:93-9.3; and

- d. the township will require a certificate of reoccupancy for any occupancy of a low or moderate income sales unit resulting from a resale as per N.J.A.C. 5:93-9.3(c); and
- e. municipal, state, non-profit and seller options regarding sale units will be consistent with N.J.A.C. 5:93-9.5 - 9.8. Municipal rejection of repayment options for sale units will be consistent with N.J.A.C. 5:93-9.9; and
- f. the continued application of options to create, rehabilitate or maintain low and moderate income sale units will be consistent with N.J.A.C. 5:93-9.10; and
- g. eligible capital improvements prior to the expiration of controls on sale units will be consistent with N.J.A.C. 5:93-9.11; and
- h. the regulations detailed in N.J.A.C. 5:93-9.12 - 9.14 will be applicable to low and moderate income units that are for sale units.

7. In zoning for inclusionary developments the following is required:

- a. low and moderate income units will be built in accordance with N.J.A.C. 5:93-5.6(d):

Minimum % of Low/Moderate Income Units Completed	% of Market Housing Units Completed
0	25
10	25 + 1 unit
50	50
75	75
100	100

- b. a design of inclusionary developments that integrates low and moderate income units with market units is encouraged as per N.J.A.C. 5:93-5.6(e).

8. A draft development fee ordinance is set forth in another section of this Plan.

9. To provide assurances that low and moderate income units are created with controls on affordability over time and that low and moderate income households occupy these units, the township will designate an administrative agency or municipal authority with the responsibility of ensuring that affordability of sales and rental units over time. The administrative agency or municipal authority will be responsible for those activities detailed in N.J.A.C. 5:93-9.1(a).

- a. in addition, the administrative or municipal authority will be responsible for utilizing the verification and certification procedures outlined in N.J.A.C. 5:93-9.1(b) in placing households

in low and moderate income units; and

- b. newly constructed low and moderate income sales units will remain affordable to low and moderate income households for at least 30 years. The administrative or municipal authority will require all conveyances of newly constructed units to contain the deed restriction and mortgage lien adopted by COAH and referred to as Appendix E as found in N.J.A.C. 5:93; and
- c. housing units created through the conversion of a non-residential structure will be considered a new housing unit and will be subject to 30 year controls on affordability. The administrative agency or municipal authority will require an appropriate deed restriction and mortgage lien subject to COAH's approval.

10. Regarding rehabilitated units:

- a. rehabilitated owner-occupied single family housing units that are improved to code standard will be subject to affordability controls for at least six years; and
- b. rehabilitated renter-occupied housing units that are improved to code standard will be subject to affordability controls for at least 10 years; and

11. Regarding rental units:

- a. newly constructed lower income rental units will remain affordable to low and moderate income households for at least 30 years. The administrative agency or municipal authority will require an appropriate deed restriction and mortgage lien subject to COAH's approval;
- b. affordability controls in accessory apartments will be for a period of at least 10 years, except if the apartment is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.13, then the controls on affordability will extend for 30 years; and
- c. alternative living arrangements will be controlled in a manner suitable to COAH, that provides assurance that such a facility will house low and moderate income households for at least 10 years except if the alternative living arrangement is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.13, then the controls on affordability will extend for 30 years.

12. Section 14(b) of the Fair Housing Act N.J.S.A. 52:27D-301 et. seq. incorporates the need to eliminate unnecessary cost generating features from the township's land use ordinances. Clinton will eliminate development standards that are not essential to protect the public welfare and to expedite or fast track municipal approvals/denials on inclusionary development applications. The township will adhere to the components of N.J.A.C. 5:93-10.1 - 10.3.

13. This ordinance will apply to all developments that contain low and moderate income units, as noted in the 2015 Clinton Township Housing Element and Fair Share Plan, and any future developments that may occur.

## A-7 Affirmative Marketing Ordinance



The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The plan will address the requirements of N.J.A.C. 5:93-11. In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, religion, handicap, age, familial status/size or national origin. The Township of Clinton is in the housing region consisting of Hunterdon, Middlesex, and Somerset Counties. The affirmative marketing program is a continuing program and will meet the following requirements:

1. All newspaper articles, announcements and requests for applications for low and moderate income units will appear in the following newspapers/publications: Hunterdon County Democrat and The Star-Ledger
2. The primary marketing will take the form of at least one press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an "as needed" basis.
3. The advertisement will include a description of the street address of units, direction to housing units, number of bedrooms per unit, range of prices/rents, size of units, income information, and location of applications including business hours and where/how applications may be obtained.
4. All newspaper articles, announcements and requests for applications for low and moderate income housing will appear in publications such as the weekly newspaper which circulates in the municipality, religious publications and organizational newsletters within the region. Regional radio and/or cable television station(s) will also be used.
5. The following is the location of applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program including specific employment centers within the region: Posting of notices in the Township Hall, the municipal library, on-site sales and rental offices, and delivery of notices to the municipal clerks of all municipalities in the region.
6. The following is a listing of community contact persons and/or organizations in the township that will both administer the program and will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region: Marvin Joss Township Administrator, County housing office, and various houses of worship.
7. Quarterly flyers and applications will be sent to each of the following agencies for publication in their journals and for circulation among their members: Board of Realtors in Hunterdon, Middlesex, and Somerset Counties.
8. Applications will be mailed to prospective applicants upon request.



9. Additionally, quarterly informational circulars and applications will be sent to the chief administrative employees of each of the following agencies in the counties within Clinton's housing region: welfare or social service board, rental assistance office (local office of DCA), Office on Aging, libraries, and housing agency or authority in each of the counties within the township's housing region.
10. A random selection method will be used to select occupants of the affordable housing units..
11. An experienced affordable housing administrator shall administer the affirmative marketing program. The person that will be appointed has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for reoccupancy of units as they become vacant during the period of affordability controls; to assist with advertising and outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:93-9.1.
12. Households who live or work in the COAH-established housing region may be given preference for sales and rental units constructed within that housing region. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced. The township intends to comply with N.J.A.C. 5:93-11.7.
13. All developers of low and moderate income housing units will be required to assist in the marketing of the affordable units in their respective developments.
14. The marketing program will commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program will continue until all low and moderate income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continues to be necessary.
15. The affordable housing administrator will comply with monitoring and reporting requirements as per N.J.A.C. 5:93-11.6 and 12.1.

## A-8 Draft Spending Plan



## Introduction

This draft Spending Plan is prepared pursuant to and in accordance with N.J.A.C. 5:93-5.1(c). It includes the following components:

1. A projection of development fee revenues based on known development approvals and historic rates of development activity.
2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues.
3. A description of the anticipated use of all development fees.
4. A schedule for the rehabilitation of housing units.
5. If the municipality envisions being responsible for public sector or non-profit construction of housing, a pro-forma statement of the anticipated costs and revenues associated with the developments (if applicable).
6. The manner in which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan (if applicable).

## Projection Of Revenues For Certification Period

The township has calculated projected Development Fee revenues for the substantive certification period based on the community's historic rate of development. During the past five year period the township has approved \_\_\_\_ square feet of non-residential floor space, and a total of \_\_\_\_ new single-family dwellings. The Township has collected approximately \$ \_\_\_\_ which is held in an affordable housing escrow account.

Based on an assumption that the rate of development that has been experienced over the past few years will continue, the analysis projects over the next ten years approximately \_\_\_\_ square feet of non-residential development would occur and another \_\_\_\_ dwellings would be constructed locally. This should translate into approximately \$\_\_\_\_ in development fees to supplement other efforts to fund the township's affordable housing program. All development fees collected and interest generated by the fees will be deposited in a separate interest-bearing account for the purposes of affordable housing.

## Administrative Mechanism To Collect And Distribute Funds

### 1. Collection Of Development Fee Revenues

The township shall utilize the following process with respect to the collection and distribution of Development Fee revenues:

- a. The planning board secretary shall notify the construction official whenever a preliminary or final approval is granted for a development which is subject to a development fee.
- b. When a request is made for a building permit, the construction official shall determine if the project is subject to the imposition of a mandatory development fee. If so, the construction code official shall obtain an approximate value of the completed project from the tax assessor who calculates the fee.
- c. The developer shall pay 50 percent of the estimated development fee to the township at the time the building permit is issued. These funds are then deposited in an interest-bearing affordable housing trust fund in a depository approved by the township.
- d. Upon the request of a certificate of occupancy by the developer, the construction code official shall notify the tax assessor, who shall then calculate the equalized assessed value of the project and sets the development fee. The balance of the development fee shall be paid by the developer upon issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at certificate of occupancy and the amount paid at the issuance of the building permit. The funds are to then be forwarded to the municipal treasurer and deposited in the affordable housing trust fund.

### 2. Distribution Of Development Fee Revenues

The township shall utilize the following procedure with respect to the distribution of Development Fee revenues:

- a. Requests for the prospective distribution of development fees shall be forwarded to the Business Administrator. The Business Administrator shall review the request for Development Fee revenues relative to the request's consistency with the spending plan, and thereafter forward it to the governing body for its approval.



- b. The use and release of the Development Fee funds shall require the adoption of a resolution by the governing body in accordance with the court-approved spending plan. Once a request for fees is approved, the municipal treasurer shall release the revenues from the trust fund for the specific use as per the governing body's resolution.

### Description of Anticipated Use Of Development Fees

The township shall utilize the following procedures to determine the prospective use of Development Fees:

1. The township shall dedicate no more than 20 percent of the development fees which are collected each year for administrative purposes, including the following: Legal and consultant fees to develop or implement the Township Housing Plan: including rehabilitation; creation of accessory apartments; new construction; Regional Contribution Agreements; affirmative marketing programs; income qualification; and COAH mediation.
2. The township shall devote at least 30 percent of the development fees collected each year to render units more affordable, as follows: affordability assistance such as down payment assistance, rental assistance, and related items as provided in N.J.A.C. 5:93-8.16(c).

### Unexpected Shortfall Of Funds

The township shall address the issue of any unexpected shortfall of funds in the following manner:

1. Pursuant to the housing element and fair share plan, the governing body of the township shall adopt a resolution agreeing to fund any shortfall of funds required for implementing the Housing Plan's accessory apartment and regional contribution agreement.
2. In the event that a shortfall of anticipated revenues occurs the township shall bond to fund any shortfall of funds.

### Summary


The Township of Clinton intends to spend development fee revenues pursuant to N.J.A.C. 5:93-8.15 and in conjunction with the housing program outlined in the housing element and fair share plan.



## A-9 Marookian Site Deed



PREPARED BY:

  
ROBERT R. KUGLER, ESQUIRE  
ARCHER & GREINER  
A PROFESSIONAL CORPORATION

**D E E D**

This Deed is made on February 29, 2012

**BETWEEN** ALLERTON LAND DEVELOPMENT CORP., a New Jersey corporation (a/k/a Allerton Land & Development Corporation and Allerton Land and Development Corporation), whose address is 12 Hillside Drive, Annandale, New Jersey 08801, referred to as the Grantor.

**AND** TOWNSHIP OF CLINTON, a municipal corporation of the State of New Jersey, whose address is 1225 Route 31 South, Suite 411, Lebanon, New Jersey 08833, referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

**Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of THREE MILLION SEVEN HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$3,775,000.00). The Grantor acknowledges receipt of this money.

**Tax Map Reference.** (N.J.S.A. 46:15-1.1) Municipality of Clinton Township, Block No. 82, Lot Nos. 4 and 4.03.

**Property.** The property consists of the land and all the buildings and structures on the land in the Township of Clinton, County of Hunterdon and State of New Jersey, commonly known as 1355/1375 Route 31. The legal description is:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT TO easements and restrictions of record.

BEING the same land and premises which became vested in Allerton Land Development Corporation, a corporation of the State of New Jersey, by Deed from Daniel C. McGuire, Inc., a Michigan Corporation, dated December 16, 1966, recorded on December 28, 1966, in the Office of the Clerk of Hunterdon County, in Deed Book 706, Page 270&c.

ALSO BEING the same land and premises which became vested in Allerton Land Development Corporation, a corporation of the State of New Jersey, by Deed from Rudolph Wishy and Mary Wishy, his wife, dated September 23, 1968, recorded on September 24, 1968, in the Office of the Clerk of Hunterdon County, in Deed Book 721, Page 657&c.

ALSO BEING the same land and premises which became vested in Allerton Land Development Corporation, a corporation of the State of New Jersey, by Deed from Rudolph Wishy and Mary Wishy, his wife, dated November 10, 1988, recorded on November 21, 1988, in the Office of the Clerk of Hunterdon County, in Deed Book 1017, Page 1022&c.

ALSO BEING the same land and premises which became vested in Allerton Land Development Corporation, a corporation of the State of New Jersey, by Subdivision Deed from Allerton Land Development Corporation, a corporation of the State of New Jersey, dated April





DEED DESCRIPTION

CLINTON TOWNSHIP OPEN SPACE ACQUISITIONS

LANDS OF ALLERTON LAND & DEVELOPMENT CORP.

February 14, 2012

CLINTON TOWNSHIP

BLOCK 82, LOTS 4 & 4.03

HUNTERDON COUNTY

1355/1375 ROUTE 31, ANNANDALE, NJ 08801

All that tract or parcel of land located at 1355/1375 Route 31, Annandale New Jersey in Clinton Township, Hunterdon County, New Jersey, bounded and described as follows:

Beginning at a mag nail set in the easterly right-of-way line of Cedar Grove Road, a variable width right-of-way, said nail being a corner to lands now or formerly of Ronald M. and Christine Bobal (Block 82, Lot 13), said nail being the termination of the 72<sup>nd</sup> course mentioned in book 857 of deeds on page 262, (said nail having New Jersey State Plane Coordinate System (NJSPCS NAD83) values of North 652,745.67 feet, East 383,954.64 feet); and running thence the following three courses along said Bobal,

1. By a curve to the left having a radius of 25.00 feet, an arc length of 43.50 feet, a central angle of 99 degrees 41 minutes 41 seconds and whose chord bears south 44 degrees 26 minutes 04 seconds east 38.22 feet to concrete monument #2 set (N652,718.38, E383,981.39); thence,
2. North 85 degrees 43 minutes 06 seconds east 291.66 feet to an iron pipe found; thence,
3. North 06 degrees 02 minutes 34 seconds west 156.31 feet to an iron pipe found in the line of lands now or formerly of Gordon T. Jr. and Judith L. Koehler (Block 82, Lot 9); thence,
4. At first along said Koehler, then along lands now or formerly of Michael C. and Carol L. Russoniello (Block 82, Lot 6), then along lands now or formerly of Michael Carr (Block 82, Lot 5), through an iron pipe found at 325.00 feet, north 83 degrees 57 minutes 26 seconds east 838.87 feet to an inaccessible point in a fallen tree, said point being the in the southerly right-of-way of Regional Road, a variable width right-of-way; thence the following two courses along said right-of-way,



5. South 59 degrees 48 minutes 11 seconds east 67.60 feet to iron pin #4 set; thence,
6. North 84 degrees 07 minutes 56 seconds east 150.42 feet to iron pin #5 set in line of lands now or formerly of John J. and Suzanne M. Shust (Block 82, Lot 4.02); thence,
7. Along said Shust, south 00 degrees 33 minutes 01 seconds east 271.01 feet to a point located north 39 degrees 41 minutes 10 seconds east 0.43 feet of a bent iron pipe found; thence,
8. At first along said Shust, then along lands now or formerly of James G. & Risa S. Rucando (Block 82, Lot 4.01) north 84 degrees 26 minutes 59 seconds east 301.14 feet to an iron pipe found; thence,
9. Along said Rucando, north 00 degrees 33 minutes 01 seconds west 271.03 feet to iron pin #6 set in the aforementioned southerly right-of-way line of Regional Road; thence,
10. Along said road, north 84 degrees 26 minutes 59 seconds east 445.23 feet to concrete monument #7 set (N653,037.47, E386,040.72) in the westerly right-of-way line of New Jersey State Highway Route 31; thence the following eight courses along said Route 31,
11. By a curve to left having a radius of 160.00 feet, an arc length of 98.94 feet, a central angle of 35 degrees 25 minutes 47 seconds and whose chord bears south 30 degrees 07 minutes 23 seconds west 97.37 feet to a point; thence,
12. By a curve to the left having a radius of 182.00 feet, an arc length of 316.84 feet, a central angle of 99 degrees 44 minutes 42 seconds and whose chord bears south 37 degrees 01 minutes 22 seconds east 278.32 feet to a point; thence,
13. By a curve to the left having a radius of 232.00 feet, an arc length of 163.44 feet, a central angle of 40 degrees 21 minutes 48 seconds and whose chord bears north 72 degrees 28 minutes 22 seconds east 160.08 feet to a point; thence,
14. By a curve to the left having a radius of 260.00 feet, an arc length of 80.32 feet, a central angle of 17 degrees 41 minutes 59 seconds and whose chord bears north 43 degrees 54 minutes 00 seconds east 80.00 feet to iron pin #8 set; thence,



15. By a curve to the right having a radius of 985.00 feet, an arc length of 61.61 feet, a central angle of 03 degrees 35 minutes 02 seconds and whose chord bears south 07 degrees 43 minutes 51 seconds east 61.60 feet to a point of tangency; thence,
16. South 05 degrees 56 minutes 49 seconds east 844.86 feet to a point of curvature; thence,
17. By a curve to the left having a radius of 15,057.00 feet, an arc length of 450.21 feet, a central angle of 01 degrees 42 minutes 47 seconds and whose chord bears south 06 degrees 48 minutes 13 seconds east 450.19 feet to a point of tangency; thence,
18. South 07 degrees 39 minutes 37 seconds east 1,116.65 feet to a point located south 83 degrees 27 minutes 30 seconds west 0.35 feet from an iron pin found, corner to lands now or formerly of PPI, The Hills LLC (Block 82, Lot 3.01); thence,
19. Along said PPI, The Hills LLC, south 83 degrees 27 minutes 30 seconds west 447.34 feet to an iron pin found, corner to lands now or formerly of Clinton 31 LLC (Block 82, Lot 3); thence,
20. At first along said Clinton 31 LLC, then along lands now or formerly of Robert Ronquist (Block 82, Lot 54), south 83 degrees 23 minutes 39 seconds west 1,851.69 feet to a point located north 71 degrees 20 minutes 07 seconds east 1.00 feet from an iron pipe found, corner to lands now or formerly of Peter C. and Leslie Innis Hackney (Block 82, Lot 39.10); thence,
21. At first along said Hackney, then along lands now or formerly of Kevin H. and Jeannie Z. Kane (Block 82, Lot 39.09), then along lands now or formerly of Amy J. Gilbert (Block 82, Lot 39.08), then along lands now or formerly of Ferdinand Scerbo (Block 82, Lot 39.07), then along lands now or formerly of Robert A. and Lisa Nicholais Miller (Block 82, Lot 39.06), then along lands now or formerly of Karen Steiner (Block 82, Lot 23), then along lands now or formerly of Gary W. and Nancy E. Buckley (Block 82, Lot 22), then along lands now or formerly of Frank R. Jr. and Helen K. Brown (Block 82, Lot 21), then along lands now or formerly of John V. and Vinette M. Klisch (Block 82, Lot 20), through an iron pin found at 546.29 feet north 06 degrees 44 minutes 14 seconds west 1615.94 feet to a point located south 61 degrees 02 minutes 29 seconds east 0.75



feet from an iron pipe found, corner to lands now or formerly of Patricio Varela (Block 82, Lot 17); thence,

22. Along said Varela, then along lands now or formerly of Elizabeth Ilona Pavleszek (Block 82, Lot 16), then along lands now or formerly of Terry A. and Marie L Macko (Block 82, Lot 15.01), then along lands now or formerly of Michael J. and Kirsten Scheirer McKay (Block 82, Lot 15), then along lands now or formerly of Wayne W. and Patricia A. Irvine (Block 82, Lot 14), through an iron pipe found at 160.23 feet, an iron pin found at 200.00 feet, and an iron pipe found at 360.08 feet, north 06 degrees 41 minutes 06 seconds west 960.00 feet to an iron pipe found; thence,

23. Along said Irvine, south 85 degrees 40 minutes 06 seconds west 133.87 feet to an iron pipe found in the easterly right-of-way line of the aforementioned Cedar Grove Road; thence,

24. Along said road, through an iron pipe found at 50.77 feet, north 05 degrees 24 minutes 06 seconds east 80.00 feet to the place of beginning.

Being part of the lands and premises conveyed to the grantor herein by deeds dated April 22, 1980 from Allerton Land & Development Corp to Allerton Land & Development Corp recorded at the Hunterdon County Clerk's Office in book 857 of deeds on page 258 & 262. Together with the any rights, title or interest in the road bed of Regional Road.

Subject to rights of others in and two Cramer's Brook as the same crosses the land.

Subject to rights of the State of New Jersey as set forth in deed book 375, page 147; deed book 376, page 574; deed book 1057, page 677; and deed book 1089, page 677.

Subject to a right of way grant for electric line to NJ Power & Light Co. recorded in deed book 561, page 56.

Subject to a receipt for right-of-way payment recorded in deed book 572, page 81.



All bearings being in accordance with New Jersey State Plane Coordinate System (NAD 83) and said tract containing a gross and net area of green acres encumbrance of 139.127 acres, more or less.

The above description was written pursuant to a survey of the property designated as Block 82, Lots 4 & 4.03 as shown on the municipal tax map of the Township of Clinton, County of Hunterdon, State of New Jersey. Said survey was prepared by Hatch Mott MacDonald, 53 Frontage Road, Suite 170, Hampton, New Jersey, 08827 and designated as drawing number 1826-G & 1827-G, dated February 14, 2012, and a reduced copy of which is following this description.

A handwritten signature in black ink that reads "Pam Mathews".

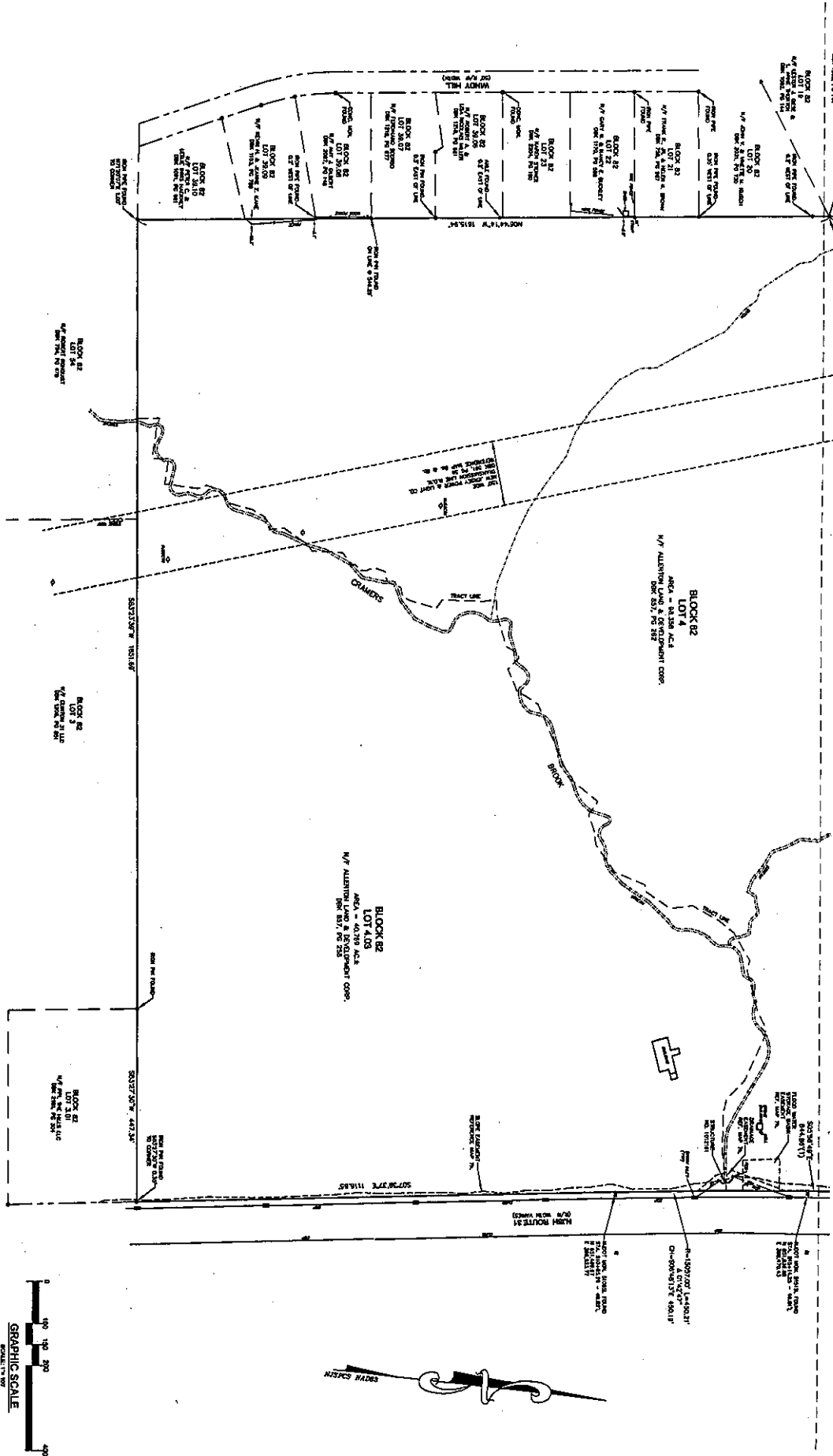
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Pamela Mathews, PE, LS  
NJ License #41181

Checked by: JDC



MATCHLINE - SHEET 1



<p>PROPERTY SURVEY FOR GREEN AGRIC'S PROGRAM DEPARTMENT OF ENVIRONMENTAL PROTECTION THE STATE OF NEW JERSEY</p> <p>CLINTON TOWNSHIP MONTICELLO COUNTY, NEW JERSEY</p> <p>TAX MAP SHEET 14 - BLOCK 82, LOTS 4 &amp; 403 - 1355/1375 ROUTE 31</p>	 <p><b>Hatch Mott MacDonald</b> Cert/Route No. 24623016800</p> <p>Pamela L. 33 Pennington Road, Suite 170 Monticello, New Jersey 08227 Tel: 908.720.6000 Fax: 908.720.6500</p>	<p><b>PAMELA L. MATHEWS</b> PROFESSIONAL ENGINEER AND LAND SURVEYOR NEW JERSEY LICENSE NO. 4161</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Designed</td> <td>Drawn</td> <td>Checked</td> <td>Approved</td> <td>Date</td> </tr> <tr> <td></td> <td>SLY</td> <td>SLY</td> <td></td> <td>2/14/12</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	Designed	Drawn	Checked	Approved	Date		SLY	SLY		2/14/12																					<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	Description	Date												
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No.	Description	Date																																														

22, 1980, recorded on May 19, 1980, in the Office of the Clerk of Hunterdon County, in Deed Book 857, Page 258&c.

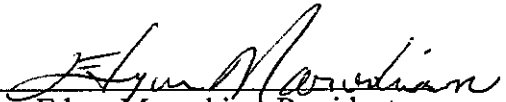
ALSO BEING the same land and premises which became vested in Allerton Land Development Corporation, a corporation of the State of New Jersey, by Subdivision Deed from Allerton Land Development Corporation, a corporation of the State of New Jersey, dated April 22, 1980, recorded on May 19, 1980, in the Office of the Clerk of Hunterdon County, in Deed Book 857, Page 262&c.

Allerton Land Development Corp. was incorrectly referred to as Allerton Land & Development Corporation and as Allerton Land and Development Corporation in prior Deeds.

**Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

**Signatures.** The Grantor signs this Deed as of the date at the top of the first page.

ALLERTON LAND DEVELOPMENT  
CORP., a New Jersey corporation

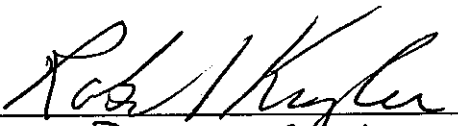
By:   
Edgar Marookian, President

STATE OF NEW JERSEY :

: s.s.

COUNTY OF HUNTERDON :

BE IT REMEMBERED that on this 29<sup>th</sup> day of February, 2012, before me, the undersigned witnessing authority, personally appeared Edgar Marookian, who is the President of Allerton Land Development Corp., a New Jersey corporation, who I am satisfied is the person who signed the within instrument, and he acknowledged that he signed and delivered the same as such officer aforesaid, and that the within instrument is the voluntary act and deed of such corporation, made by virtue of a Resolution of its Board of Directors, and the full and actual consideration paid or to be paid for the transfer of title is \$3,775,000.00. (Such consideration is defined in N.J.S.A. 46:15-5).

  
Print Name: ROBERT R. WALTERS  
Title: Attorney-at-law, State of N.J.  
Commission Expires: \_\_\_\_\_

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## DEED

ALLERTON LAND DEVELOPMENT CORP., a New Jersey corporation,

Grantor

TO

TOWNSHIP OF CLINTON, a municipal corporation of the State of New Jersey,

Grantee

---

*Record and Return to:*

Kevin A. Van Hise, Esq.  
**Mason, Griffin & Pierson, PC**  
101 Poor Farm Road  
Princeton, NJ 08540

7617259v1



A-10 Planning Board Resolution for Mews Site





**CLINTON TOWNSHIP PLANNING BOARD**

CLINTON BUILDING ASSOCIATES, LLC – THE MEWS AT CLINTON  
BLOCK 47, LOTS 3, 4 & 8

CASE NO. 9-2000

FINAL SITE PLAN AND SUBDIVISION APPROVAL

**RESOLUTION NO. 2001-8**

**WHEREAS**, Clinton Building Associates, LLC (the “applicant”) owns property designated on the Clinton Township tax map as Block 47, Lots 3, 4 & 8 (the “property”) and, its predecessor in title having previously obtained preliminary site plan and subdivision approval (the “preliminary approval”) for a 221 residential unit development (the “development”), has applied for final site plan and subdivision approval (the “application”);

**WHEREAS**, the Board has subject matter jurisdiction over the application by virtue of N.J.S.A. 40:55D-50a and 20;

**WHEREAS**, application was determined to be complete after the Board granted a waiver for purposes of completeness only from certain of the submission requirements set forth in completeness checklist no. 5, namely, that portion of item #28 that requires submission of a written water agreement with the Town of Clinton and a Treatment Works Approval permit from the NJDEP;

**WHEREAS**, the following documents were submitted with regard to the application, are on file with the Board, and are part of the record in this matter:

1. Application for final subdivision and site plan approval dated 06/19/2000,
2. Set of plans consisting of 6 sheets entitled "Final Plat for The Mews at Annandale" prepared by Richard S. Pelizzoni, P.E. & L.S. (of Brokaw FG) dated 01/15/99, last revised 09/27/2000 (the “final plats”),
3. Board Resolution No. 98-6 adopted on 02/17/98 granting preliminary site plan and subdivision approval (the “preliminary approval”) for the development,
4. Set of plans consisting of 2 sheets entitled "Intersection Improvement Plan (Beaver Avenue and Ease Street Intersection)" prepared by J. Staats Brokaw, P.E. (of Brokaw FG) dated 04/24/98, last revised 08/07/98 (the “intersection improvement plans”),
5. NJDEP Letter of Interpretation dated 03/26/97 determining that the wetlands and waters boundary lines as shown by the applicant are accurate,

6. NJDEP Permit dated 06/13/95 granting permission to construct two storm water discharges, fill a swale and isolated wetlands in five areas, and construct five roadway crossings of wetlands and/or open waters, all in connection with the development,

7. NJDEP Permit dated 04/05/99 granting permission to construct a culvert crossing Beaver Brook in connection with the development,

8. NJDEP General Permit No. NJ0099323 dated 05/12/98 authorizing stormwater discharge associated with construction activity,

9. Letter to J. Staats Brokaw, P.E. from the Hunterdon County Soil Conservation District dated 05/11/98 certifying the applicant's soil erosion and sediment control plan,

10. NJDOT letter to Brokaw FG dated 10/18/99 extending prior highway access/improvement permit no. S-78-C-4-98,

11. Letter to Alice Oldford from the Hunterdon County Planning Board dated 04/14/2000 conditionally approving the application for preliminary site plan approval and advising that once the improvements are construction, they shall be subject to inspection by the County Engineer,

12. Letter to Alice Oldford from the Hunterdon County Planning Board dated 04/14/2000 unconditionally approving the application for preliminary subdivision approval and advising of the items for which the applicant will be responsible at the time of final approval,

13. Letter to the Board from Robert C. Bogart, P.E., dated 11/07/2000, commenting on the final plats;

**WHEREAS**, a public hearing was held on the application on 11/14/2000, thereby conferring procedural jurisdiction over the application with the Board, during which hearing the applicant was represented by Walter N. Wilson, Esq.;

**WHEREAS**, the following individuals testified during the hearing, which testimony is part of the record in this matter:

1. J. Staats Brokaw, P.E. (applicant's engineering expert),
2. Steve Weinstein (applicant's representative),
3. Robert C. Bogart, P.E. (Board's engineering expert), and
4. Michael P. Bolan, P.P. (Board's planning expert);

**WHEREAS**, the following exhibits were entered into evidence during the hearing and are part of the record in this matter:

A-1 Town of Clinton Resolution No. 69-00 authorizing entry into a water agreement with the applicant, and

A-2 NJDEP permit no. 00-3927 granting permission to construct and operate a treatment works facility;

**WHEREAS**, the Board, after considering the application, documents, testimony and exhibits referenced above, and giving appropriate weight to same, makes the following factual findings:

**A. FACTUAL FINDINGS**

1. **The Property.** The property is a 43.0329 acre tract of land comprised of Lots 3 & 4 in Block 47, which is 38.8214 acres in size and located in the AH-2 affordable housing zone, and Lot 8 in Block 47, which is 4.2115 acres in size and is located in the R-5 residential zone. Lots 3 & 4 have frontage on the northern (westbound) side of Interstate Route 78. The NJ Transit railroad line bounds the rear of this portion of the property. Lot 8 has frontage on the eastern side of East Street, close to its intersection with Beaver Avenue. The eastern side of Lot 8 abuts the western side of Lot 3 and provides the only means of access to Lots 3 & 4. The Beaver Brook flows in an east-west direction more or less along the property's southerly boundary line until the brook turns north and bisects the eastern most portion of Lot 3. There are open waters, wetlands and wetland buffer areas on the property, primarily associated with the brook.

2. **The Preliminary Approval and Rescission of Condition #18.** The applicant's predecessor in title obtained preliminary site plan and subdivision approval for the development, which consists of the following residential housing units: (a) 20 units on ten two-family residential lots subdivided from Lot 8 in the R-5 zone; and 166 two bedroom multi-family "market" units and 35 affordable senior citizen rental only units (17 one bedroom units and 18 two bedroom units) in 19 buildings on Lot 3 in the AH-2 zone. The total number of residential housing units generated from the development is 221. Lot 4 almost entirely consists of open waters, wetlands and wetland buffer areas. The preliminary approval is subject to a number of conditions, one of which is condition #18, which provides: "The applicant prior to, or at the time of, final approval shall convey to the Township an easement along the northerly boundary of the property heading in a westerly direction toward the NJ Transit right of way at a point closest to the Annandale railroad station. The general location and format of the grant of such easement shall be finalized to the satisfaction of the Township Engineer and Board Attorney prior to the start of any construction on the project." The reason for and purpose of the easement was to provide pedestrian access to the development via the NJ Transit right of way. The applicant has not included the pedestrian easement on the final plats and orally applied to have the condition rescinded by reason of the fact that the topography of the land is not conducive to safe passage of pedestrians along the transit line and a representative of NJ Transit advised that NJ Transit regulations would prohibit the granting of any such easement. The Board finds that, under the circumstances, condition #18 should be rescinded.

3. **Final Site Plan and Subdivision Review.** With the rescission of condition #18 of the preliminary approval, and provided that the conditions set forth below are imposed and complied with, the Board finds that the application conforms to the standards established by ordinance for final approval, the conditions of

preliminary approval, and the standards prescribed by the "Map filing Law".

**WHEREAS**, the Board, based on the factual findings set forth above, and after considering the application, documents, testimony and exhibits referenced above, and having given appropriate weight to same, and based on its understanding of the law, makes the following conclusions:

**B. CONCLUSIONS**

1. **Final Site Plan and Subdivision Review.** N.J.S.A. 40:55D-50a governs the Board's consideration of the final site plan and final major subdivision application and provides that the Board "shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions of preliminary approval and, in the case of a major subdivision, the standards prescribed by the 'Map Filing Law'...." . The Board has found that, with the rescission of condition #18 of the preliminary approval, and provided that the conditions set forth below are imposed and complied with, the application and the development conform to all applicable ordinance standards and provisions. The Board thus concludes that final site plan and subdivision approval should be granted subject to the conditions set forth below.

2. **Authority to Impose Conditions.** Conditions may be imposed on a developmental approval where they are required in order for a board to find that the requirements necessary for approval of the application have been met. Boards have also been held to have inherent authority to impose conditions on approvals they grant. Further, boards have authority to impose conditions on fully conforming developments. Finally, municipal ordinances may provide a source of authority for a board to impose conditions upon a developmental approval. In this case, the Board concludes that the various conditions set forth below have been imposed on some and/or all of the above stated bases.

**NOW, THEREFORE, BE IT RESOLVED** by the Clinton Township Planning Board, by motion duly made and seconded on 11/14/2000, as follows:

**C. RELIEF GRANTED**

1. **Rescission of Condition #18 Contained in Resolution No. 98-6.** Condition #18 contained in preliminary approval Resolution No. 98-6 is hereby rescinded.

2. **Final Site Plan Approval.** Subject to the conditions set forth below (which includes revision of the final plats), final site plan approval is granted to the final plats.

3. **Final Major Subdivision Approval.** Subject to the conditions set forth below (which includes revision of the final plats), final major subdivision approval is granted to the final plats.

**D. CONDITIONS**

1. **Certain Conditions set forth in Preliminary Approval Remain in Full Force and Effect.** The following conditions set forth in preliminary approval Resolution No. 98-6 shall remain in full force and effect: #s 1 to 17; 19 & 21. Until and unless the applicant proves to the satisfaction of the Board Secretary that all conditions which are capable of satisfaction prior to the issuance of construction permits have been satisfied, the final plats shall not be signed by the Board Chairman and Secretary and no construction permits shall be issued for Lot 8. (The Township of Clinton has prepared an agreement with the applicant which permits the applicant to obtain building permits for the units on Lot 3 prior to the receipt of final approval once the Town of Clinton water agreement is signed.) Until and unless the applicant proves to the satisfaction of the Township Engineer that all conditions have been satisfied, no certificate of occupancy shall be issued for any units on the property.

2. **Town of Clinton Water Agreement.** Submission of a certified true copy of a fully executed Town of Clinton Water Agreement is a condition of final approval and until and unless said agreement is submitted to the Board Secretary the final plats shall not be signed by the Board Chairman and Secretary and no construction permits shall be issued for Lots 3 and 8.

3. **Unit Numbering System for Lot 3.** A numbering system for the units on Lot 3 shall be implemented and added to the final plats to the satisfaction of the Township Engineer prior to the signing of the final plats by the Board Chairman and Secretary, prior to the issuance of any construction permits for Lot 8, and prior to the issuance of a certificate of occupancy for any units on the property so that the sewer authority, construction department and Tax Assessor can refer to individual units within Lot 3.

4. **Final Plat Revisions.** Revisions to the final plats by drawings and/or notes shall be made to incorporate the following to the satisfaction of the Township Engineer: condition # 3 above and the "technical" and "plat details" comments contained in the letter to the Board from Robert C. Bogart, P.E. dated 11/07/2000 prior to signing the final plats by the Board Chairman and Secretary.

5. **Signed Final Plats and "As-Built" Plan.** Prior to issuance of certificates of occupancy for any units on the property, the Board Chairman and Secretary shall have signed the final plats. Prior to the issuance of a certificate of occupancy for any two-family dwelling, an "as-built" plan of the dwelling at issue shall be submitted to and found to be satisfactory to the Township Engineer. Prior to the issuance of a certificate of occupancy for a unit in a multi-family building or for a multi-family building, an "as-built" plan of the unit or building at issue shall be submitted to and found to be satisfactory to the Township Engineer.

6. **Site Improvements and Off-Property Improvements.** All site improvements and off-property improvements shall be completed in accordance with the Sequence of Construction attached to the Development Agreement between the applicant and the Township dated 09/20/2000 as Exhibit F. Road, Site and Utility work shall be



completed in accordance with the Development Agreement between the applicant and the Township dated 09/20/2000. The off-property improvements consist of physical work on East Street under the Township's and the NJDOT's jurisdiction and physical work on Beaver Avenue under the County's jurisdiction. All site improvements and off-property improvements shall be constructed in substantial conformity with that shown on the signed final plats and the intersection improvement plans as approved by the applicable approving agencies.

7. **Manager / Superintendent for Buildings and Housing Units on Lot 3.** A full-time on-site resident manager / superintendent (the "manager/super") shall occupy one or more of the units contained on Lot 3 so long as any of the market units are rental units. The manager / super shall occupy the unit(s) prior to the issuance of the 100<sup>th</sup> certificate of occupancy for the units on Lot 3. The manager / super shall, among such other duties as may be imposed by his/her employer, have on-site responsibility for regular and emergency maintenance of all buildings and housing units on the property. The designation of the manager / super shall not lessen the responsibility of the owner of the development for any legally required act or conduct respecting the buildings and/or units on the property. While the owner is not obligated to have an on-site resident manager / superintendent residing on site prior to the issuance of the 100<sup>th</sup> certificate of occupancy for the units on Lot 3, prior to the issuance of the 1<sup>st</sup> certificate of occupancy for the units on Lot 3 the owner shall designate at least one individual, who may reside off-site, to be responsible for regular and emergency maintenance of all buildings and housing units on the property.

8. **COAH Approved Rental Management Agency.** No senior restricted affordable unit on Lot 3 in the development shall be rented or leased except through a COAH approved rental management agency approved by and contracted with by the Township of Clinton.

9. **Transfer of Jurisdiction of Emergency Access Road.** The applicant and the Township shall enter into a written agreement for the transfer of jurisdiction of the maintenance of the emergency access road (the "road") behind Miller's Tavern from the Township to the applicant. The road shall continue to be owned by the State of New Jersey. This transfer of jurisdiction shall in no way impede any access rights that Miller's Tavern's may have to the road. As part of the agreement, the applicant shall be responsible to maintain the road with the Township having the right, but not the obligation, to maintain it in the event the applicant fails to maintain it. The agreement shall also provide that, in the event the Township steps in to maintain the road, the Township shall have the right to lien Lot 3, Block 47 to obtain reimbursement of all costs, including attorneys fees, involved in the maintenance of the road.

10. **Conveyances, Easements or Dedications.** Any and all conveyances, easements and/or dedications which are proposed on the final plat and/or required as a condition of the within resolution shall, in addition to being identified on the final plats, be contained in a separate document to be prepared by the applicant and approved by both the Board Attorney and the Township Attorney, after review and approval of the metes and bounds legal descriptions by the Township Engineer. Said document(s) shall specifically outline the grant of the conveyance, easement and/or



dedication and its purpose and shall contain a metes and bounds description of the conveyance, easement and/or dedication area. Any such document running in favor of the Township shall then be recorded and, upon completion of the recording process, be transmitted to the Township Clerk for maintenance with other title documents of the Township.

11. **Escrow Fees.** By 12 noon on 03/16/2001, the applicant shall make an escrow deposit of \$2,500. Unless contrary to any of the express terms of the Development Agreement between the applicant and the Township dated 09/20/2000 and/or N.J.S.A. 40:55D-53.2 et seq., any and all deficiencies in the escrow fund related to the application shall be replenished within 30 days of the adoption of the within resolution, again prior to signing the final plats, again prior to the issuance of each and every construction permit, and again prior to the issuance of a each and every certificate of occupancy. If at any time thereafter the applicant is required to maintain an escrow account for any purpose with the Township of Clinton relating to the application, such escrow account shall be funded and maintained in accordance with N.J.S.A. 40:55D-53.2 et seq., except that any and all inspection fees shall be paid in accordance with the terms of the Development Agreement between the applicant and the Township dated 09/20/2000 and an escrow account maintained with the Township of Clinton in accordance with the terms and provisions of N.J.S.A. 40:55D-53(h).

12. **Signing of Final Plat.** The Board Chairman and Secretary shall not sign the final plats until and unless condition #s 1 to 4 and 9 to 11 above have been satisfied. Any dispute(s) concerning the satisfaction of any conditions related to the revisions of the final plats may be brought to the Board by written letter application by the applicant for Board resolution of the dispute(s) without the necessity for public notice but on written notice to the Township Engineer.

13. **Time within which to Revise and Obtain Signed Final Plats.** The applicant shall have six (6) months from the date of the adoption of the within resolution to satisfy all conditions set forth herein relating to revision of the final plats and obtaining signatures on the final plats. If the within condition is not satisfied within said time period, and no extension is obtained, the within approvals may be declared null and void by the Board upon notice to the applicant and opportunity to be heard.

14. **Zoning and Construction Permits.** No zoning and/or construction permits for any of the units on Lot 3 shall be issued until and unless condition #2 above has been satisfied. No zoning and/or construction permits for any of the units on Lot 8 shall be issued until and unless the following conditions from above have been satisfied: #s 1 to 3 and 9 to 12. Notwithstanding anything to the contrary, however, the applicant shall be entitled to obtain foundation permits for whole buildings, not individual units, for all non-fee residential units in accordance with the Agreement between the applicant and the Township dated 09/29/2000.

15. **Pre-construction Conference and Cost Estimates.** Pre-construction conference(s) with the Township Engineer, the applicant, the applicant's contractor, and the Hunterdon County Soil Conservation District shall be held prior to commencement of construction of on-site improvements, off-property improvements and

each residential building. Prior to any such conference, the following must be accomplished:

- a. The applicant shall submit to the Township Engineer cost estimates for the improvements for the purpose of aiding the Township Engineer in establishing the inspection fees and performance guarantee amounts;
- b. All required inspection escrow shall be in place;
- c. All required performance guarantees shall be in place; and
- d. The applicant and the Township shall have entered into a Developer's Agreement.

16. **Certificates of Occupancy.** No certificate of occupancy for any of the units on the property shall be issued until and unless the following above conditions have been satisfied: #’s 1 (must be completely satisfied, including shutters and color scheme, as to the building in which the unit for which a CO is requested is located), 3 (must be completely satisfied), 5 (final plans must be signed prior to issuance of certificates of occupancy for any units on the property; “as-builts” must be submitted as to the building in which the unit for which a CO is requested is located), 6 (All required performance and/or maintenance guarantees shall be in full force and effect. The applicant shall not be in breach of any order or directive of any State, County and/or local authority, agency, department and/or official having jurisdiction over the completion of any of the site, off-property and/or utility improvements. All streets, both on site and off property, as may be identified in the reasonable discretion of the Township Engineer, shall be curbed (where called for on the preliminary and/or final plans and/or plats) and the base and/or top course as directed by the Township Engineer shall be installed, and all road and other improvements shall be completed, including repairs to the emergency access caused by construction vehicles, to insure safe ingress and egress of all residents and members of the public. All drainage facilities shall be installed. All utility improvements as may be required to provide adequate and uninterrupted utility service to each unit in the building for which a certificate of occupancy is required shall be installed.), 7 (Prior to the issuance of the 1<sup>st</sup> certificate of occupancy for the units on Lot 3 the owner shall designate at least one individual, who may reside off-site, to be responsible for regular and emergency maintenance of all buildings and housing units on the property. The manager / super shall occupy the unit(s) prior to the issuance of the 100<sup>th</sup> certificate of occupancy for the units on Lot 3.) and 9 to 11.

17. **Subject to Other Approvals and Laws.** The within approval and the use of the property are conditioned upon and made subject to any and all laws, ordinances, requirements and/or regulations of and/or by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. The within approval and the use of the property are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of

the property and/or use of the property. In the event of any inconsistency(ies) between the terms and conditions of the within approval and any approval(s) required above, the terms and/or conditions of the within approval shall prevail unless and until changed by the Board upon proper application.

**THOSE IN FAVOR: PAPA, DZIAMARA, D'ALLEINE, TEENEY, FENNELL & IMBRIACO**

**THOSE OPPOSED: NONE**

The above resolution was adopted on 03/13/2001 by the following vote of eligible Board members:

<u>Member</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
PAPA	x			
DZIAMARA	x			
MELLOY	x			
TEENEY	x			
KACEDON	x			
BARR	x			
IMBRIACO	x			

ATTEST: *Alice Oldford*  
ALICE OLDFORD, BOARD SECRETARY



## A-11 Highlands Council Analysis of Former Municipal Building Site





# Regional Master Plan Consistency Report

3/5/2015

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Prepared by State of New Jersey Highlands Water Protection and Planning  
Council  
100 North Road (Route 513), Chester, NJ 07930  
Telephone: (908) 879-6737 Fax: (908) 879-4205

Opacity ▼



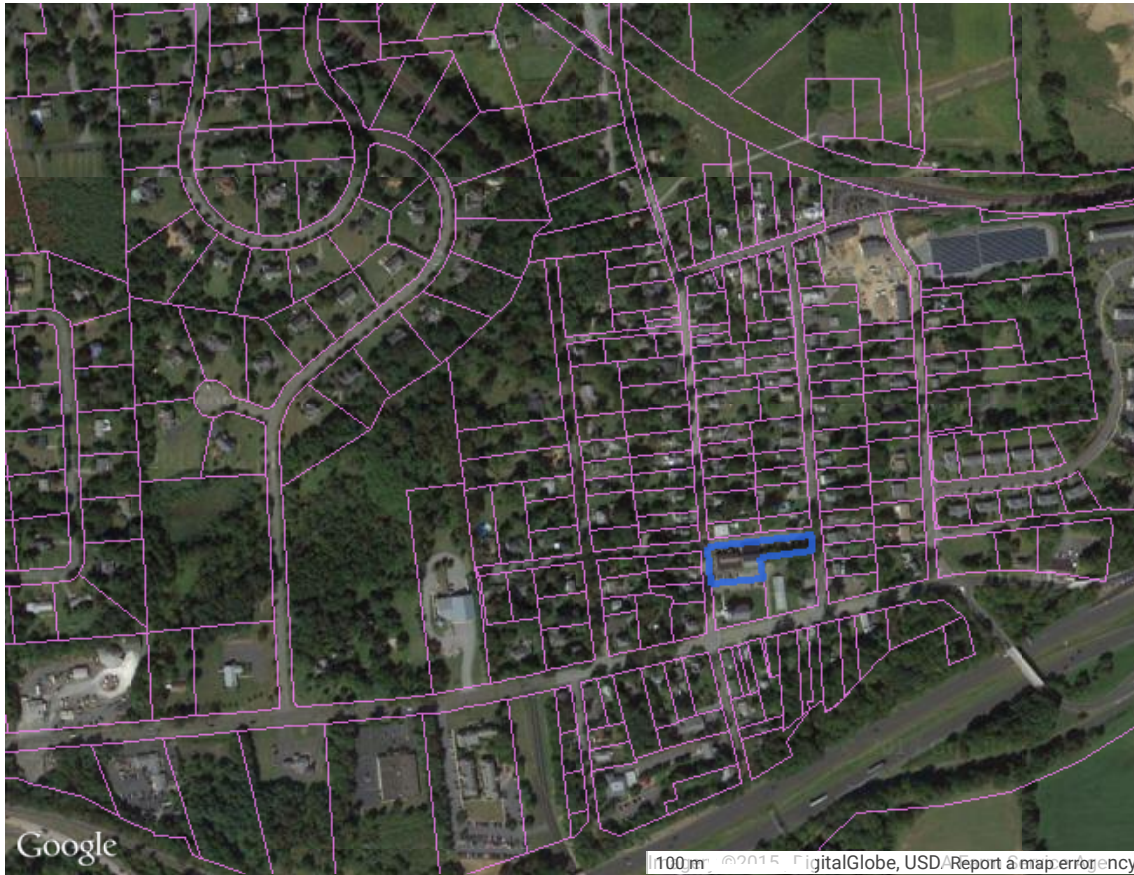
Print

Please consider the environment before printing this report

Disclaimer

Please be advised that any reports generated from the online Consistency Review Application do not constitute a formal Consistency Determination from the Highlands Council. The information contained therein is provided solely for informational purposes and is not to be construed as providing advice, recommendations, endorsements, representations or warranties of any kind whatsoever.

**Former Municipal Building Site, 6 West Street, Block 53, Lot 3, Clinton Township,  
Hunterdon County**





Carbonate Rock: ■

The Carbonate Rock Area is that area of the Region that is underlain by carbonate rocks. The dissolution of carbonate rock can cause surface depressions and the development of such features as sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams. These features may direct surface water runoff into aquifers with little or no attenuation of any transported contaminants. Further, they present a potential geologic hazard as they may undermine such infrastructure as stormwater basins, roads, sewer lines, septic systems, and natural gas lines.

**Policy 1K2:** To identify and delineate through local development review and Highlands Project Review land areas that drain surface water into the Carbonate Rock Area, as changes in the quantity, quality and rate of discharge of surface water runoff from upslope lands can impair ground water resources in the Carbonate Rock Area.

**Policy 1K4:** To ensure through Plan Conformance that municipalities in, or within subwatersheds draining directly to, the Carbonate Rock Area protect public health and safety and the quality of ground waters from inappropriate land uses and pollutant discharges.

**Objective 1K4b:** Applications for site plan or subdivision approval will include a multi-phased geotechnical site investigation (e.g., test borings, test pits) to locate any potential karst features and potential hazards to public health and safety, structures and ground water quality.

**Objective 1K4c:** Local development reviews and Highlands Project Reviews and requirements shall ensure that all potential hazards to public health and safety, structures and ground water quality, including but not limited to concentrated surface water flows that dissolve carbonate rock, are fully addressed and mitigated in the construction plans and subsequent approval process, with the maximum emphasis on nonstructural measures, including, but not limited to, avoidance of modifications to the karst features.

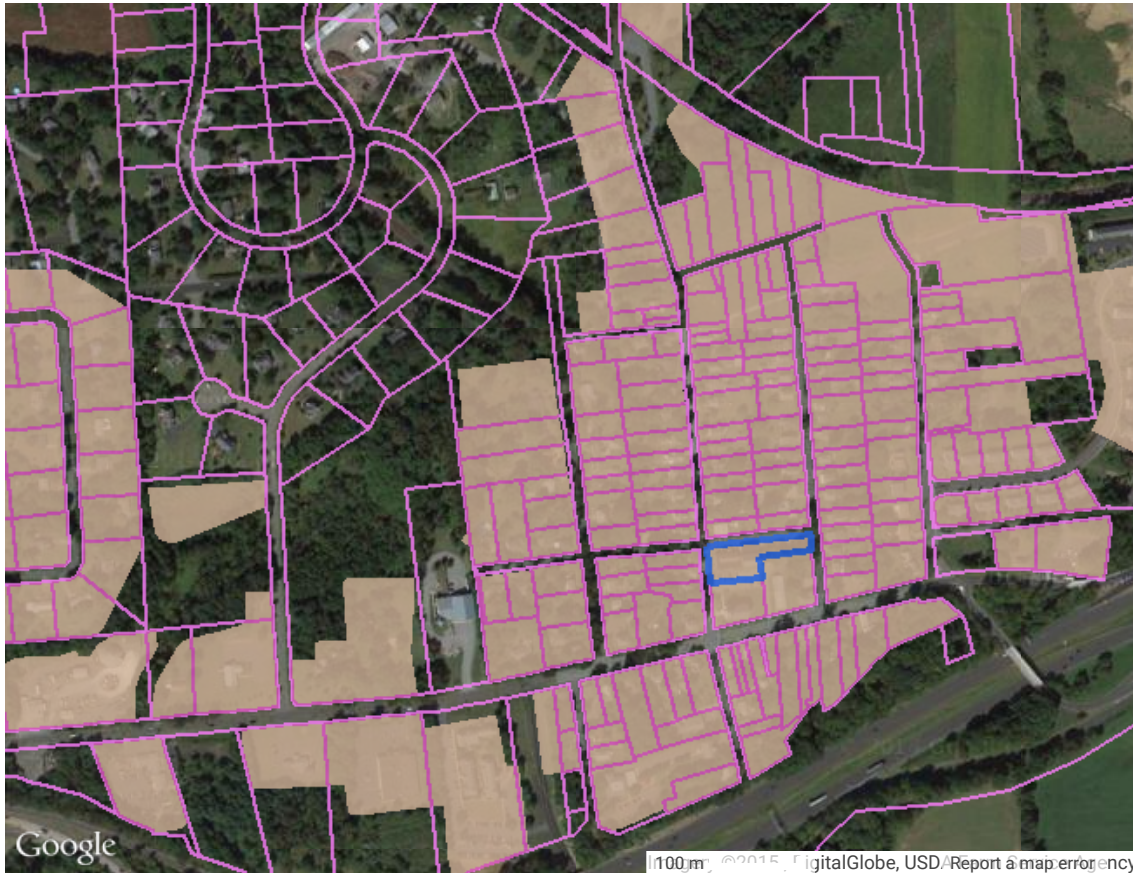
**Objective 1K4d:** Public works projects, including but not limited to water supply, sewerage, stormwater and transportation facilities, shall be constructed and maintained such that the potential for damage from karst features and the contamination of ground water are avoided.

**Objective 1K4e:** Highlands Project Reviews and requirements and local development reviews (where applicable) shall prohibit new land uses and facilities that constitute unacceptable risks of

discharge due to karst topography where karst features have been identified, including but not limited to: Underground storage tanks; Solid waste landfills; Hazardous waste storage and disposal; and Hazardous materials storage and handling.

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Highlands Domestic Sewerage Facilities: ■

Highlands Domestic Sewerage Facilities displays those areas served by public wastewater utilities. The map indicates areas that are actually connected into a public wastewater collection system, not simply located in a Sewer Service Area. Public sewer systems discharging less than 0.15 million gallons per day (MGD) to surface water or 0.075 MGD to ground water are not included. Private, on-site treatment facilities like a package treatment plant are also not included. The Regional Master Plan limits the creation or extension of public wastewater systems.

**Objective 2J4b:** Clustered development served by public water supply within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity; 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. To the maximum extent feasible the developed portion (i.e., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Policy 2J6:** To encourage water recycling/reuse measures, such as domestic and institutional gray water systems, where appropriate, to minimize water use in existing land uses.

**Objective 2I1a:** Designated sewer service areas in the Preservation Area shall be restricted to the Existing Area Served as of August 10, 2004, except to serve development that is approved through a HAD or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.

**Policy 2K2:** To base projected demand for current needs, appropriate economic revitalization and opportunities for designated TDR Receiving Zones within Existing Areas Served on existing maximum three month demands plus an estimate of redevelopment needs based on either Highlands Council regional analyses or more detailed local analyses, to assess whether there is adequate treatment capacity to encourage redevelopment.


**Objective 2K3d:** Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas; 2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served; 4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Objective 2K3e:** Allow the expansion or creation of wastewater collection systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to those provided at Objective 2K3c within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. The highest priority for allocation of excess or additional wastewater treatment capacity is to areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served. TDR Receiving Areas, where designated, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than other developments requiring expansion of sewer service areas.

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Wellhead Protection Area:  2-Year Tier  5-Year Tier  12-Year Tier

A Wellhead Protection Area is a mapped area around a public water supply well that delineates the horizontal extent of ground water captured by a public water supply well pumping at a specific rate over a specific time. Wellhead Protection Areas consist of three tiers; the ground water within each tier takes a specified period of time to travel to the well: Tier 1 is a two-year time of travel; Tier 2 is equivalent to a five-year time of travel; Tier 3 is equivalent to a twelve-year time of travel. Wellhead Protection Areas are important areas for the protection of ground water quality.

**Policy 2H2:** To develop and implement, through Plan Conformance, local development review and Highlands Project Review, resource protection measures to protect and enhance ground water and water supply resources within Wellhead Protection Areas consistent with the source water assessments for each water supply source.

**Objective 2H4a:** Require site specific and municipal stormwater management plans to address wellhead protection requirements.

**Policy 2H5:** To require that conforming municipalities revise master plans and development regulations to address wellhead protection requirements.

**Objective 2H5b:** Restrict development activities that pose threats to the water quality of public water supply wells.

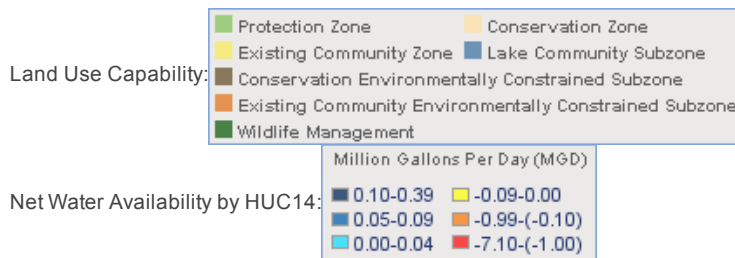
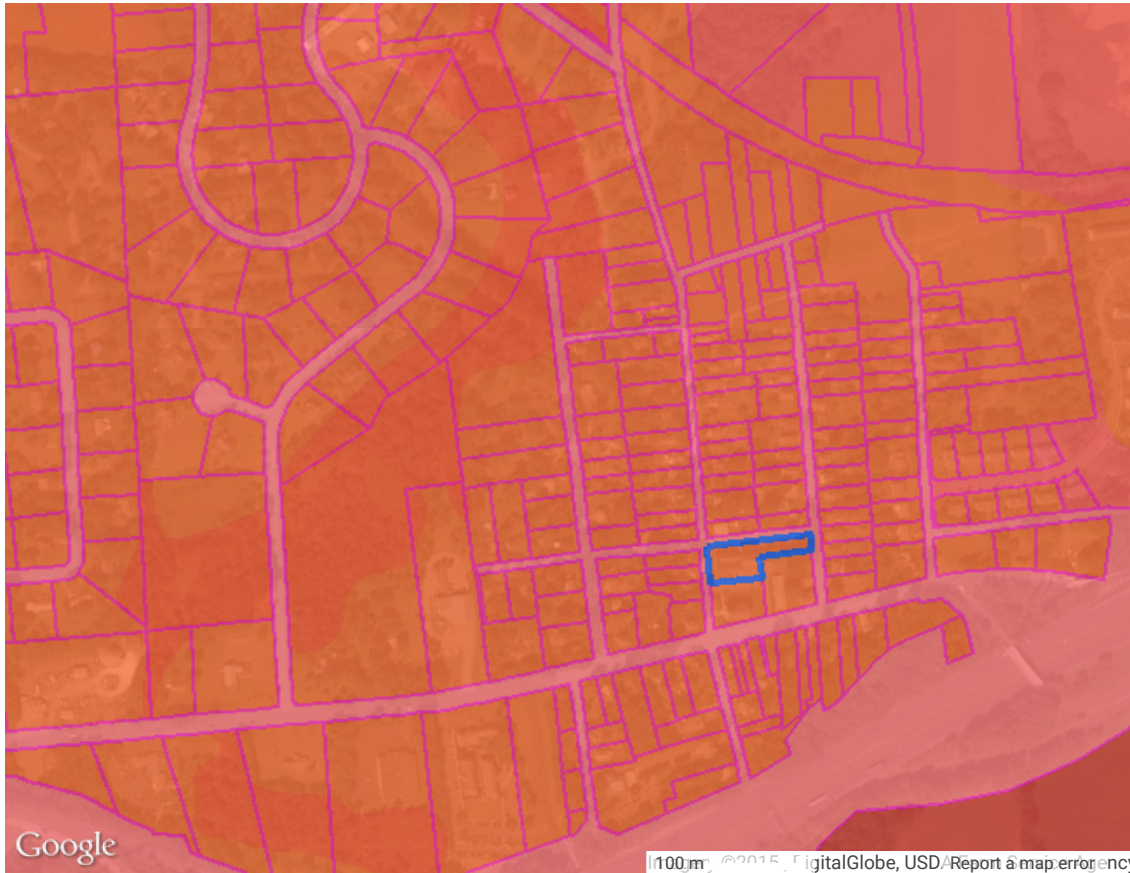
**Objective 2H5c:** Ensure that development activities and existing land use activities implement best management practices to protect the quality of ground water within Wellhead Protection Areas.

**Objective 2H5d:** Amend Areawide Water Quality Management Plans or Wastewater Management Plans for conforming municipalities and counties to ensure that any activity associated with the proposed service area will not adversely affect a Wellhead Protection Area.

**Objective 2G6c:** Require conforming municipal and county master plans and development regulations to incorporate relevant TMDLs, additional water quality protection measures and wellhead protection for public water supply wells and nitrate standards as development standards.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

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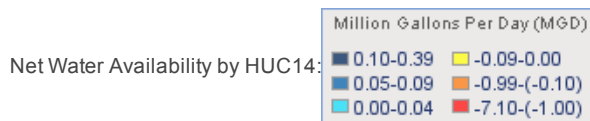
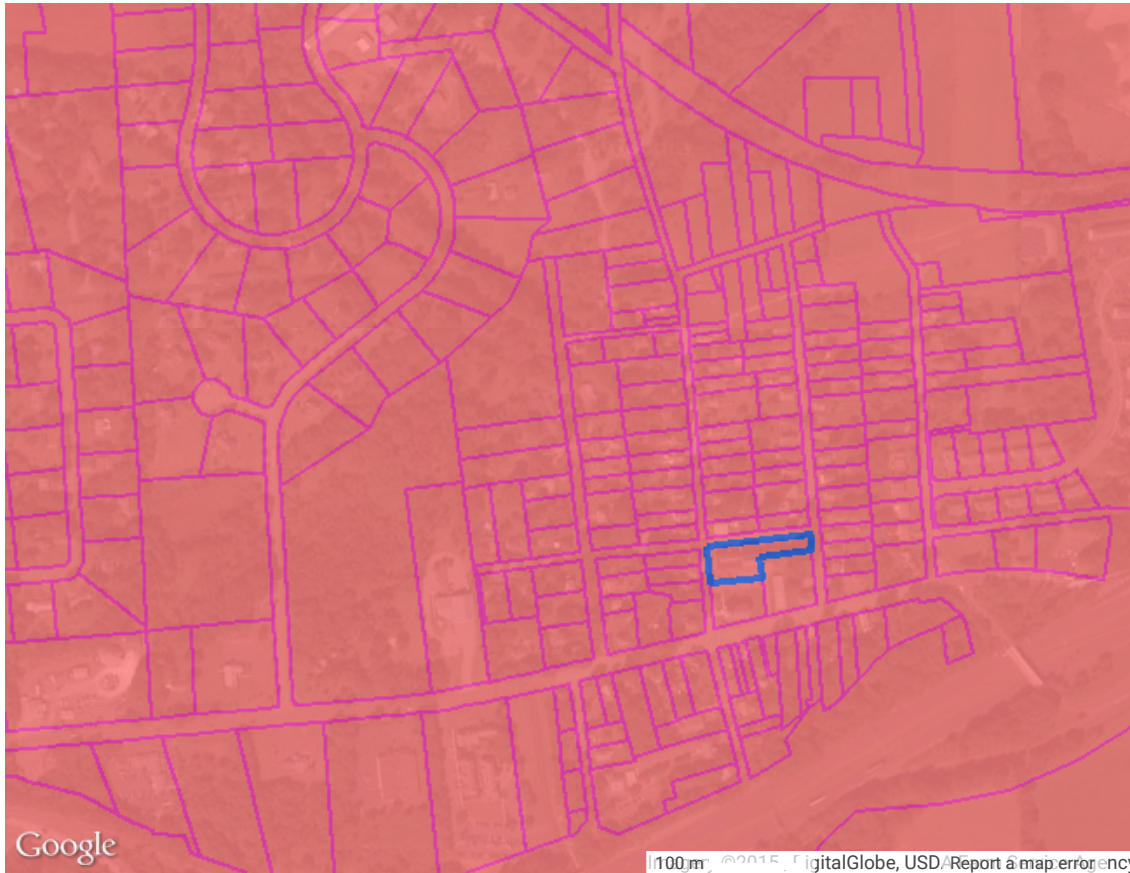
Identifies the portion of a HUC14 subwatershed within the Existing Community Zone.

**Policy 2A2:** To ensure that increasing water demands do not exceed Net Water Availability or exacerbate existing deficits of subwatersheds. Net Water Availability is affected at a subwatershed level by location and extent of Land Use Capability Zone Map and its status as Current Deficit Area or Existing Constrained Area.

**Objective 2B4b:** The highest priority for use of Net Water Availability or Conditional Water Availability within Existing Community Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review and Highlands Project review to serve documented threats to public health and safety from contaminated water supplies, designated TDR Receiving Zones, infill development, designated Highlands Redevelopment Area, affordable housing projects where at least 10% of the units are affordable, or new areas for development that meet all other requirements of the RMP.

**Objective 2B4c:** Establish and implement mandatory stormwater reuse for recreational and other non-agricultural irrigation, as well as other non-potable water purposes to minimize both the volume of stormwater discharges and water withdrawals for these purposes.





Identifies HUC14 subwatersheds that are in deficit of Net Water Availability.

**Policy 2B6:** To require through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, Highlands Project Review, and interagency coordination that proposed public water supply and wastewater service areas, new or increased water allocations and bulk water purchases will not directly or indirectly cause or contribute to a Net Water Availability deficit, and where feasible will help mitigate any existing deficit.

**Objective 2B6a:** Areawide Water Quality Management Plans, Wastewater Management Plans or their amendments shall ensure that the proposed service area will not directly or indirectly cause or contribute to a Net Water Availability deficit, and shall be in conformance with any Water Use and Conservation Plan developed under Objective 2B8c.

**Policy 2B8:** To require through Plan Conformance, local development review, and Highlands Project Review the efficient and effective use of water availability, the planning for future water needs, the reduction and elimination of water deficits, and the mitigation of new consumptive or depletive use in any Current Deficit Areas or subwatersheds that could become deficit areas based on projected development and water uses, to ensure sustainable water supply, water resource and ecological values in conformance with RMP policies and objectives.

**Objective 2B8a:** Prevent net increases in consumptive or depletive water uses in Current Water Deficit Areas to prevent exacerbation of and help reduce or eliminate the deficit to ensure sustainable water supply, water resource and ecological values, emphasizing techniques including, but not limited to water reuse, recycling and conservation.

**Objective 2B8b:** Proposed new consumptive or depletive water uses within a Current Deficit Area

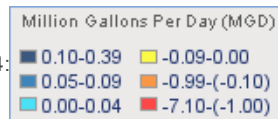
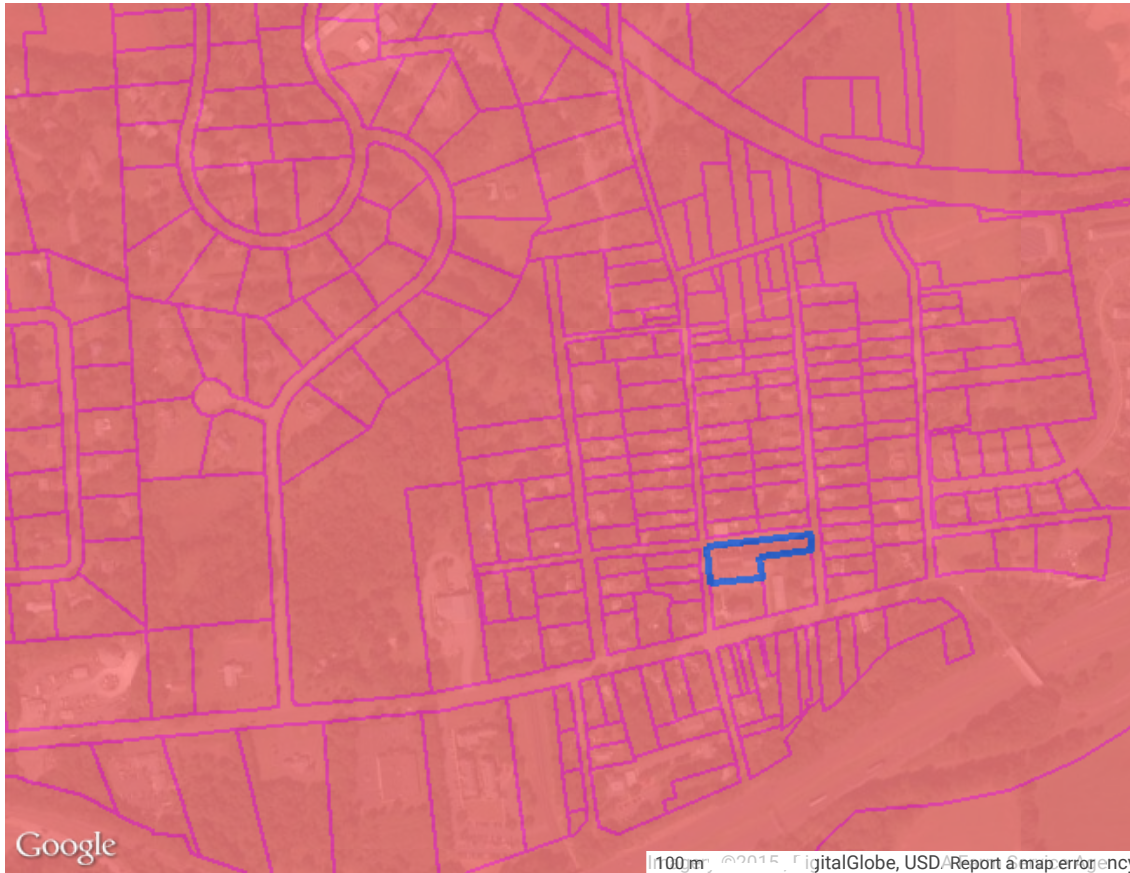
shall only occur under the auspices of a Water Use and Conservation Management Plan approved under Objective 2B8c or through mitigation of the proposed consumptive or depletive use within the same HUC14 subwatershed through: a permanent reduction of existing consumptive and depletive water uses; ground water recharge in excess of the requirements of N.J.A.C. 7:8 (Stormwater Management Rules); or other permanent means. Where a Water Use and Conservation Management Plan has not been approved: 1. Each project shall achieve mitigation ranging from 125% to 200%, based on the severity of the Current Deficit and the amount of consumptive or depletive water use proposed; 2. Total consumptive and depletive water uses from any single project and all projects combined are not to exceed the Conditional Water Availability of Objectives 2B3a or 2B3b for any HUC14 subwatershed; 3. Mitigation shall be successfully completed prior to initiation of the water use, except as required by #4, below. Mitigation may be phased in keeping with project development; 4. For water uses where the combination of proposed consumptive and depletive water uses and current subwatershed deficit is high, according to a schedule established by the Highlands Council, off-site mitigation shall be successfully completed prior to any on-site construction. On-site mitigation shall be successfully completed prior to initiation of the water use but may be implemented concurrent with on-site construction. Mitigation may be phased in keeping with the level of consumptive or depletive water uses; and Mitigation plans for a project shall include: specific objectives for each mitigation component; monitoring and reporting requirements; methods by which shortfalls in meeting the mitigation objectives shall be addressed through additional action; and be guaranteed through performance bonds.

**Objective 2B8c:** Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.

**Objective 2B8d:** All water users within a Current Deficit Area shall seek funding and opportunities to meet the intent of Objective 2B4b.

**Objective 2J2a:** Limit future water system demand and reduce existing demand where feasible by water systems that are dependent on Current Deficit Areas or Existing Constrained Areas as a source of water.

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Net Water Availability by HUC14:

Net Water Availability is calculated for each HUC14 subwatershed by deducting consumptive and depletive water uses from Ground Water Availability. The Regional Master Plan incorporates Net Water Availability as a capacity threshold on future water uses. Where Net Water Availability is positive, it is assumed there is water available beyond the existing demand. Where net water availability is negative, the subwatershed is in deficit and deemed to be a Current Deficit Area. In Current Deficit Areas where a Water Use and Conservation Management Plan has not yet been adopted, limited amounts of Conditional Water Availability are provided. The use of Net Water Availability or Conditional Water Availability is subject to Regional Master Plan policies.

**Policy 2A2:** To ensure that increasing water demands do not exceed Net Water Availability or exacerbate existing deficits of subwatersheds. Net Water Availability is affected at a subwatershed level by location and extent of Land Use Capability Zone Map and its status as Current Deficit Area or Existing Constrained Area.

**Objective 2B4c:** Establish and implement mandatory stormwater reuse for recreational and other non-agricultural irrigation, as well as other non-potable water purposes to minimize both the volume of stormwater discharges and water withdrawals for these purposes.

**Policy 2B7:** To ensure through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review that the use of Net Water Availability and Conditional Water Availability within each subwatershed supports development patterns that are in conformance with RMP policies and objectives.

**Objective 2B8c:** Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where



developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.

**Objective 2J2b:** Limit future water system demands to levels that will not create a Current Deficit Area where one does not currently exist.

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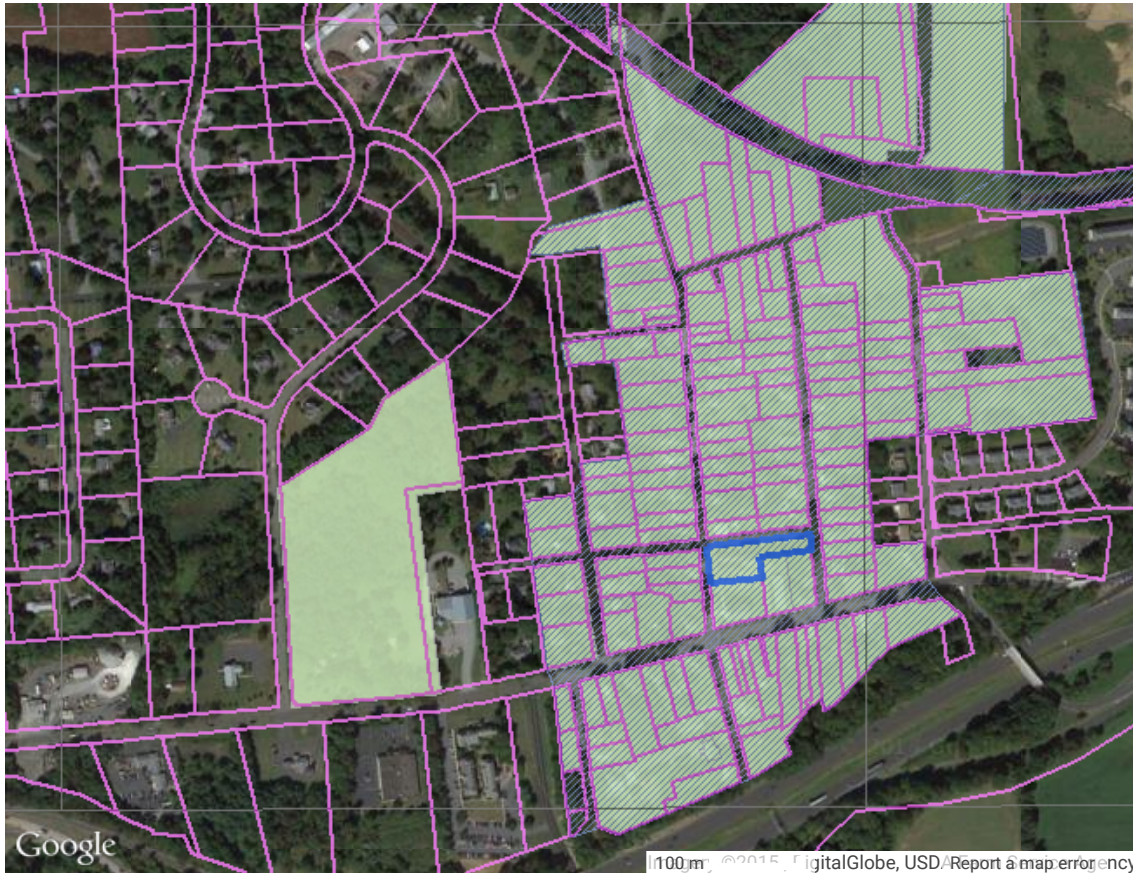
Wellhead Protection Area:  2-Year Tier  5-Year Tier  12-Year Tier

Identifies the Tier 3 portion of a Wellhead Protection Area. The calculated time for ground water to travel to the well from this zone is twelve years. Tier 3 also includes the land area within Tiers 2 and 1.

**Objective 2H2c:** Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

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New Jersey Historic Properties:

New Jersey Historic Districts:

Archeological 1 Sq Mi Grids:

Consists of all properties listed on the New Jersey or the National Register of Historic Places, all properties which have been deemed eligible for listing on the New Jersey or National Register, and all properties for which a formal SHPO opinion has been issued. A SHPO opinion is an evaluation of eligibility prepared when a federally funded activity is expected to have an effect on historic properties not listed on the National Register.

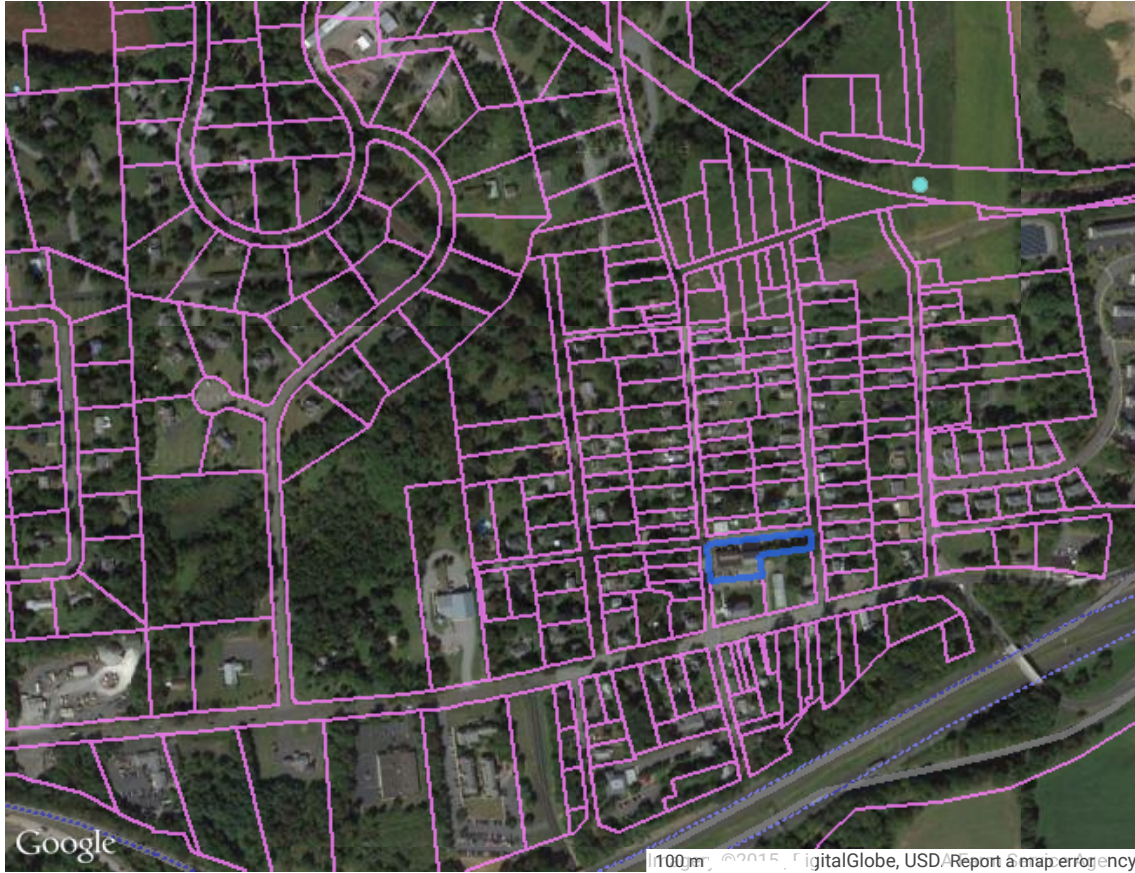
**Policy 4A3:** To ensure through local development review, where a municipality has adopted an historic preservation ordinance under Policy 4C2, that human development does not adversely affect the character or value of resources which are listed on the Highlands Historic and Cultural Resource Inventory to the maximum extent practicable.

**Objective 4A3a:** All development and redevelopment applications shall include submission of a report identifying potential historic, cultural and/or archaeological resources on the subject property or immediately adjacent properties.

**Policy 4A4:** To require that the impact of proposed human development on the historic and cultural resources of the Highlands Region be addressed during local development review and Highlands Project Review and approval.

**Objective 4A4a:** All applications for site plan or subdivision approval shall include identification of any cultural, historic or archaeological resources in the Highlands Region, which are listed on the Highlands Historic and Cultural Resource Inventory and may be affected by the proposed development.

**Objective 4A4b:** Where a municipality has adopted an historic preservation ordinance under Policy 4C2, all development which affects identified cultural, historic sites/districts, or archaeological resources shall comply with minimum standards for the preservation of the affected resources.



New Jersey Transit Bus Routes:—

Private Bus Routes:---

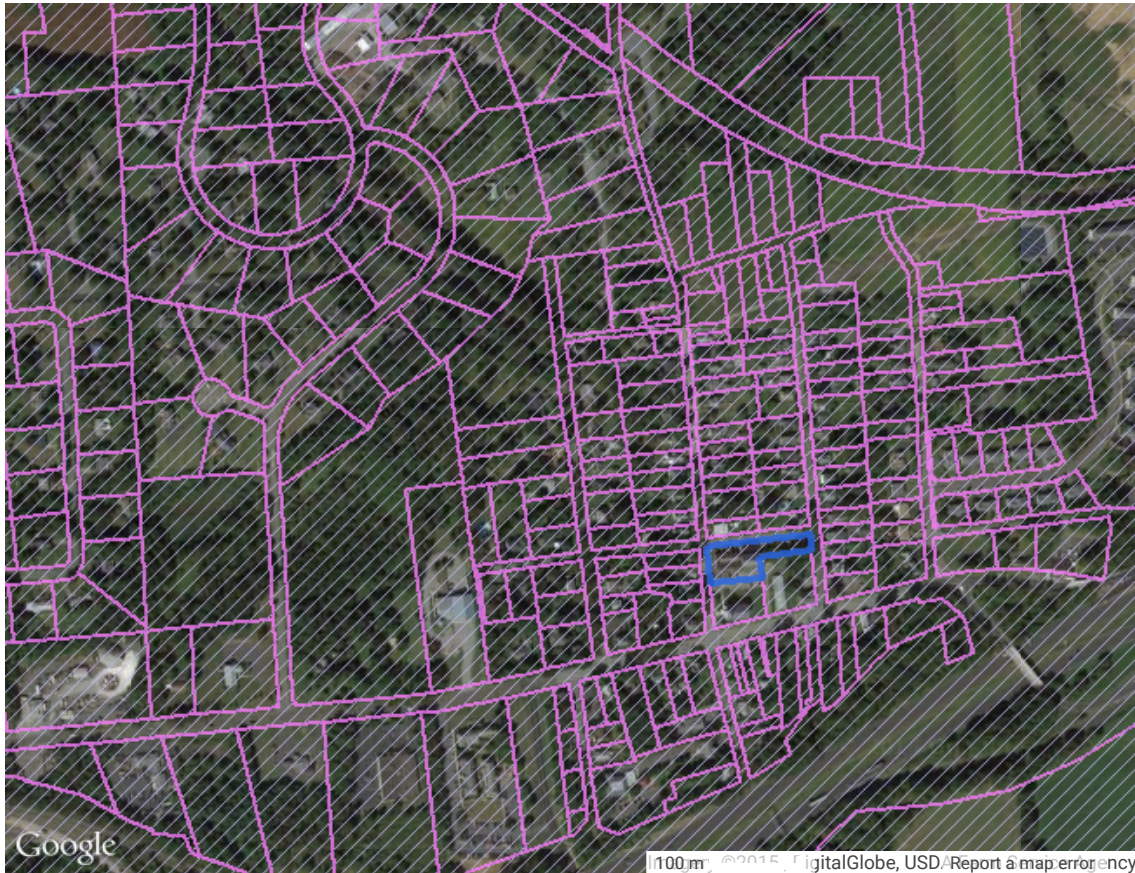
- Bergen + Main Line
  - Montclair Boonton Line
- Rail Stations:
- Morris + Essex Line - Gladstone Branch
  - Morris + Essex Line - Morristown Branch
  - Raritan Valley Line

Park & Ride Sites:●

Includes all developed lands within a 1/2 mile buffer from all park and ride locations, rail stations, and NJ Transit public and major private bus routes in or within 1/2 mile of the Highlands Region.

**Objective 5E1b:** Development and redevelopment in close proximity to rail stations and along bus routes.



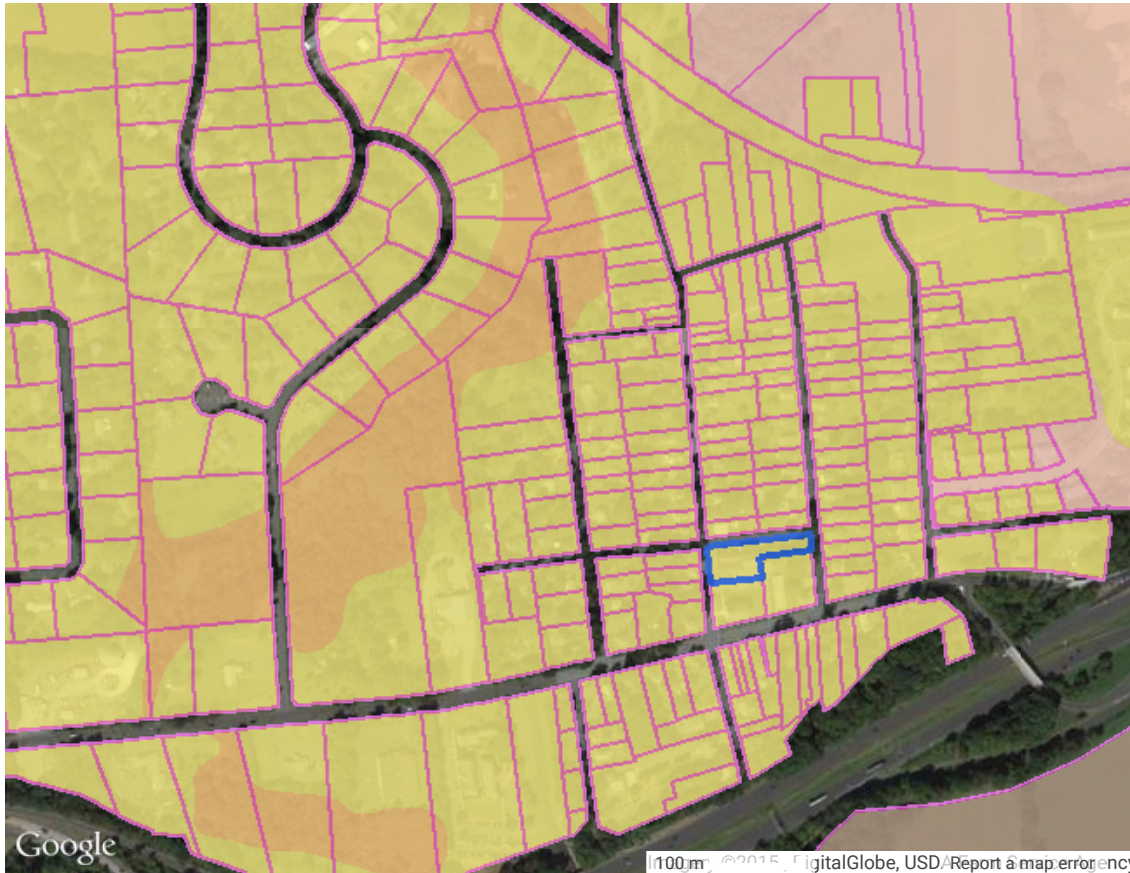


Planning Area / Preservation Area:  Planning Area /  Preservation Area

Means lands within the Highlands Region which are not within the Preservation Area.

**Objective 7F1d:** Planning Area exemptions, issued by the Highlands Council, shall be required, where appropriate, prior to consideration of a local development review or a Highlands Project Review. Guidance shall specify the exceptions where a review may proceed absent such an exemption determination. Applications for exemptions submitted to the Highlands Council shall be based upon the application requirements exemptions codified in N.J.A.C. 7:38.

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Consists of areas with regionally significant concentrated development signifying existing communities.

**Objective 2J4c:** Allow the expansion or creation of public water systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to Objective 2J4a within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. TDR Receiving Zones, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than expansion of public water service areas within this Zone.

**Objective 2K3e:** Allow the expansion or creation of wastewater collection systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to those provided at Objective 2K3c within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. The highest priority for allocation of excess or additional wastewater treatment capacity is to areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served. TDR Receiving Areas, where designated, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than other developments requiring expansion of sewer service areas.

**Policy 6F3:** To ensure that development activities within the Existing Community Zone are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principles and do not adversely affect natural resources.

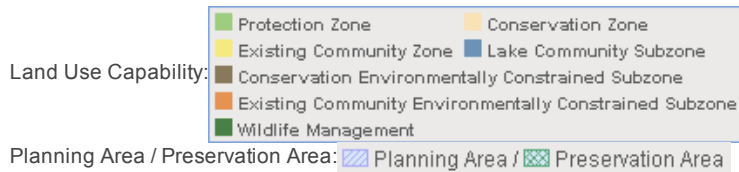
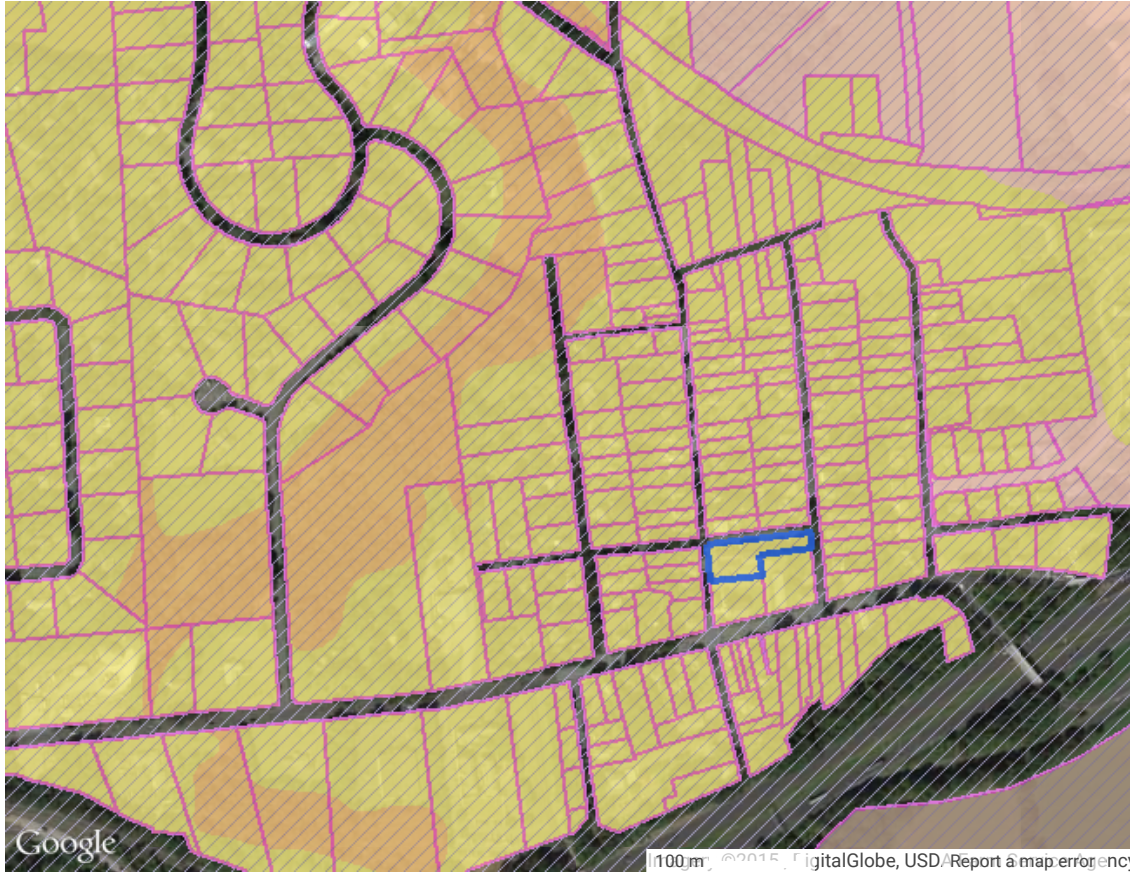


**Policy 6F4:** To ensure that development and redevelopment within the Existing Community Zone are served by adequate public facilities including water supply, wastewater treatment, transportation, educational and community facilities.

**Policy 6F5:** To ensure that development and redevelopment in the Existing Community Zone are compatible with existing community character.

**Objective 6F6a:** Center based development initiatives shall be planned within the Existing Community Zone at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan. Densities of five dwelling units and above are encouraged, and are required in areas designated as voluntary TDR Receiving Zones where TDR benefits are sought under the Highlands Act.

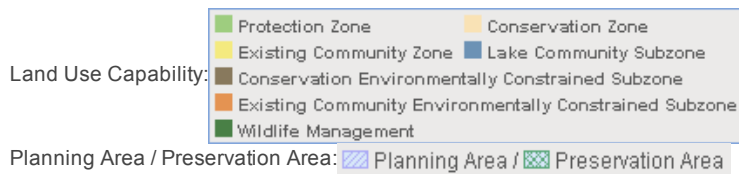
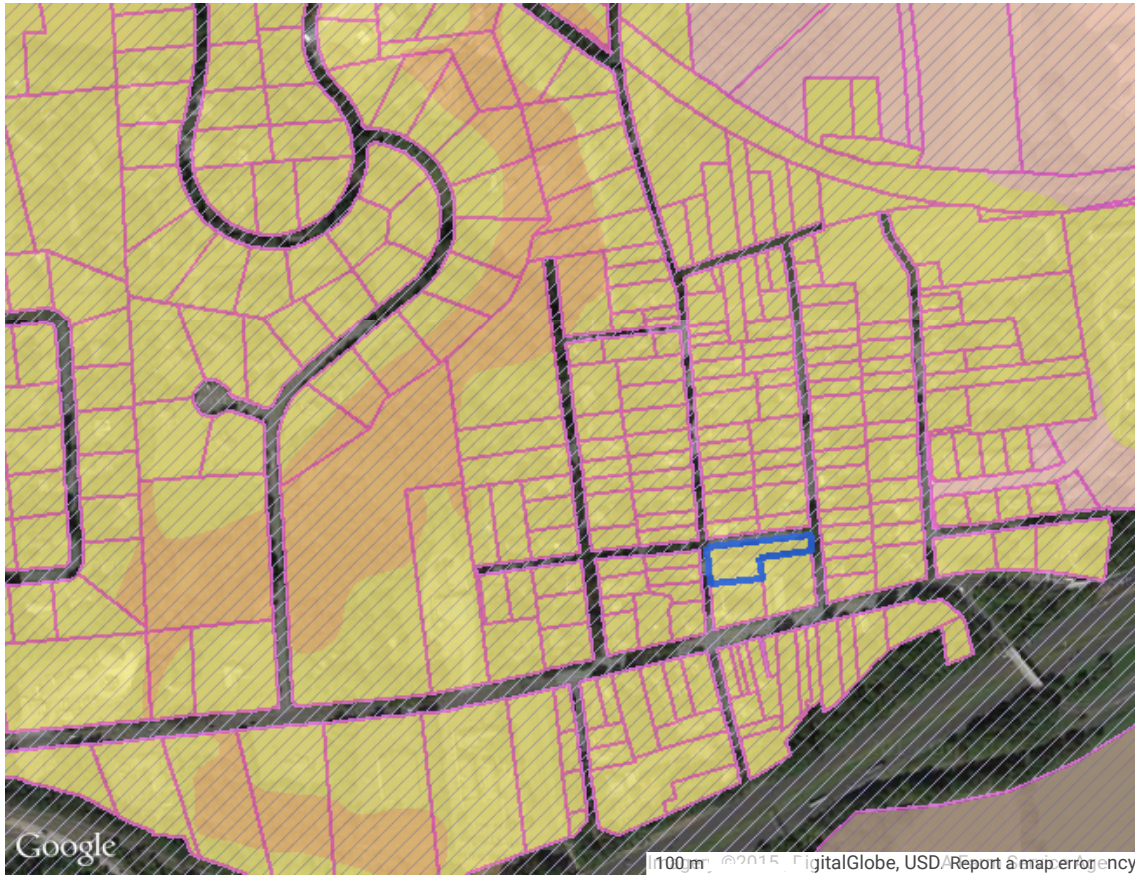
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Includes the Existing Community Zone within the Planning Area.

**Objective 2L2d:** Use a nitrate target of 2 mg/L for the Existing Community Zone within Planning Area, on a project-by-project basis, where new development will rely on septic systems.

**Policy 6J2:** To encourage redevelopment in the Existing Community Zone in the Planning Area of brownfields, grayfields, and other previously developed areas that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.



Includes the Protection Zone, Conservation Zone, Environmentally Constrained Sub-Zones and the Existing Community Zone within the Planning Area.

**Policy 2J4:** To minimize, through Plan Conformance, local development review and Highlands Project Review, the creation or extension of public water supply systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area, and to allow for the creation or extension of public water supply systems where appropriate within the Existing Community Zone.



## A-12 Highlands Council Analysis of Marookian Site





# Regional Master Plan Consistency Report

3/5/2015

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Prepared by State of New Jersey Highlands Water Protection and Planning  
Council  
100 North Road (Route 513), Chester, NJ 07930  
Telephone: (908) 879-6737 Fax: (908) 879-4205

Opacity ▼



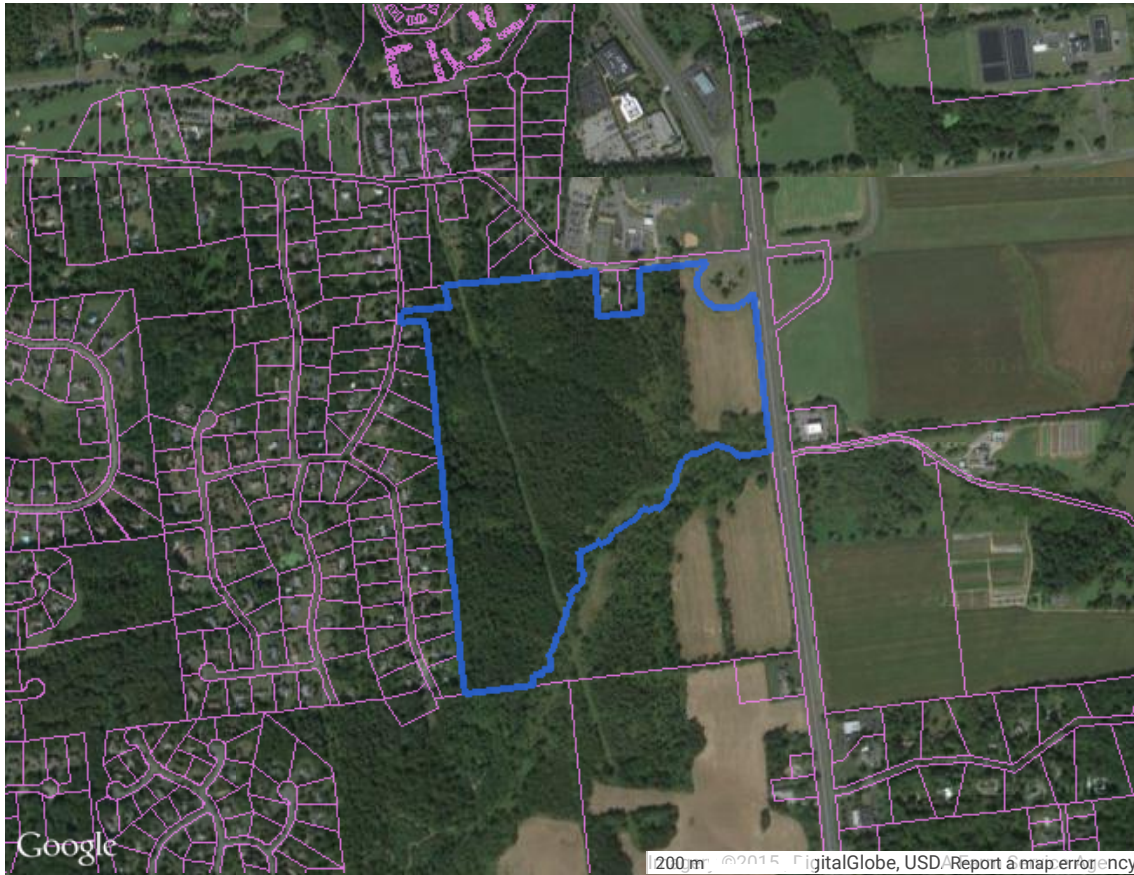
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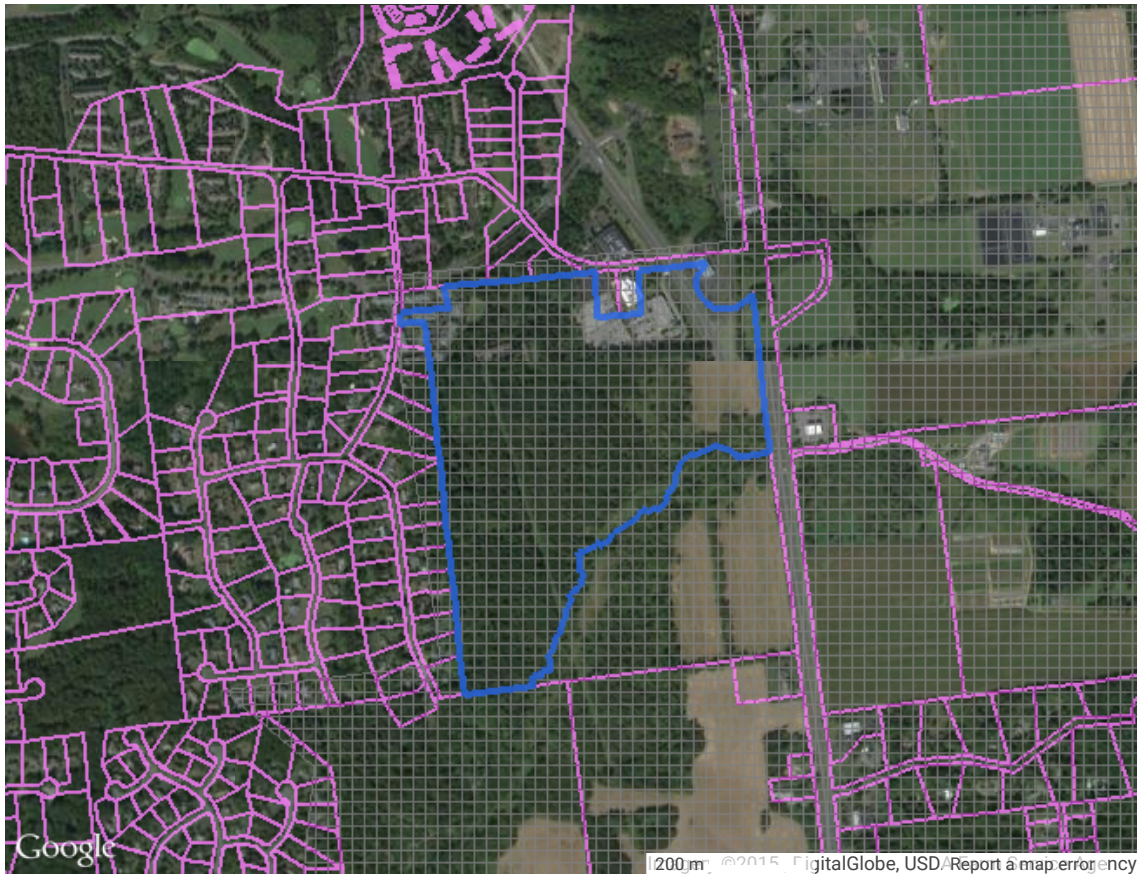
Please consider the environment before printing this report

Disclaimer

Please be advised that any reports generated from the online Consistency Review Application do not constitute a formal Consistency Determination from the Highlands Council. The information contained therein is provided solely for informational purposes and is not to be construed as providing advice, recommendations, endorsements, representations or warranties of any kind whatsoever.

**Marookian Site (1), Block 82, Lot 4, Clinton Township, Hunterdon County**





Agricultural Resource Area: 

An intensity indicator that reflects areas in the Region with a prevalence of active farms and is based upon Contiguous Farms >250 acres, Important Agricultural Soils - Undeveloped, and Preserved Farms data layers.

**Objective 113:** To require conforming municipalities and counties to require conservation or land stewardship easements, enforceable by the Highlands Council and at least one of the following: the appropriate municipality, the County Agriculture Development Board, the SADC, Green Acres, or a non-profit land trust organized pursuant to 501 (c)(3) of the federal tax code and engaged in the protection of land for the purpose of providing long-term stewardship of important resources as a condition of development approval for lands within parcels proposed for development that are identified for preservation on a proposed site plan or subdivision plot.

**Objective 2J4b:** Clustered development served by public water supply within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity; 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. To the maximum extent feasible the developed portion (i.e., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil



Conservation District (SCD).

**Objective 2J4d:** All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area will be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 2K3d:** Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas; 2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served; 4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Objective 2K3f:** All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 2L2e:** New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L or any more stringent requirement as required by N.J.A.C. 7:15.

**Policy 3A5:** Where it is not feasible to preserve agricultural lands within the ARA by such methods as fee simple acquisition, easement acquisition, or a TDR Program, require mandatory clustering through Municipal Plan Conformance, local development review and Highlands Project Review for residential development in an ARA. Cluster development within the Planning Area that incorporates public or community on-site wastewater utilities shall meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area shall meet the requirements of Policy 2I1 and Objectives 2I1a and 2I1b, and where reliant on septic systems shall meet the requirements of Objective 6I1a.

**Objective 3A5a:** Implement regulations requiring that cluster or conservation design development



proposed within an Agricultural Resource Area support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect Important Farmland Soils, and meet resource management and protection requirements of the RMP.

**Objective 3A5b:** Implement regulations requiring that all cluster or conservation design development proposed in an Agricultural Resource Area be buffered appropriately with existing natural resources, such as hedgerows or trees, or with new buffers to avoid conflicts between non-agricultural development and agricultural activities, and to protect existing agricultural uses and sensitive environmental resources.

**Objective 3A5c:** Implement regulations requiring that all land preserved in perpetuity for environmental protection or agricultural purposes as a result of clustering be subject to a conservation easement enforceable by the Highlands Council and at least one of the following: the appropriate municipality, for agricultural purposes the County Agriculture Development Board or the SADC and for environmental purposes Green Acres or a qualified land trust non-profit organization.

**Objective 3A5d:** Where the preserved land in the cluster project area is dedicated to agricultural purposes support continued agricultural viability of the agricultural land, encourage that the original or new farmstead remain attached to the preserved land wherever feasible, and require the implementation of best management practices through the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA NRCS, Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Policy 3A6:** To permit through local development review and Highlands Project Review limited development, including family and farm labor housing in Agricultural Resource Areas which are necessary to support the viability of the agricultural operation, in coordination with the NJDA and the SADC, and subject to compliance with the resource management and protection requirements of the RMP.

**Objective 3A6a:** Implement regulations allowing for construction of ancillary structures and family and farm labor housing that is necessary to support the viability of the agricultural operation, upon a demonstration that the proposed development is consistent with the resource management and protection requirements of the RMP.

**Objective 6C1a:** Centers in the Protection Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.

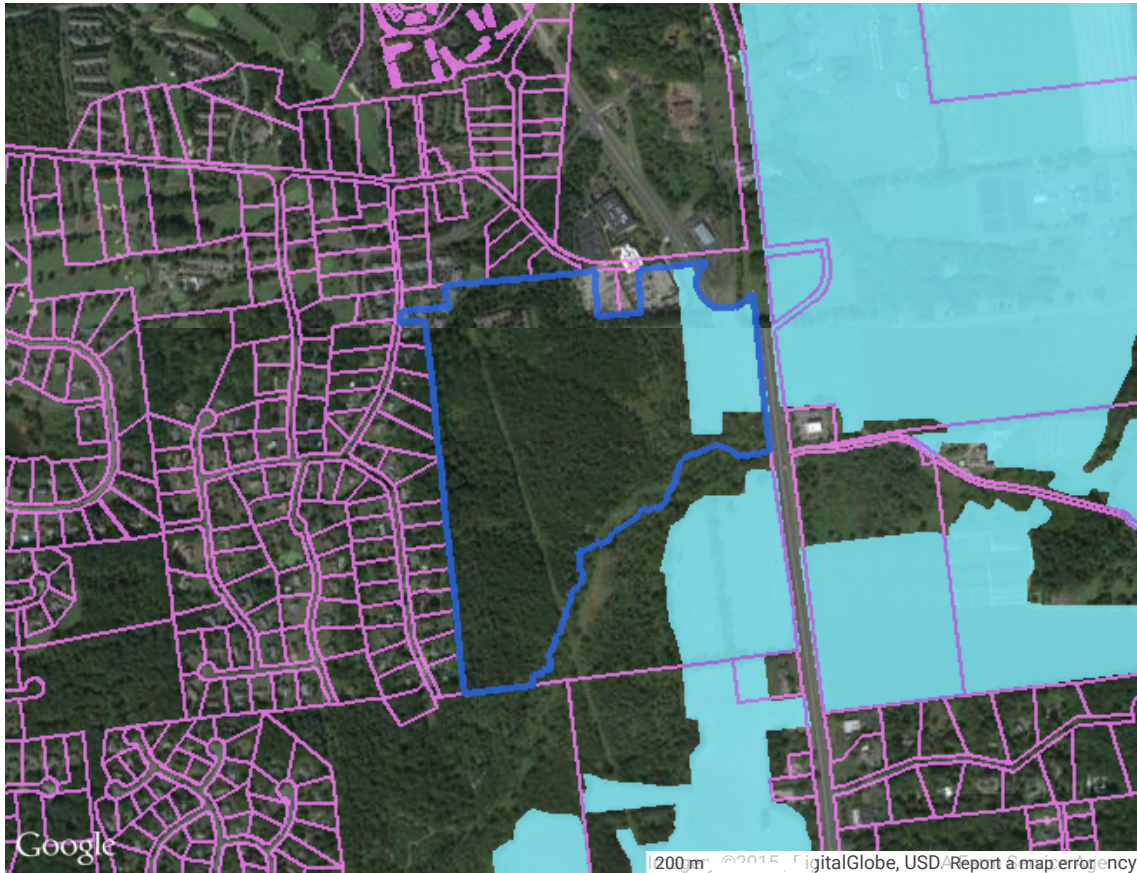
**Objective 6D3b:** Centers in the Conservation Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Objective 6H1d:** Cluster and conservation design development plans and regulations shall consider existing community character, incorporate smart growth design principles, and require Low Impact Development including but not limited to: locating development adjacent to existing infrastructure such as water, wastewater, transportation, and public facilities to limit the degree of new impervious surface, and permitting smaller residential lots in order to incorporate community open space and existing natural resources into the design.

**Policy 6H3:** To require conforming municipalities and counties to include site development programs, such as clustering, to preserve land in perpetuity for environmental protection or agricultural purposes.

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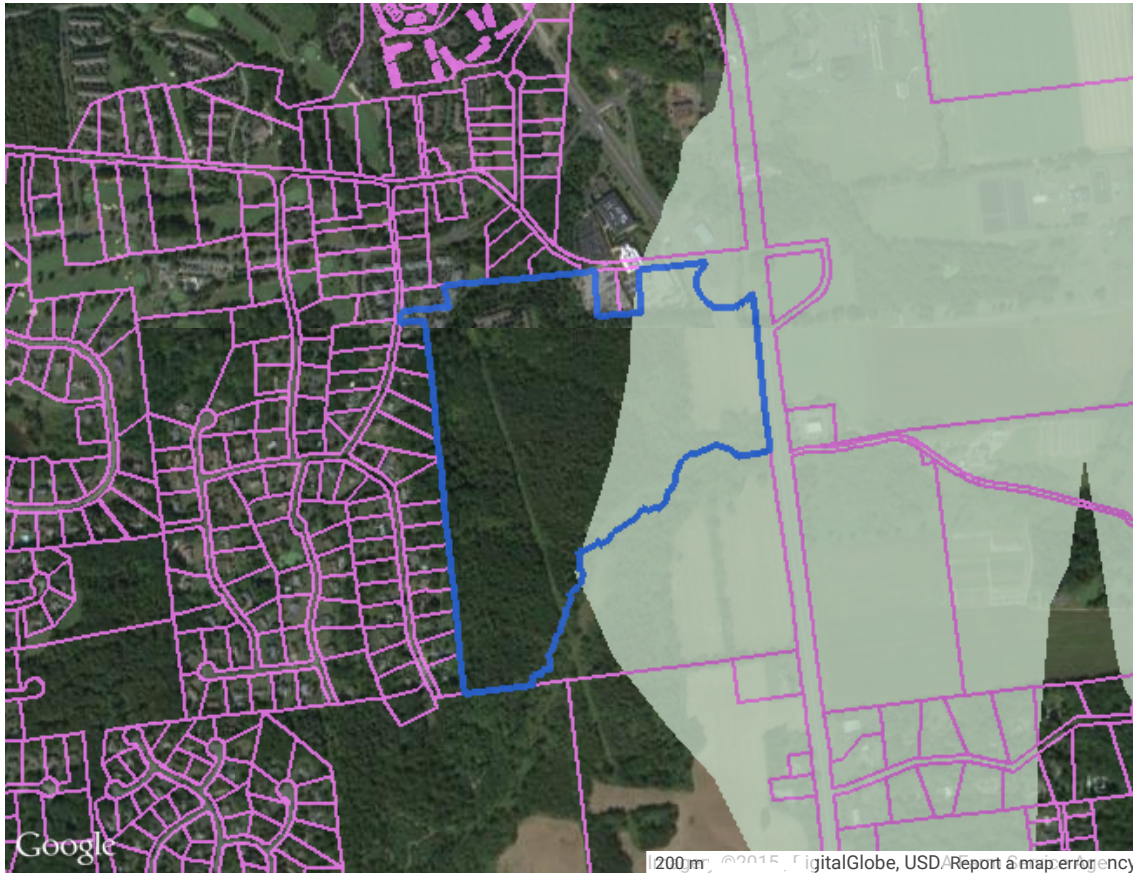
Agricultural Uses: ■

An intensity indicator that represents the extent of lands that are currently in agricultural use based upon NJDEP 2002 Land Use Land Cover data, with 10 acres as a minimum threshold. Categories include cropland and pastureland, orchards, vineyards, nurseries and horticultural areas, confined feeding operations, and other agriculture.

**Policy 3D2:** To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of greater than 3% but less than 9%, to develop and implement a Farm Conservation Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.

**Policy 3D3:** To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of 9% or greater to develop and implement a Resource Management System Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.

**Objective 2B4d:** The highest priority for agricultural water uses in the Conservation Zone shall be those Preservation Area uses that promote agricultural and horticultural uses and opportunities that are compatible with protection of the Highlands environment, and those Planning Area uses that promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities. Compatible agricultural and horticultural uses shall minimize consumptive water uses through efficiency measures.



Carbonate Rock: ■

The Carbonate Rock Area is that area of the Region that is underlain by carbonate rocks. The dissolution of carbonate rock can cause surface depressions and the development of such features as sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams. These features may direct surface water runoff into aquifers with little or no attenuation of any transported contaminants. Further, they present a potential geologic hazard as they may undermine such infrastructure as stormwater basins, roads, sewer lines, septic systems, and natural gas lines.

**Policy 1K2:** To identify and delineate through local development review and Highlands Project Review land areas that drain surface water into the Carbonate Rock Area, as changes in the quantity, quality and rate of discharge of surface water runoff from upslope lands can impair ground water resources in the Carbonate Rock Area.

**Policy 1K4:** To ensure through Plan Conformance that municipalities in, or within subwatersheds draining directly to, the Carbonate Rock Area protect public health and safety and the quality of ground waters from inappropriate land uses and pollutant discharges.

**Objective 1K4b:** Applications for site plan or subdivision approval will include a multi-phased geotechnical site investigation (e.g., test borings, test pits) to locate any potential karst features and potential hazards to public health and safety, structures and ground water quality.

**Objective 1K4c:** Local development reviews and Highlands Project Reviews and requirements shall ensure that all potential hazards to public health and safety, structures and ground water quality, including but not limited to concentrated surface water flows that dissolve carbonate rock, are fully addressed and mitigated in the construction plans and subsequent approval process, with the maximum emphasis on nonstructural measures, including, but not limited to, avoidance of modifications to the karst features.

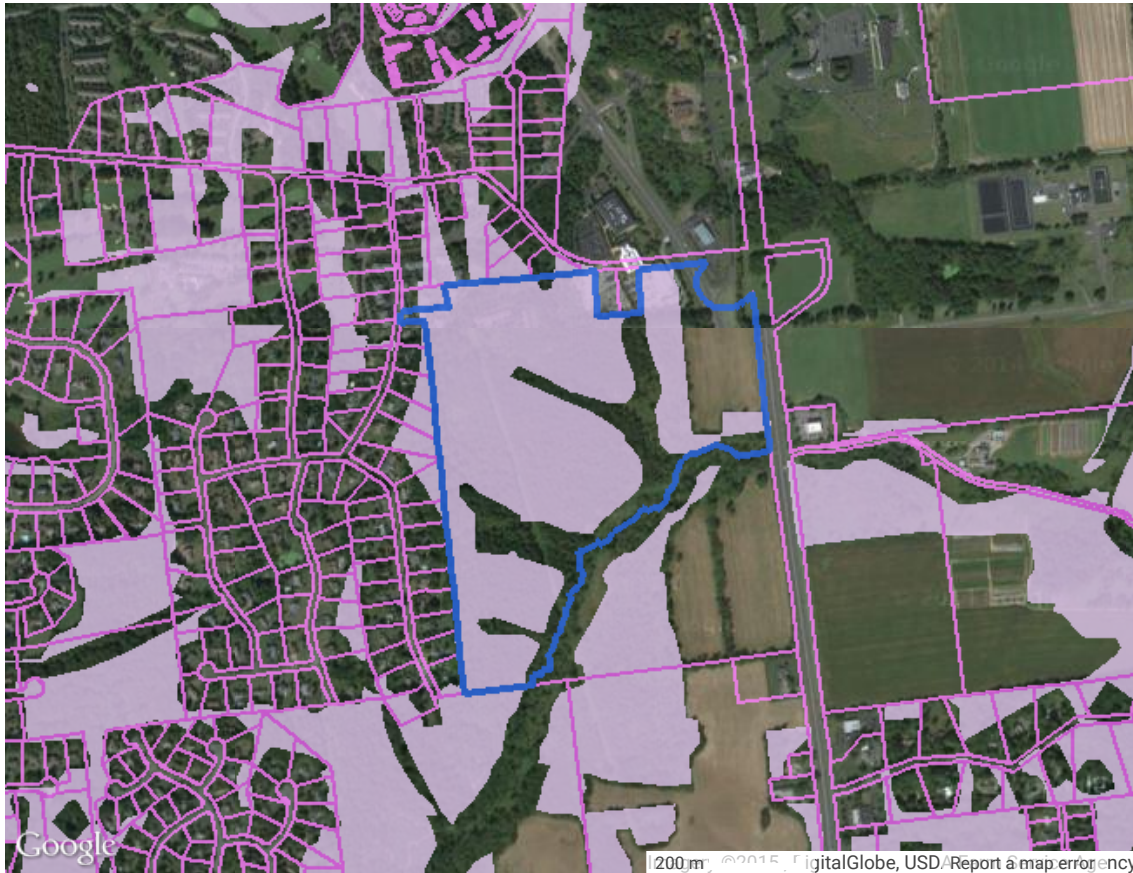
**Objective 1K4d:** Public works projects, including but not limited to water supply, sewerage, stormwater and transportation facilities, shall be constructed and maintained such that the potential for damage from karst features and the contamination of ground water are avoided.

**Objective 1K4e:** Highlands Project Reviews and requirements and local development reviews

(where applicable) shall prohibit new land uses and facilities that constitute unacceptable risks of discharge due to karst topography where karst features have been identified, including but not limited to: Underground storage tanks; Solid waste landfills; Hazardous waste storage and disposal; and Hazardous materials storage and handling.

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Prime Groundwater Recharge Area: ■

The layer displays the mapping of Prime Ground Water Recharge Areas. The Regional Master Plan defines Prime Ground Water Recharge Areas as those lands within a HUC14 subwatershed that most efficiently provide 40% of total drought recharge volume for that HUC14 subwatershed, using a GSR-32 analysis based upon land cover and the 1964-1966 drought of record precipitation.

**Policy 2D3:** To protect, enhance, and restore the quantity and quality of Prime Ground Water Recharge Areas.

**Objective 2D3c:** Implement master plans and development review ordinances through Plan Conformance that protect Prime Ground Water Recharge Areas and minimize the potential for disruption of recharge in such areas by development.

**Objective 2D3g:** Require through Plan Conformance and local health ordinances, that existing land uses that have a significant potential to result in major discharges of pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a Prime Ground Water Recharge Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

**Policy 2D4:** To apply standards through Plan Conformance, local development review and Highlands Project Review to protect, restore and enhance the functionality and the water resource value of Prime Ground Water Recharge Areas by restricting development and uses of land within a Prime Ground Water Recharge Area that reduce natural ground water recharge volumes or may directly or indirectly contribute to or result in water quality degradation.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.



**Objective 2D4b:** Any development activity approved to occur in a Prime Ground Water Recharge Area shall provide an equivalent of 125% of pre-construction recharge volumes for the affected Prime Ground Water Recharge Area of the site within the following areas, in order of priority: (1) the same development site where feasible; (2) the same HUC14 subwatershed, or (3) an interrelated HUC14 subwatershed as approved by the Highlands Council where no feasible option exists in the same HUC14 subwatershed. This requirement shall apply to all portions of the Prime Ground Water Recharge Area where the recharge is disrupted through impervious surfaces, routing of stormwater runoff and recharge from natural flow paths, and other similar changes.

**Objective 2D4c:** Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area shall be minimized through the implementation of Low Impact Development Best Management Practices meeting the requirements of Objective 2D3a.

**Objective 2D4d:** Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area, after conformance with Objectives 2D4a, 2D4b and 2D4c is achieved, shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall be preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest ground water recharge rates and the lowest potential for aquifer recharge.

**Objective 2D4e:** Prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into a Prime Ground Water Recharge Area within the Protection or Conservation Zone within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.

**Objective 2D4f:** Prohibit through Plan Conformance, local development review and Highlands Project Review new land uses, including those identified through Objective 2D3d, that have a significant potential to result in the discharge of persistent organic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a Prime Ground Water Recharge Area, such that they may degrade or contribute to the degradation of ground water quality.

**Objective 2D4g:** Require conformance with applicable components of regional stormwater management plans, where applicable, as a mandatory requirement for any site plan application.

**Objective 2D4h:** Achieve a net improvement in ground water recharge volume and maintenance of water quality as required through compliance with and implementation of any related provisions of an adopted regional stormwater plan.

**Objective 2D4i:** Achieve a net improvement in ground water volume and maintenance of water quality through redevelopment, enhanced infiltration, pretreatment or other means where feasible.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems

shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Wellhead Protection Area:  2-Year Tier  5-Year Tier  12-Year Tier

A Wellhead Protection Area is a mapped area around a public water supply well that delineates the horizontal extent of ground water captured by a public water supply well pumping at a specific rate over a specific time. Wellhead Protection Areas consist of three tiers; the ground water within each tier takes a specified period of time to travel to the well: Tier 1 is a two-year time of travel; Tier 2 is equivalent to a five-year time of travel; Tier 3 is equivalent to a twelve-year time of travel. Wellhead Protection Areas are important areas for the protection of ground water quality.

**Policy 2H2:** To develop and implement, through Plan Conformance, local development review and Highlands Project Review, resource protection measures to protect and enhance ground water and water supply resources within Wellhead Protection Areas consistent with the source water assessments for each water supply source.

**Objective 2H4a:** Require site specific and municipal stormwater management plans to address wellhead protection requirements.

**Policy 2H5:** To require that conforming municipalities revise master plans and development regulations to address wellhead protection requirements.

**Objective 2H5b:** Restrict development activities that pose threats to the water quality of public water supply wells.

**Objective 2H5c:** Ensure that development activities and existing land use activities implement best management practices to protect the quality of ground water within Wellhead Protection Areas.

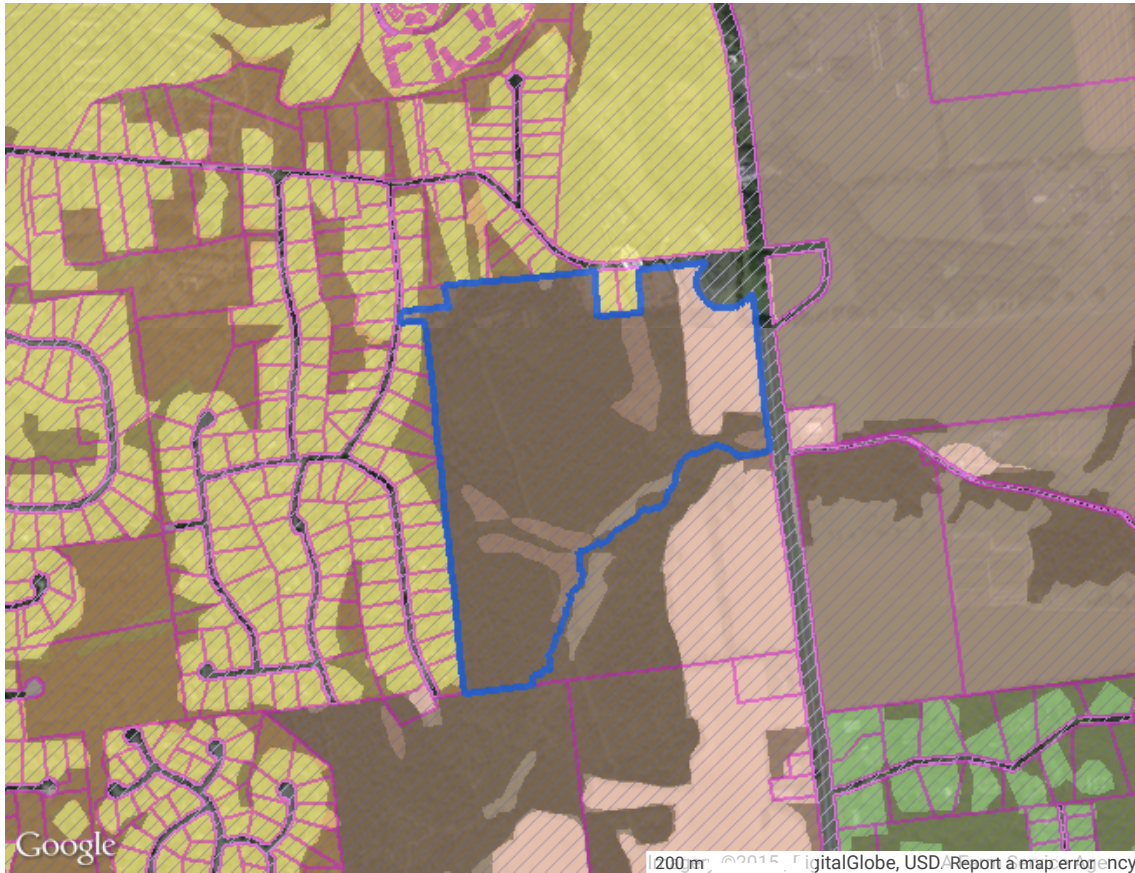
**Objective 2H5d:** Amend Areawide Water Quality Management Plans or Wastewater Management Plans for conforming municipalities and counties to ensure that any activity associated with the proposed service area will not adversely affect a Wellhead Protection Area.

**Objective 2G6c:** Require conforming municipal and county master plans and development regulations to incorporate relevant TMDLs, additional water quality protection measures and wellhead protection for public water supply wells and nitrate standards as development standards.



**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

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Forest Outside of Forest Resource Area: ■

■ Protection Zone	■ Conservation Zone
■ Existing Community Zone	■ Lake Community Subzone
■ Conservation Environmentally Constrained Subzone	
■ Existing Community Environmentally Constrained Subzone	
■ Wildlife Management	

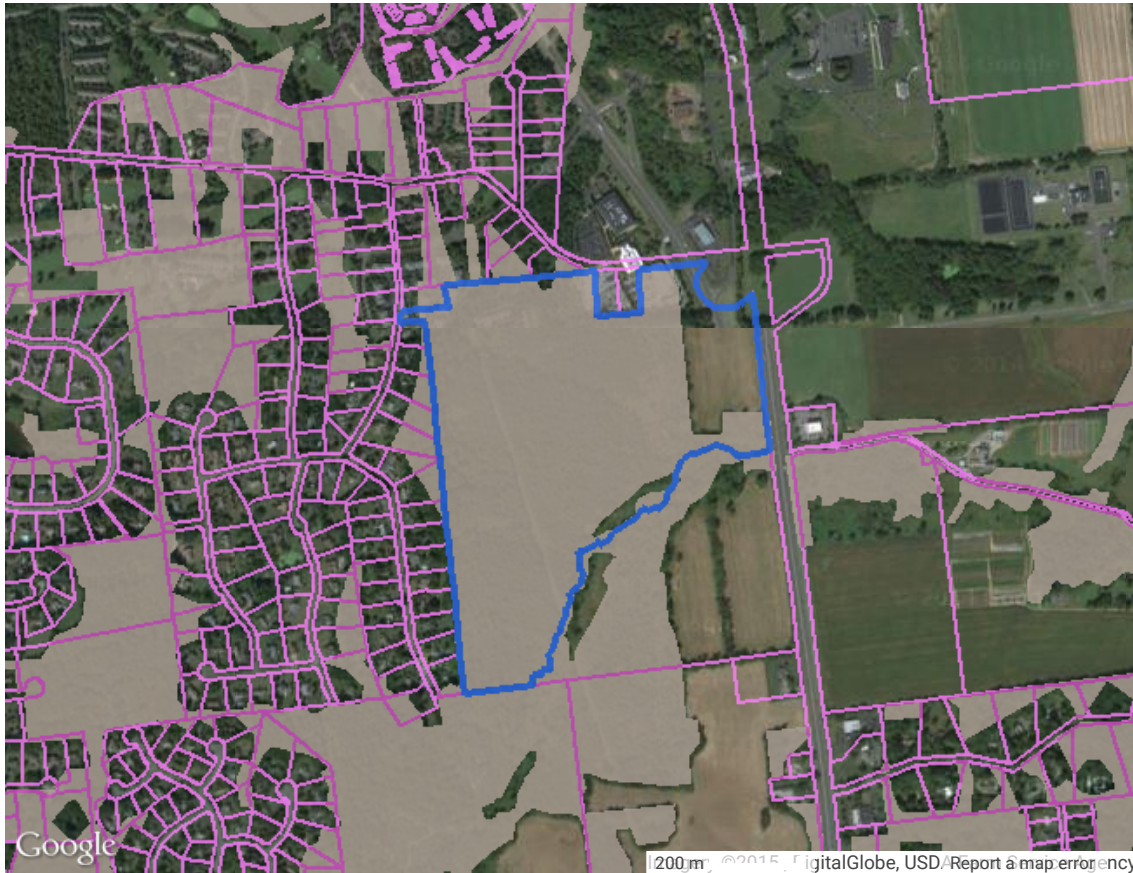
Land Use Capability:

Planning Area / Preservation Area: ■ Planning Area / ■ Preservation Area

Planning Area Forest in Protection or Conservation Zone data layer represents all forested lands in the Protection Zone or Conservation Zone in the legislatively delineated Planning Area. Regional Master Plan protection policies limit development of these forests to low impact residential in an effort to maintain valuable forested lands within these two Zones in the Planning Area.

**Policy 1B2:** To limit through local development review and Highlands Project Review human development of forests to low impact residential development in the Protection Zone and the Conservation Zone in the Planning Area.





Forest Outside of Forest Resource Area: ■

Forest Resources represents the Total Forest Area data layer that was extracted from the NJDEP 2002 draft Land Use Land Cover data. This data layer illustrates all upland and wetland forest and scrub/shrub categories (excluding old field) and represents all forested lands within the Region. The Regional Master Plan includes policies that limit clearing of trees within Forest Resources lands and that seek to protect overall forest resources integrity.

**Objective 1B3a:** Implementation through Plan Conformance of regulations, which limit the clearing of trees in conjunction with human development to circumstances where the clearing will not diminish the integrity of forest resources.

**Policy 1B5:** To ensure that forest resources are protected on a site specific basis during local development review and Highlands Project Review.

**Objective 1B5a:** Applications for local development review and Highlands Project Review require identification of any forest area on and adjacent to a site in accordance with the Highlands Council's Method for Identifying Upland Forest Areas in the Highlands Region.

**Policy 1B7:** To prohibit clear-cutting of forest lands except pursuant to an approved Forest Management Plan approved by the State Forester.

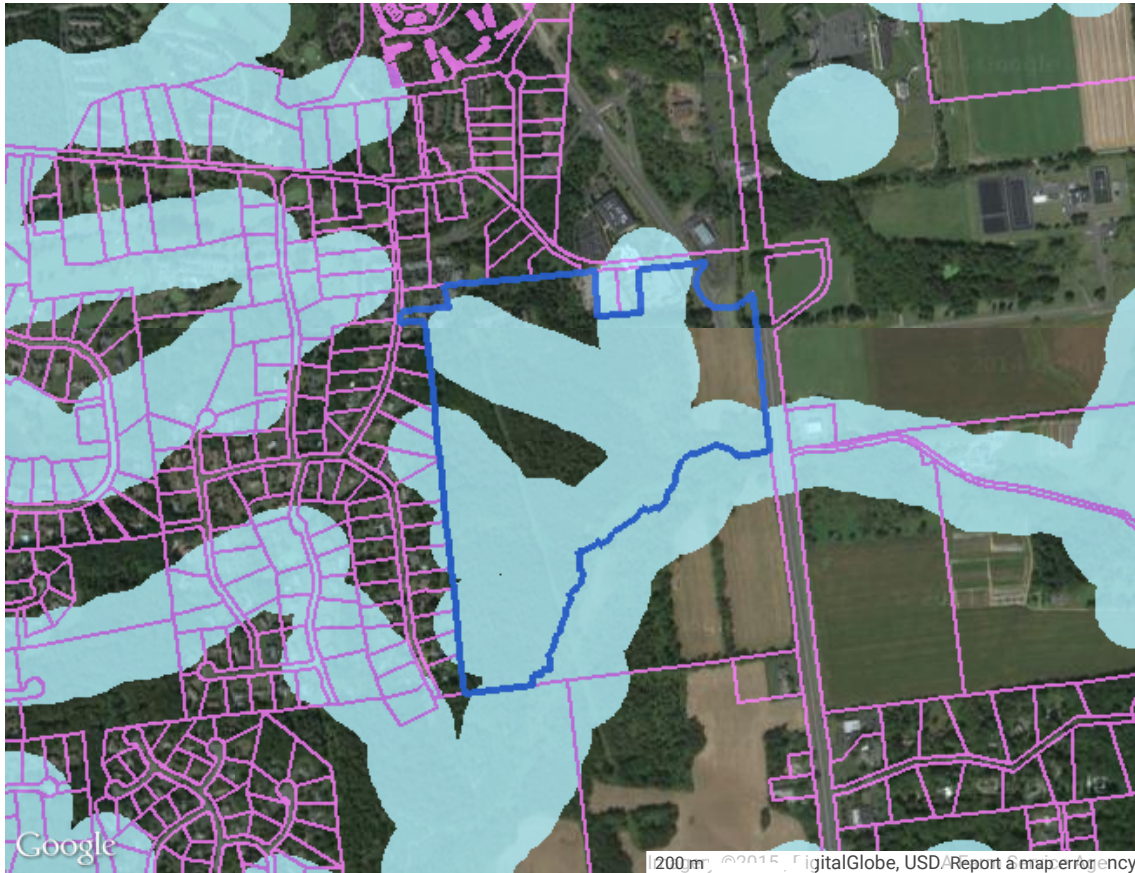
**Policy 1C3:** To require that conforming municipalities adopt a tree clearing ordinance consistent with an approved community forestry plan under the New Jersey Forest Service Community Forestry Program as part of the municipal master plan and local development regulations.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian

Areas, and Prime Ground Water Recharge Areas.

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Open Water Protection Area: ■

Highlands Open Waters are defined by the Highlands Act as all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial. The vegetated corridors adjacent to Highlands Open Waters are effective and important tools to protect water quality and aquatic habitat. Protection buffers safeguard Highlands Open Waters from the impacts of adjacent land use practices. The Regional Master Plan includes a protection buffer of 300 feet from the edge of the discernable bank of a Highlands Open Waters feature, or from the centerline where no discernable bank exists.

**Policy 1D4:** Highlands Open Waters shall include a protection buffer of 300 feet from the edge of the discernable bank of the Highlands Open Waters feature, or from the centerline where no discernable bank exists. With respect to wetlands and other Highlands Open Waters features (e.g., seeps, springs, etc.), the feature shall include a protection buffer of 300 feet from the delineated Letter of Interpretation (LOI) line issued by the NJDEP for wetlands, or from a field-delineated boundary for other features. In areas where existing development or land uses within the protection buffers have reduced or impaired the functional values of the buffers, the Council will seek opportunities to restore the buffer and its functions. Any proposed disturbance shall, through local development review and Highlands Project Review, comply with Highlands Open Waters buffer standards. The protection buffer width for Category 2 streams in the Planning Area may be modified through a Stream Corridor Protection/Restoration Plan, as specified in Objective 1D4i. In approved Redevelopment Areas, the Council may, at its discretion, modify the required buffer, upon a showing of no alternatives, no impact to the functional value of the buffer, and provision of alternative approaches to enhancing or protecting Highlands Open Waters and resources of the buffer area.

**Objective 1D4a:** Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Open Waters.

**Objective 1D4c:** Require that proposed development within all Highlands Open Waters buffers (Preservation and Planning Areas) conforms through local development review and Highlands Project Review with the buffer requirements of N.J.A.C. 7:8 (Stormwater Management Rules), N.J.A.C 7:13 (Flood Hazard Area Rules), and N.J.A.C. 7:7 (Freshwater Wetland Rules), and with



any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).

**Objective 1D4i:** Develop through Plan Conformance and implement stream corridor or subwatershed-based Stream Corridor Protection/Restoration Plans which shall include Steps 1, 2, and 3, and may include Steps 4 and 5: 1. Identify areas where existing development, land disturbances, or land uses are within Highlands Open Waters buffers have removed or substantially impaired natural vegetation communities, and have significantly reduced or impaired the functional values of Highlands Open Waters buffers. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered “land improvements,” “development,” “land disturbances,” or “land uses”; 2. Identify and require opportunities for restoration of areas identified in Step 1 as part of mitigation requirements under a Highlands Act waiver or Objectives 1D4e and 1D4f, and public or nongovernmental restoration/stabilization projects; 3. Identify the extent of stream corridor features that are critical to supporting the functions of a healthy Highlands Open Waters buffer and that extend beyond the buffers required by Objectives 1D4b and 1D4c. The 300 foot buffer in these areas may be expanded to be most protective of these features which may include, but are not limited to, Critical Habitat, pollutant source areas identified through scientific techniques, and steep slopes; 4. Where Highlands Open Waters buffers include areas identified in Step 1, regarding Category 2 surface waters in the Planning Area only, the Stream Corridor Protection/Restoration Plan may identify where, based on scientific analysis of site-specific conditions (e.g., topography, vegetation cover type, habitat, soil type, upstream land uses and pollution inputs, width of floodplain, rate and volume of run-off), a buffer of less than the full 300 feet (but including the undisturbed buffer area at a minimum) is sufficient to maintain or improve the protection of Highlands Open Waters and Riparian Areas. The plan must identify alternative buffers that provide functional buffer values at least equivalent to existing conditions and are no less than 150 feet or no less than the extent allowed in State or municipal regulation (including Objectives 1D4b and 1D4c), whichever is greater. Further, the plan shall include a functional value assessment to ensure that there is no net loss in the overall functional value of the subwatershed’s stream buffers. Buffers established through this process shall be determined based on site conditions rather than fixed distances, reflecting findings of the scientific analysis, and shall be used in the site design and development review process regarding determinations of restoration, continued use, or increased use of the disturbed buffer area. Buffer averaging for the purpose of accommodating development proposals is deemed not to meet the requirements of this provision; and 5. Where a proposed Highlands Redevelopment Area would not meet, in full, Objectives 1D4b through 1D4h but affects an undisturbed buffer area determined to not be necessary for the protection of the functional values for Highlands Open Waters buffer (as determined through scientific analysis of site-specific conditions), modification of the undisturbed buffer may be allowed to no less than the extent allowed in State or municipal regulation. However the Council shall first determine that there is no alternative to the proposed reduction of the buffer, and require a showing of no impact to the functional values of the buffer and provision of alternative approaches to enhancing or protecting the Highlands Open Waters and resources of the buffer area. Restoration or enhancement of buffer functional values shall be provided on-site or within the same stream reach to achieve a net improvement of existing buffer functional values.

**Objective 1D4j:** The Highlands Council may require on a case-by-case basis, through Highlands Project Review, an expansion of the 300 foot buffer to protect the habitat of a water or wetlands-dependant rare, threatened or endangered species, to the minimum expansion necessary to achieve protection of that species.

**Objective 1D5b:** Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands

Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

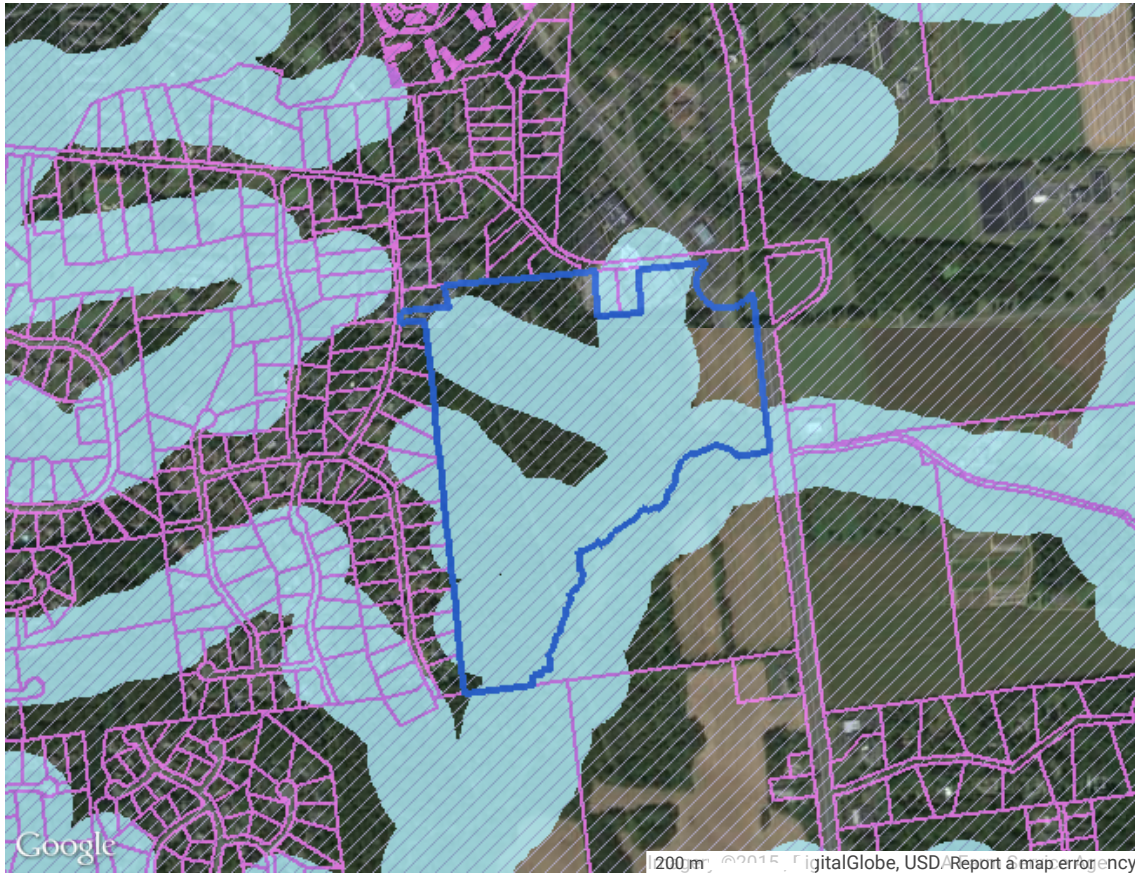
**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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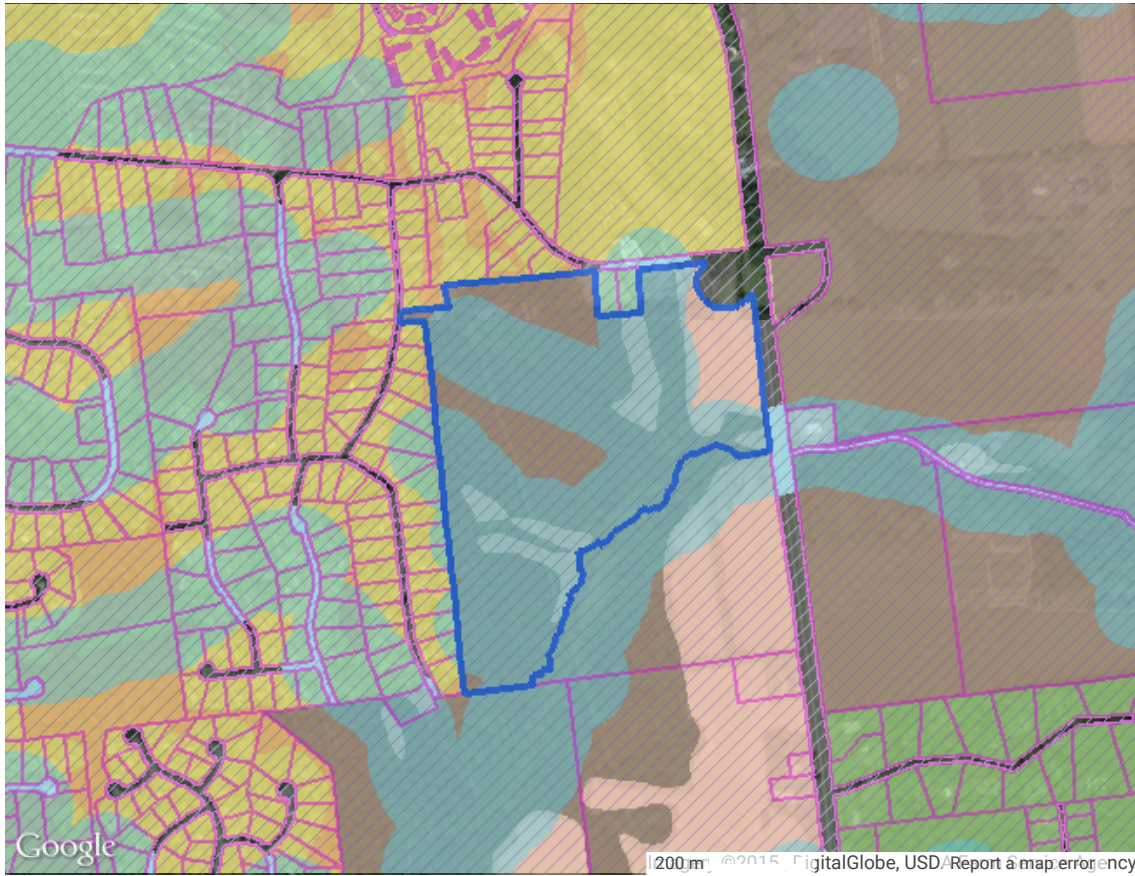
Open Water Protection Area: 

Planning Area / Preservation Area:  Planning Area /  Preservation Area

Includes all Highlands Open Waters protection buffers within the Planning Area

**Objective 1D4d:** Structures or other land improvements existing within a Highlands Open Waters buffer of the Planning Area on August 10, 2004 may remain, provided that the area of disturbance shall not be increased unless approved through local development review or Highlands Project Review in compliance with RMP policies and objectives. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered “land improvements,” “development,” “land disturbances,” or “land uses.”

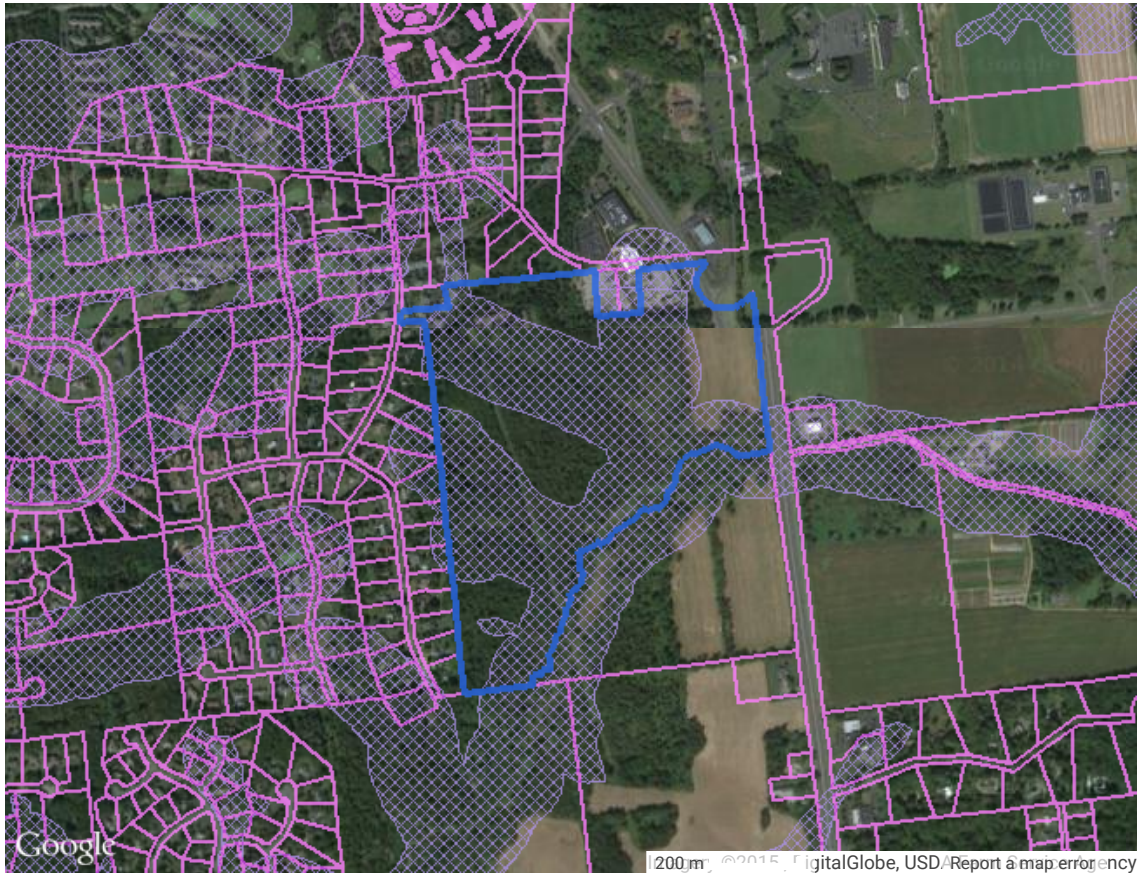
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Includes all Highlands Open Waters protection buffers within the Protection and Conservation Zones of the Planning Area.

**Objective 1D4e:** In the Protection and Conservation Zones of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the Highlands Council under Policy 7G2. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered “land improvements,” “development,” “land disturbances,” or “land uses.” Such proposed disturbances must demonstrate full utilization of the following performance standards in the listed order, to demonstrate the necessity of an encroachment into Highlands Open Waters buffers: 1) avoid the disturbance of Highlands Open Waters buffers; 2) minimize impacts to Highlands Open Waters buffers; and 3) mitigate all adverse impacts to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h. Minimization and mitigation opportunities shall be considered only upon a clear and convincing demonstration by the applicant that the protection buffer cannot be avoided and in no case shall the remaining buffer be reduced to less than 150 feet from the edge of Highlands Open Waters, unless a waiver is granted by the Highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c.





Riparian Corridor Integrity Score: HIGH MODERATE LOW

Riparian Areas are areas adjacent to, and hydrologically interconnected with, rivers and streams. They are areas that exhibit periodic inundation or saturation of soils, are subject to periodic flooding, and include wildlife corridors within 300 feet of a surface water feature. Riparian Areas serve as an interface between surface water bodies and terrestrial ecosystems and play a critical role in maintaining the quality and ecological integrity of Highlands Open Waters.

**Objective 1D5b:** Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.

**Objective 1D5e:** Implement Low Impact Development Best Management Practices for any development activity proposed within a Riparian Area, which minimize both alterations of natural vegetation and increases in impervious area, in compliance with Policies 6N3 and 6N4 and provide for mitigation through restoration of impaired Riparian Areas in the same HUC14 subwatershed.

**Objective 1D5f:** Require that development within Riparian Areas conforms through local development review and Highlands Project Review to any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).

**Objective 1D5g:** Require identification and implementation of opportunities where the restoration and enhancement of previously impaired Riparian Areas are feasible and appropriate as mitigation to any allowable modification to Riparian Area requirements.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge

Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

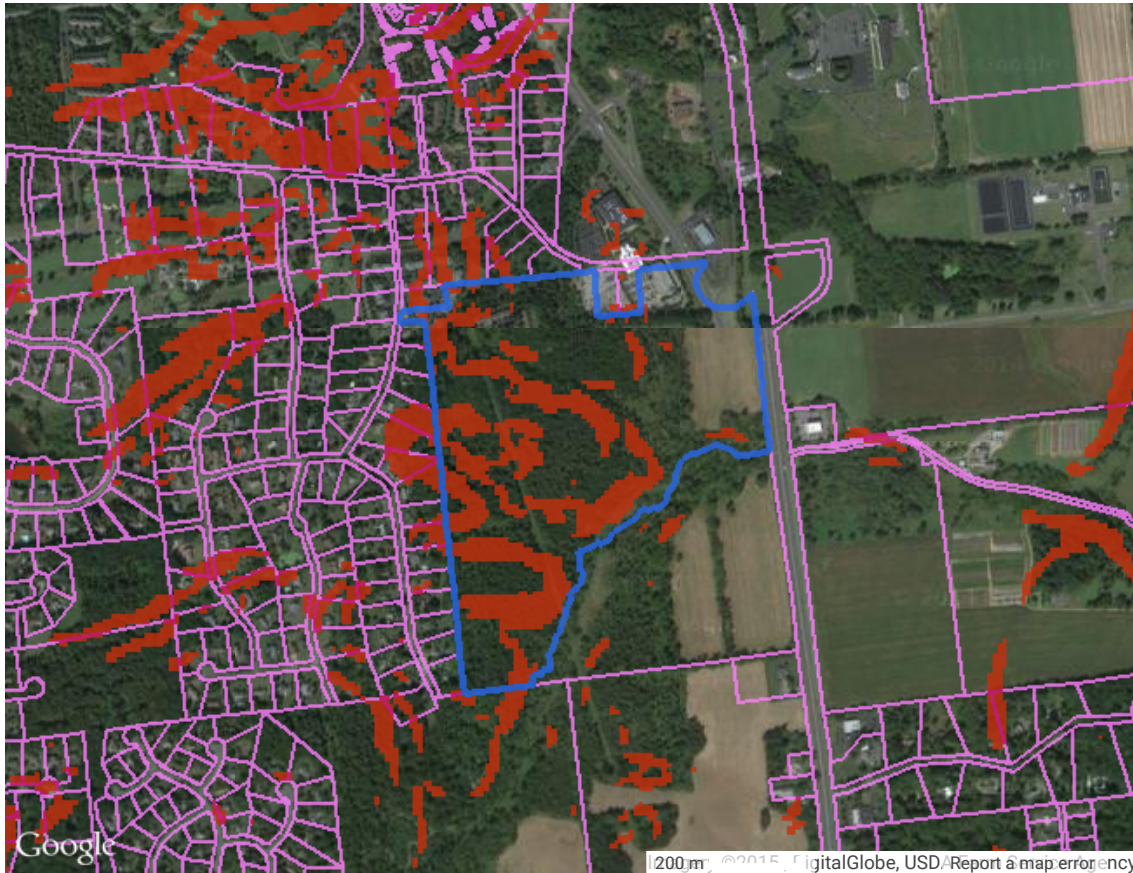
**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Steep Slope Protection Area: ■

Slope is a measurement of the steepness of terrain and is defined as the vertical change in elevation over a given horizontal distance. Disturbance of areas containing steep slopes can trigger erosion and sedimentation, resulting in the loss of topsoil. It can also result in the disturbance of habitats, degradation of surface water quality, silting of wetlands, and alteration of drainage patterns. The Highlands Council examined areas of slope in the Highlands Region that exhibited one of the following grade classifications and these grades were established as Steep Slope Protection Areas: 1) grades of slopes of 20% or greater; 2) grades of slope between 15 - 20%; and 3) grades of slope between 10 - 15% that occur within the Riparian Area.

**Policy 1E6:** To require through local development review and Highlands Project Review that applications for development include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development.

**Policy 1E7:** To require through local development review and Highlands Project Review that applications for development involving parcels of land with slopes of 10% or greater include identification of forested lands, areas which are highly susceptible to erosion, depth to bedrock and Soil Capability Classes.

**Policy 1E10:** To require that conforming municipalities and counties implement the steep slope protection provisions of Policies 1E2 through 1E9 through master plans and development regulations.

**Objective 211b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning



Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.



**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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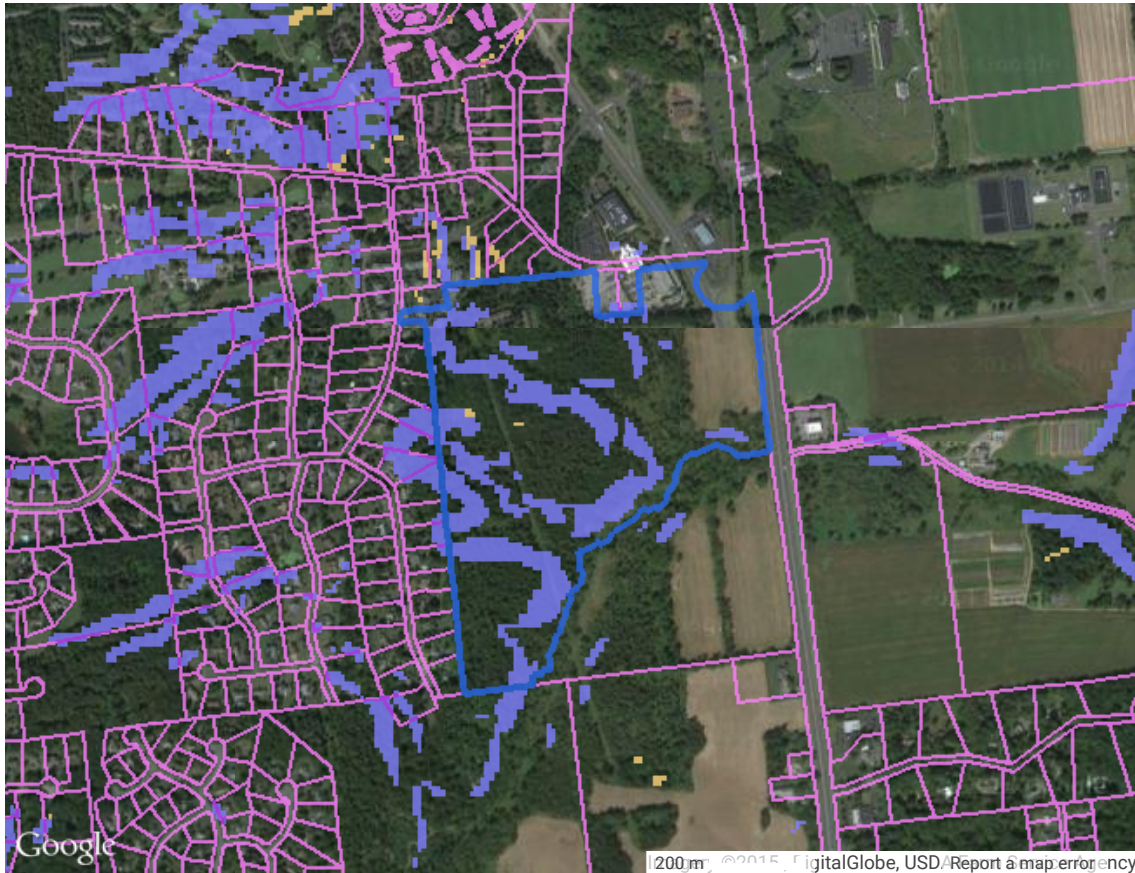
Riparian Corridor Integrity Score:  HIGH  MODERATE  LOW

These areas include watersheds with Riparian Areas that contain a higher incidence of impervious area, agricultural uses and/or road crossings (as compared to High Score) and a reduced proportion of natural vegetation including high quality habitat for rare, threatened, and endangered water/wetland dependent species.

**Objective 1D5b:** Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.

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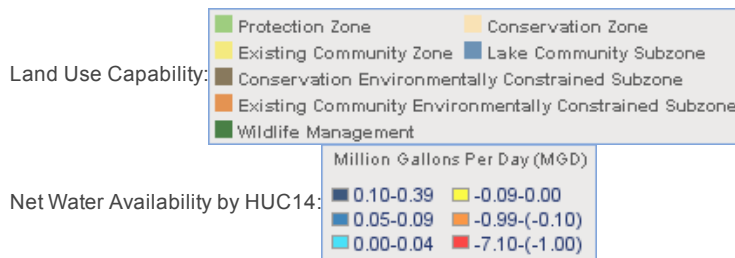
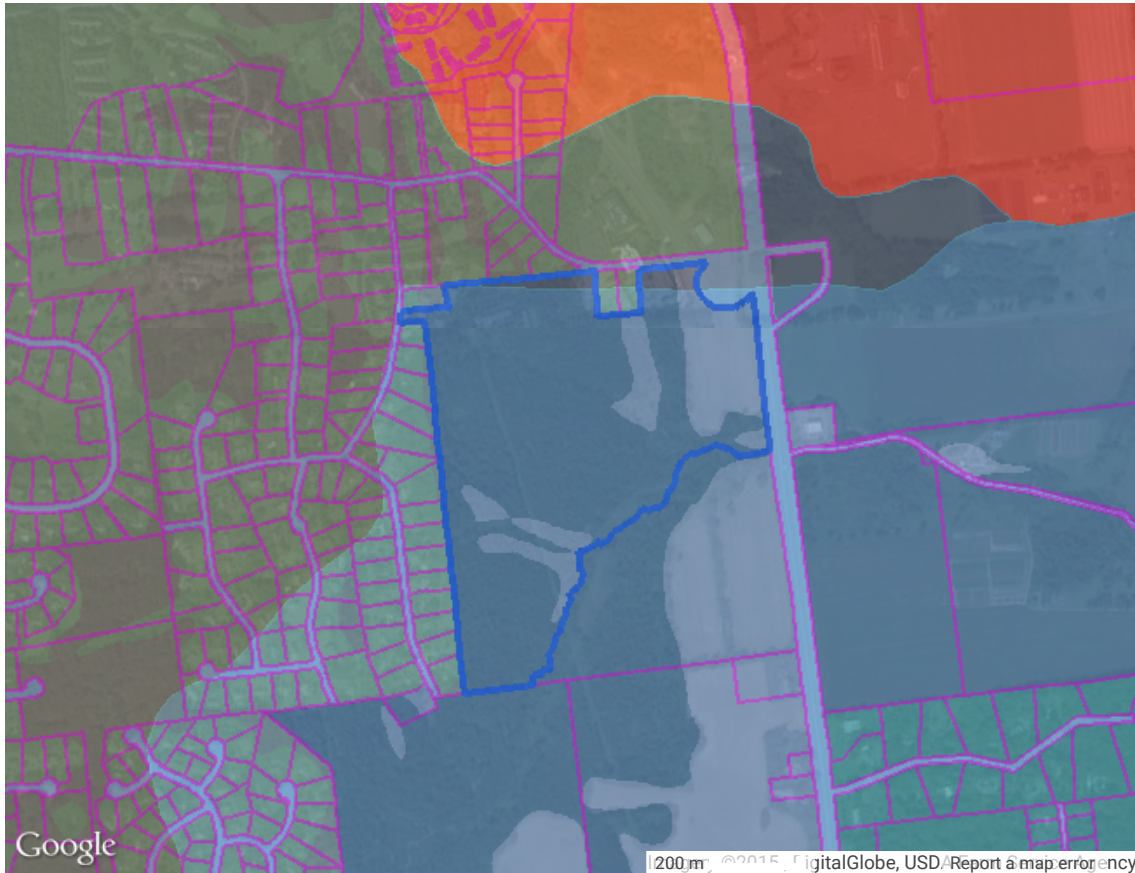
Moderately Constrained Slopes: ■  
Severely Constrained Slopes: ■

Severely Constrained Slopes are all lands with slopes of 20% or greater and lands within Riparian Areas with slopes of 10% or greater. Moderately Constrained Slopes are all non-Riparian Area lands having a slope of 15% to less than 20% which are forested.

**Policy 1E8:** To prohibit through local development review and Highlands Project Review land disturbance within areas which are Severely Constrained Slopes and Moderately Constrained Slopes, except for linear development in both the Preservation and Planning Areas that meets the requirements of N.J.A.C. 7:38-3.8(c)1-4.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.

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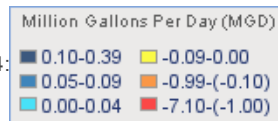
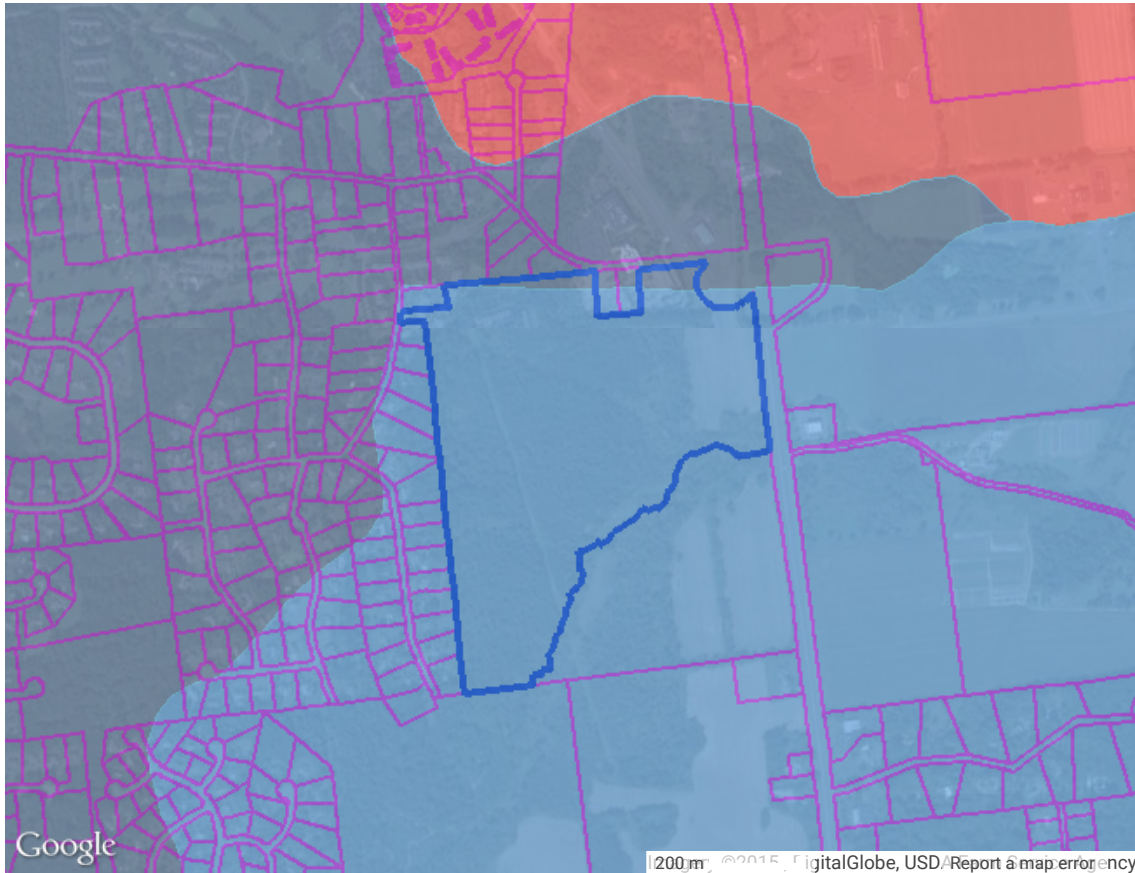


Identifies the portion of a HUC14 subwatershed within the Protection or Conservation Zone.

**Policy 2A2:** To ensure that increasing water demands do not exceed Net Water Availability or exacerbate existing deficits of subwatersheds. Net Water Availability is affected at a subwatershed level by location and extent of Land Use Capability Zone Map and its status as Current Deficit Area or Existing Constrained Area.

**Objective 2B4a:** Give highest priority for the use of non-agricultural Net Water Availability or Conditional Water Availability within Protection Zone and Conservation Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review, and Highlands Project review: 1. To address a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for Net Water Availability; 2. To serve a designated Highlands Redevelopment Area; 3. To serve a cluster development that complies with Objective 2J4b; and 4. To serve affordable housing projects where at least 10% of the units are affordable.

**Objective 2B4c:** Establish and implement mandatory stormwater reuse for recreational and other non-agricultural irrigation, as well as other non-potable water purposes to minimize both the volume of stormwater discharges and water withdrawals for these purposes.



Net Water Availability by HUC14:

Net Water Availability is calculated for each HUC14 subwatershed by deducting consumptive and depletive water uses from Ground Water Availability. The Regional Master Plan incorporates Net Water Availability as a capacity threshold on future water uses. Where Net Water Availability is positive, it is assumed there is water available beyond the existing demand. Where net water availability is negative, the subwatershed is in deficit and deemed to be a Current Deficit Area. In Current Deficit Areas where a Water Use and Conservation Management Plan has not yet been adopted, limited amounts of Conditional Water Availability are provided. The use of Net Water Availability or Conditional Water Availability is subject to Regional Master Plan policies.

**Policy 2A2:** To ensure that increasing water demands do not exceed Net Water Availability or exacerbate existing deficits of subwatersheds. Net Water Availability is affected at a subwatershed level by location and extent of Land Use Capability Zone Map and its status as Current Deficit Area or Existing Constrained Area.

**Objective 2B4c:** Establish and implement mandatory stormwater reuse for recreational and other non-agricultural irrigation, as well as other non-potable water purposes to minimize both the volume of stormwater discharges and water withdrawals for these purposes.

**Policy 2B7:** To ensure through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review that the use of Net Water Availability and Conditional Water Availability within each subwatershed supports development patterns that are in conformance with RMP policies and objectives.

**Objective 2B8c:** Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where





developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.

**Objective 2J2b:** Limit future water system demands to levels that will not create a Current Deficit Area where one does not currently exist.

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Wellhead Protection Area:  2-Year Tier  5-Year Tier  12-Year Tier

Identifies the Tier 1 portion of a Wellhead Protection Area. The calculated time for ground water to travel to the well from this zone is two years.

**Objective 2H2a:** Prohibit land uses that have a significant potential to result in the discharge of pathogens (including, but not limited to, septic systems and engineered stormwater infiltration from surfaces with significant potential for contact with pathogenic contaminants) to ground water or to the land surface within a designated Tier 1 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality. Require that the construction of sewer lines within Tier 1 of a Well Head Protection Area prevent seepage of untreated sewage into ground water.

**Objective 2H2b:** Prohibit land uses that have a significant potential to result in the discharge of persistent organic or toxic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a designated Tier 2 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality.

**Objective 2H2c:** Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

**Objective 2H4b:** Encourage stormwater reuse for non-agricultural irrigation and other non-potable water purposes to minimize the volume of stormwater discharges (other than from clean sources) within a Tier 1 or Tier 2 Wellhead Protection Area.





Wellhead Protection Area:  2-Year Tier  5-Year Tier  12-Year Tier

Identifies the Tier 2 portion of a Wellhead Protection Area. The calculated time for ground water to travel to the well from this zone is five years. Tier 2 also includes the land area within Tier 1.

**Objective 2H2b:** Prohibit land uses that have a significant potential to result in the discharge of persistent organic or toxic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a designated Tier 2 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality.

**Objective 2H2c:** Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

**Objective 2H4b:** Encourage stormwater reuse for non-agricultural irrigation and other non-potable water purposes to minimize the volume of stormwater discharges (other than from clean sources) within a Tier 1 or Tier 2 Wellhead Protection Area.

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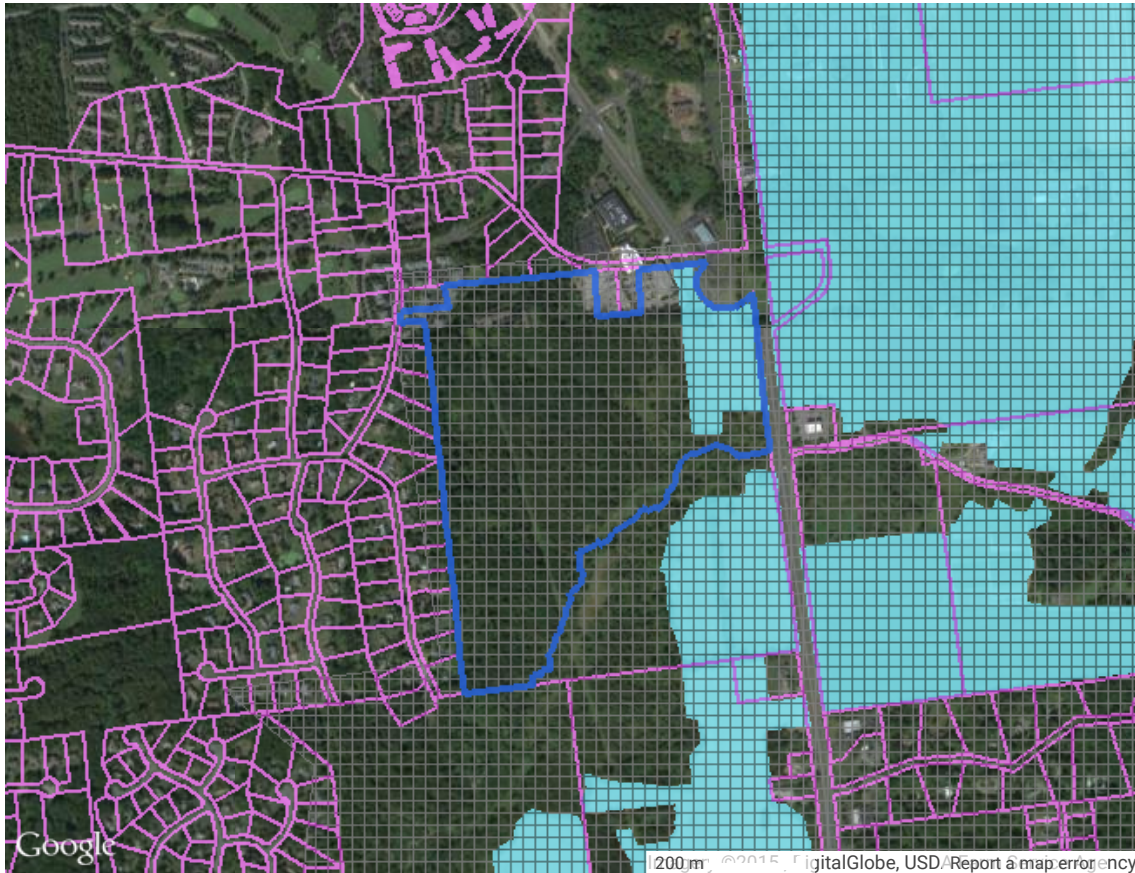


Wellhead Protection Area:  2-Year Tier  5-Year Tier  12-Year Tier

Identifies the Tier 3 portion of a Wellhead Protection Area. The calculated time for ground water to travel to the well from this zone is twelve years. Tier 3 also includes the land area within Tiers 2 and 1.

**Objective 2H2c:** Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

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Agricultural Uses: ■

Agricultural Resource Area: ■■

Includes all Agricultural Uses within the Agricultural Resource Area.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

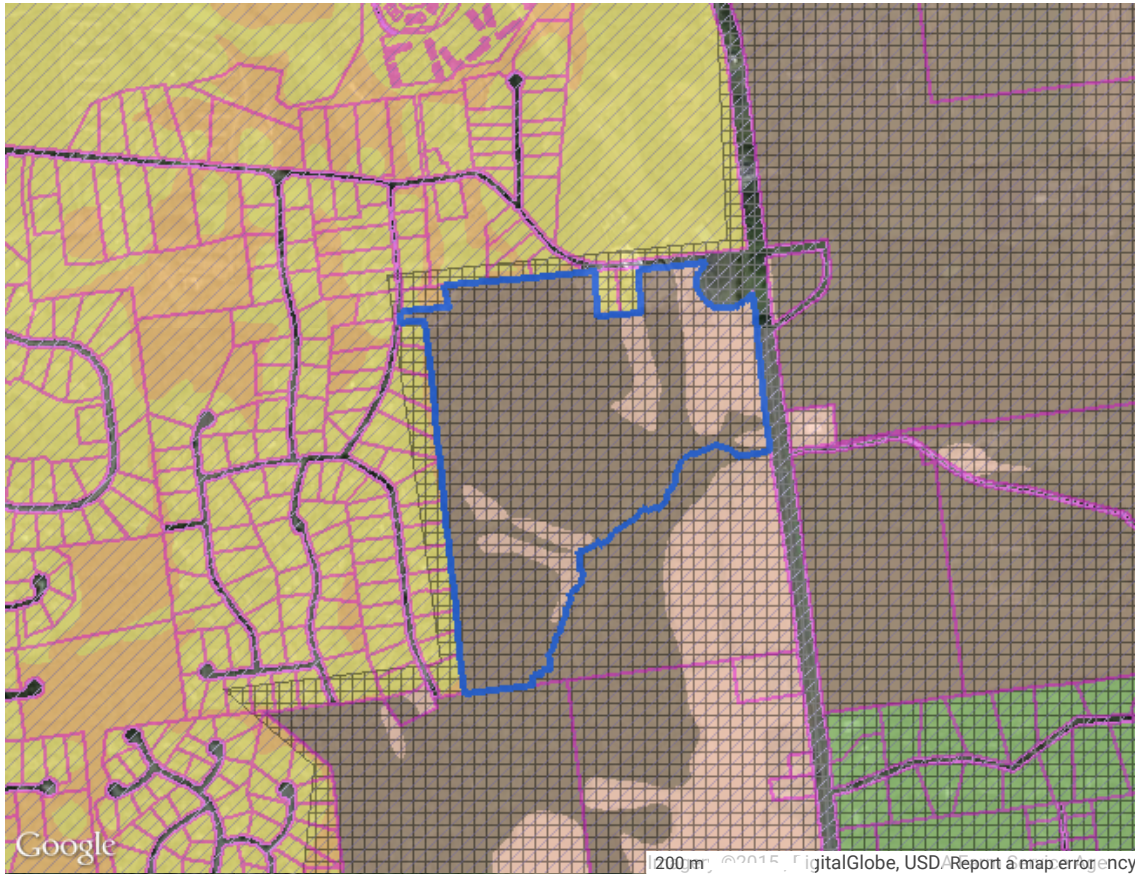
**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a










cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.



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Agricultural Resource Area: 

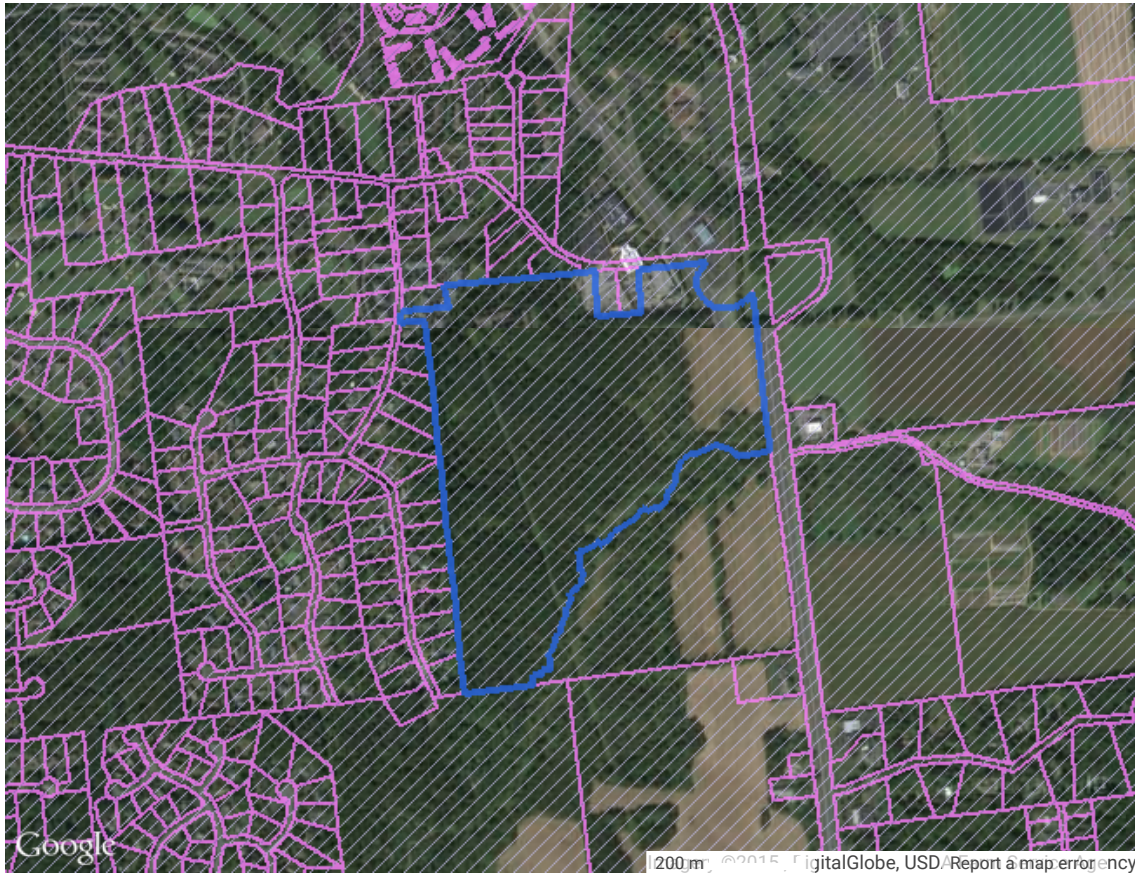
 Protection Zone	 Conservation Zone
 Existing Community Zone	 Lake Community Subzone
 Conservation Environmentally Constrained Subzone	 Existing Community Environmentally Constrained Subzone
 Wildlife Management	

Land Use Capability:

Planning Area / Preservation Area:  Planning Area /  Preservation Area

Includes Agricultural Resource Area within the Planning Area and within the Conservation and Protection Zones.

**Policy 3C1:** To prohibit through Plan Conformance, local development review and Highlands Project Review the development of additional water and wastewater infrastructure in a Agricultural Resource Area (ARA) within the Conservation and Protection Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the preservation of agricultural lands within the ARA.



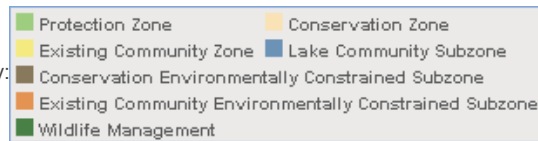
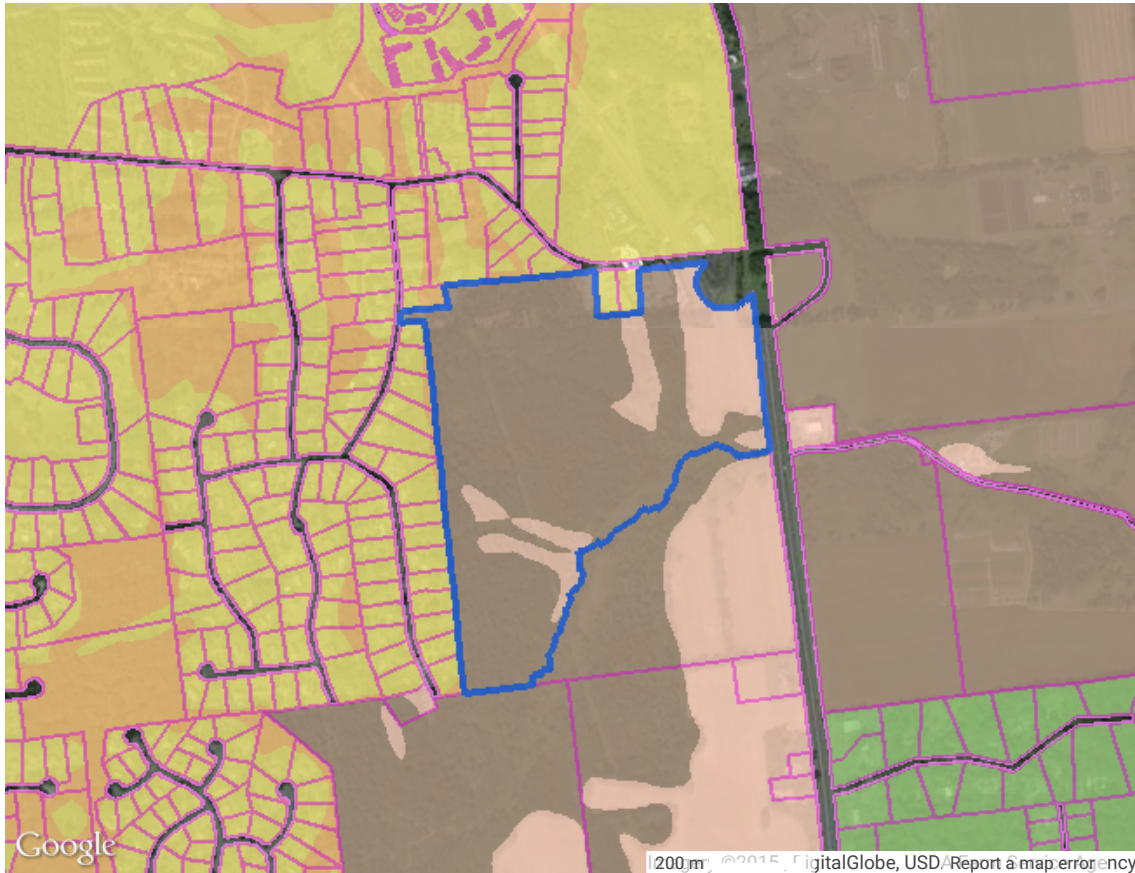
Planning Area / Preservation Area:  Planning Area /  Preservation Area

Means lands within the Highlands Region which are not within the Preservation Area.

**Objective 7F1d:** Planning Area exemptions, issued by the Highlands Council, shall be required, where appropriate, prior to consideration of a local development review or a Highlands Project Review. Guidance shall specify the exceptions where a review may proceed absent such an exemption determination. Applications for exemptions submitted to the Highlands Council shall be based upon the application requirements exemptions codified in N.J.A.C. 7:38.

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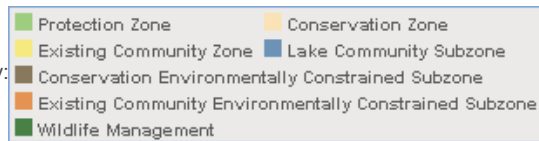
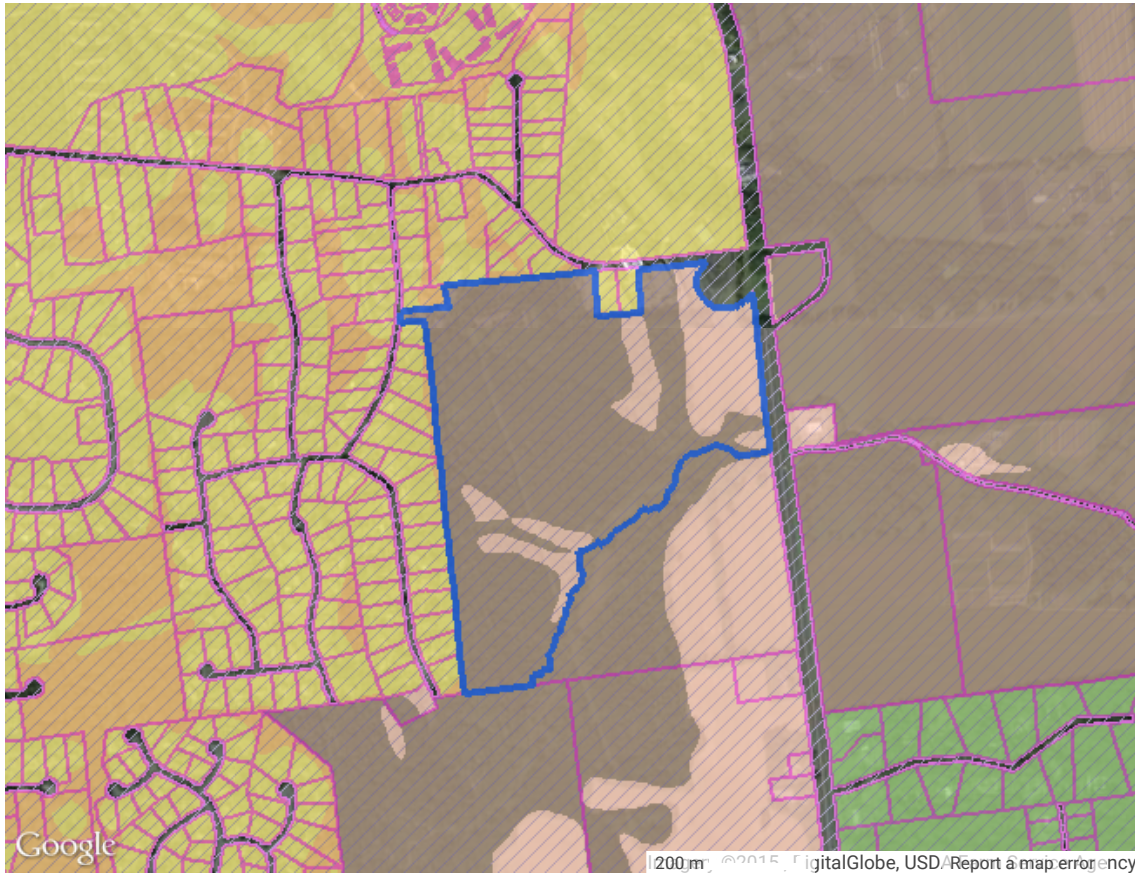
Land Use Capability:

Consists of areas with significant agricultural lands and interspersed with associated woodlands and environmental features.



**Objective 2B4d:** The highest priority for agricultural water uses in the Conservation Zone shall be those Preservation Area uses that promote agricultural and horticultural uses and opportunities that are compatible with protection of the Highlands environment, and those Planning Area uses that promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities. Compatible agricultural and horticultural uses shall minimize consumptive water uses through efficiency measures.

**Policy 6D3:** To limit through Plan Conformance, local development review and Highlands Project Review the use and development of lands within the Conservation Zone to agriculture use and development, including ancillary and support uses, redevelopment of existing developed areas, and environmentally-compatible low density land uses that are to the maximum extent possible achieved in compact development patterns, to be designed and developed in a manner which is compatible with the long term use of adjacent land for agricultural purposes.

**Objective 6D3b:** Centers in the Conservation Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.



Land Use Capability:

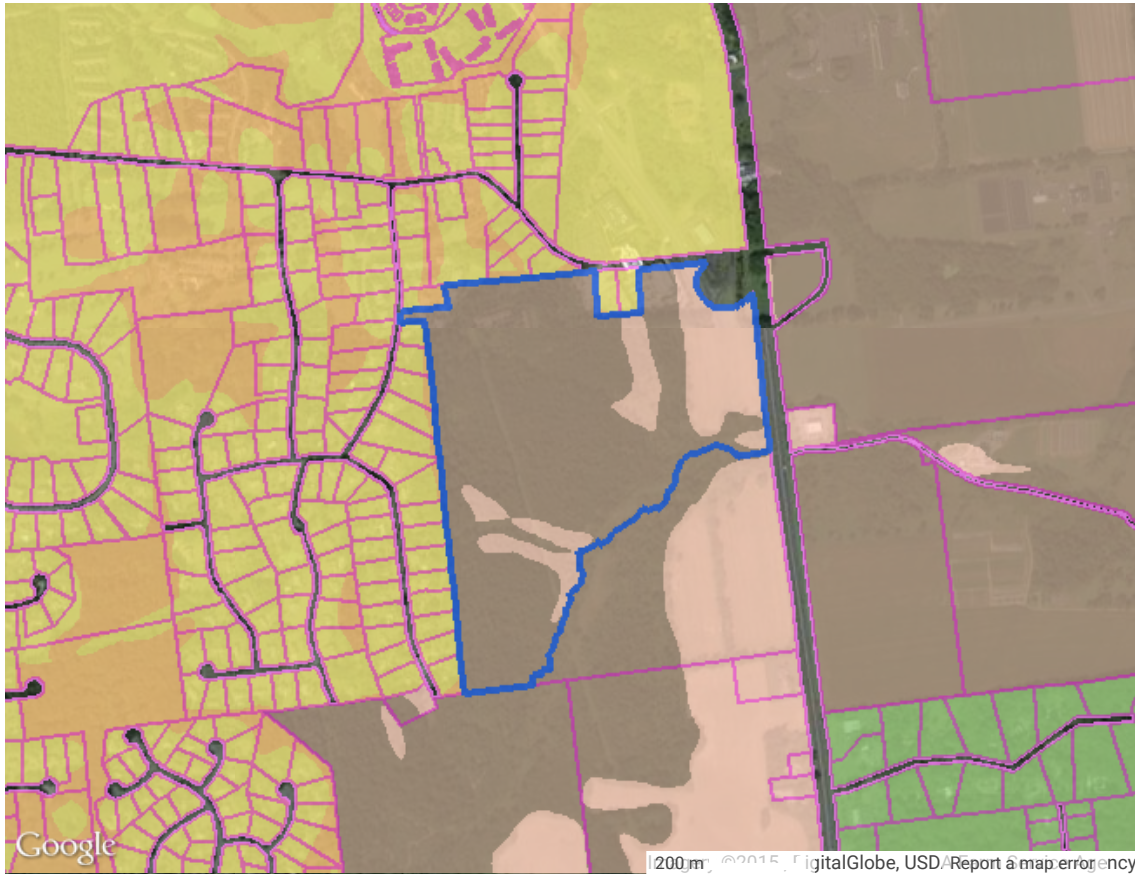
Planning Area / Preservation Area:  Planning Area /  Preservation Area

Includes the Conservation Zone within the Planning Area.

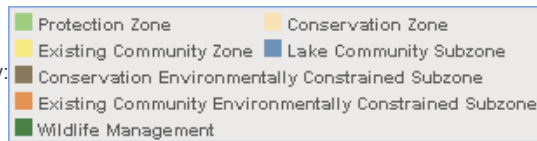
**Objective 2L2b:** Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Conservation Zone is predominant as the nitrate target for new development reliant on septic systems within the Conservation Zone. The median is 1.87 mg/L.

**Policy 6J3:** To encourage redevelopment in the Conservation and Protection Zones in the Planning Area of brownfields and grayfields that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.





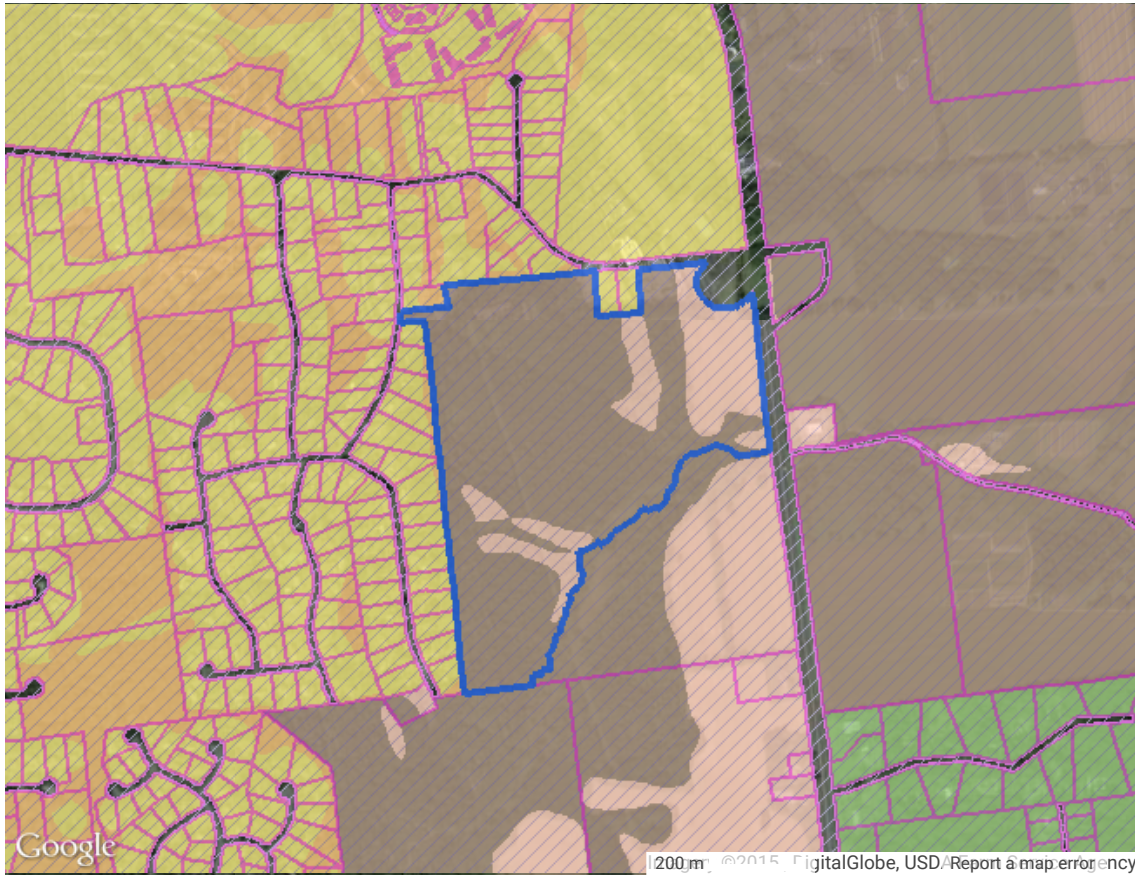
Land Use Capability:



Includes both the Conservation Zone and the Protection Zone.

**Objective 2L3f:** Carrying capacity shall be documented through the Land Use Capability Septic System Yield Map as the number of allowable septic systems per Conservation and Protection Zone for each HUC14 subwatershed, taking into account the nitrate target, the HUC14 subwatershed drought ground water recharge, and the acreage that is privately owned, undeveloped or underdeveloped, and not preserved.

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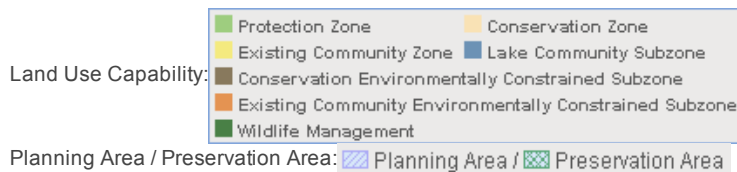
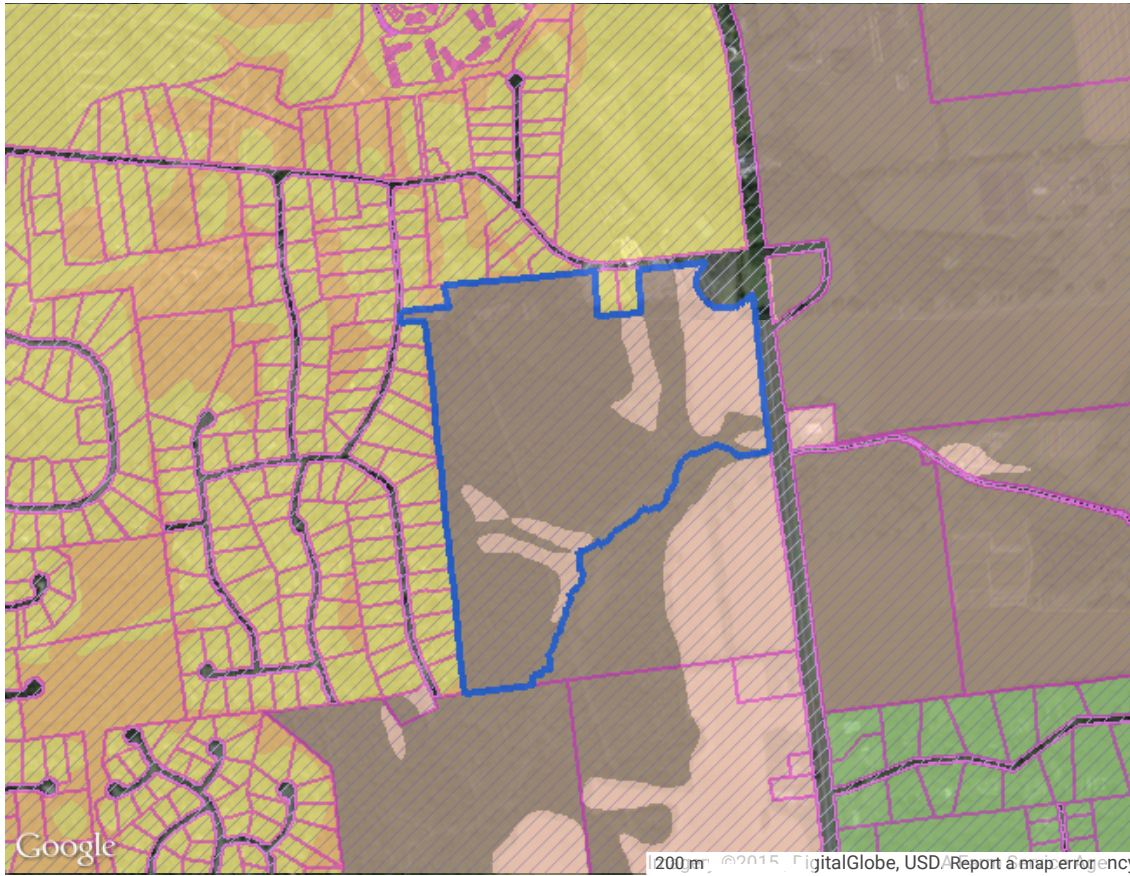


Planning Area / Preservation Area:  Planning Area /  Preservation Area

Includes the Protection Zone, Conservation Zone, Environmentally Constrained Sub-Zones and the Existing Community Zone within the Planning Area.

**Policy 2J4:** To minimize, through Plan Conformance, local development review and Highlands Project Review, the creation or extension of public water supply systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area, and to allow for the creation or extension of public water supply systems where appropriate within the Existing Community Zone.





Includes the Protection Zone, Conservation Zone, and the Environmentally Constrained Sub-Zones within the Planning Area.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2J4b:** Clustered development served by public water supply within the Protection Zone,

the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity; 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. To the maximum extent feasible the developed portion (i.e., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Objective 2J4d:** All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area will be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Objective 2K3d:** Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas; 2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited

to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served; 4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Objective 2K3f:** All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 6H1b:** Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone and Environmentally Constrained Sub-Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the protection of agricultural and environmentally sensitive resources.

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# Regional Master Plan Consistency Report

3/5/2015

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Prepared by State of New Jersey Highlands Water Protection and Planning  
Council  
100 North Road (Route 513), Chester, NJ 07930  
Telephone: (908) 879-6737 Fax: (908) 879-4205

Opacity ▼



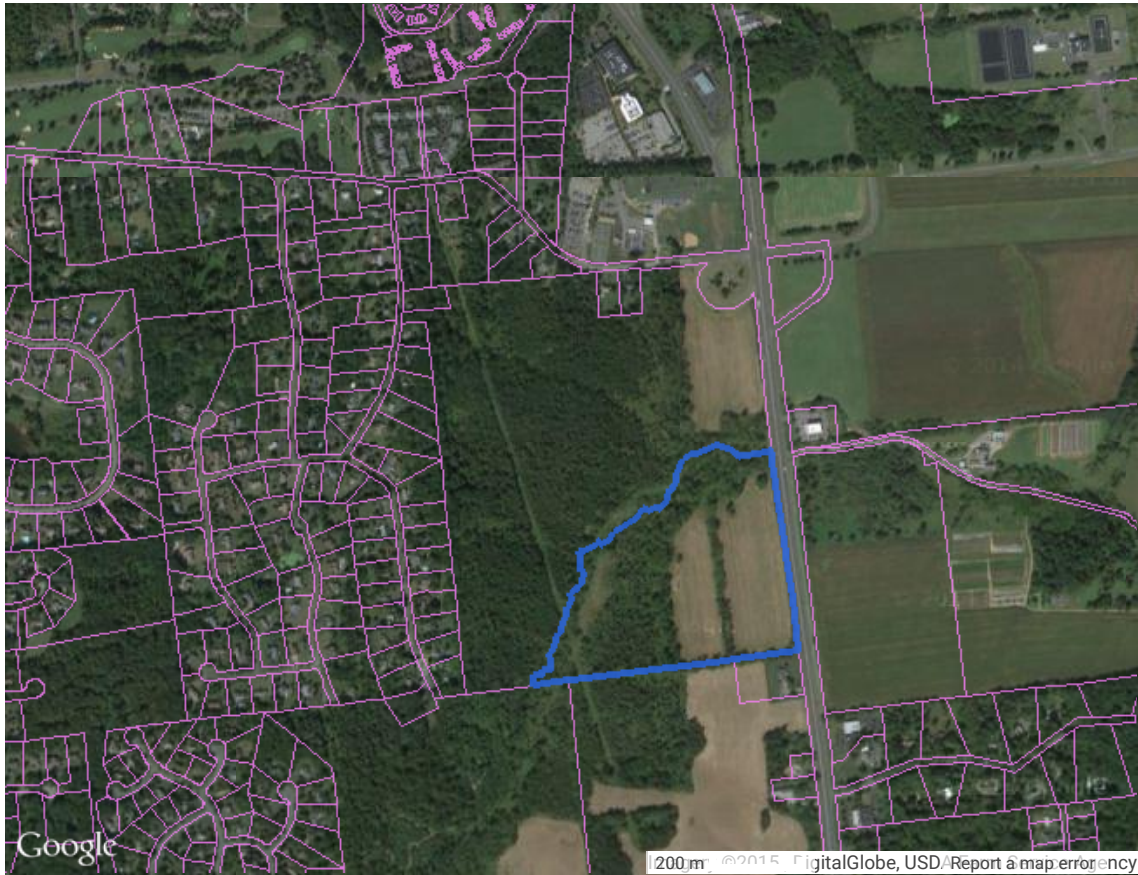
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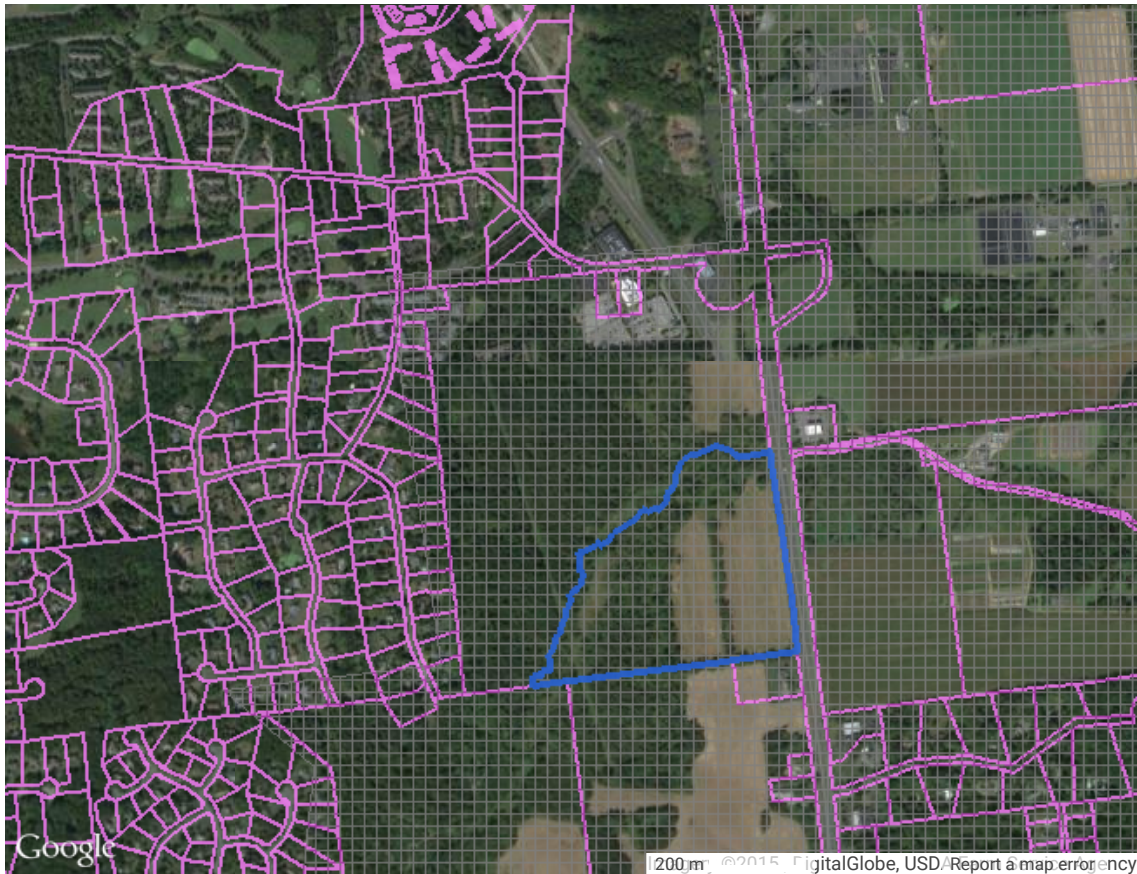
Please consider the environment before printing this report

Disclaimer

Please be advised that any reports generated from the online Consistency Review Application do not constitute a formal Consistency Determination from the Highlands Council. The information contained therein is provided solely for informational purposes and is not to be construed as providing advice, recommendations, endorsements, representations or warranties of any kind whatsoever.

**Marookian Site (2), Block 82, Lot 4.03, Clinton Township, Hunterdon County**





Agricultural Resource Area: 

An intensity indicator that reflects areas in the Region with a prevalence of active farms and is based upon Contiguous Farms >250 acres, Important Agricultural Soils - Undeveloped, and Preserved Farms data layers.

**Objective 113:** To require conforming municipalities and counties to require conservation or land stewardship easements, enforceable by the Highlands Council and at least one of the following: the appropriate municipality, the County Agriculture Development Board, the SADC, Green Acres, or a non-profit land trust organized pursuant to 501 (c)(3) of the federal tax code and engaged in the protection of land for the purpose of providing long-term stewardship of important resources as a condition of development approval for lands within parcels proposed for development that are identified for preservation on a proposed site plan or subdivision plot.

**Objective 2J4b:** Clustered development served by public water supply within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity; 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. To the maximum extent feasible the developed portion (i.e., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil



Conservation District (SCD).

**Objective 2J4d:** All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area will be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 2K3d:** Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas; 2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served; 4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Objective 2K3f:** All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 2L2e:** New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L or any more stringent requirement as required by N.J.A.C. 7:15.

**Policy 3A5:** Where it is not feasible to preserve agricultural lands within the ARA by such methods as fee simple acquisition, easement acquisition, or a TDR Program, require mandatory clustering through Municipal Plan Conformance, local development review and Highlands Project Review for residential development in an ARA. Cluster development within the Planning Area that incorporates public or community on-site wastewater utilities shall meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area shall meet the requirements of Policy 2I1 and Objectives 2I1a and 2I1b, and where reliant on septic systems shall meet the requirements of Objective 6I1a.

**Objective 3A5a:** Implement regulations requiring that cluster or conservation design development



proposed within an Agricultural Resource Area support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect Important Farmland Soils, and meet resource management and protection requirements of the RMP.

**Objective 3A5b:** Implement regulations requiring that all cluster or conservation design development proposed in an Agricultural Resource Area be buffered appropriately with existing natural resources, such as hedgerows or trees, or with new buffers to avoid conflicts between non-agricultural development and agricultural activities, and to protect existing agricultural uses and sensitive environmental resources.

**Objective 3A5c:** Implement regulations requiring that all land preserved in perpetuity for environmental protection or agricultural purposes as a result of clustering be subject to a conservation easement enforceable by the Highlands Council and at least one of the following: the appropriate municipality, for agricultural purposes the County Agriculture Development Board or the SADC and for environmental purposes Green Acres or a qualified land trust non-profit organization.

**Objective 3A5d:** Where the preserved land in the cluster project area is dedicated to agricultural purposes support continued agricultural viability of the agricultural land, encourage that the original or new farmstead remain attached to the preserved land wherever feasible, and require the implementation of best management practices through the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA NRCS, Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Policy 3A6:** To permit through local development review and Highlands Project Review limited development, including family and farm labor housing in Agricultural Resource Areas which are necessary to support the viability of the agricultural operation, in coordination with the NJDA and the SADC, and subject to compliance with the resource management and protection requirements of the RMP.

**Objective 3A6a:** Implement regulations allowing for construction of ancillary structures and family and farm labor housing that is necessary to support the viability of the agricultural operation, upon a demonstration that the proposed development is consistent with the resource management and protection requirements of the RMP.

**Objective 6C1a:** Centers in the Protection Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.

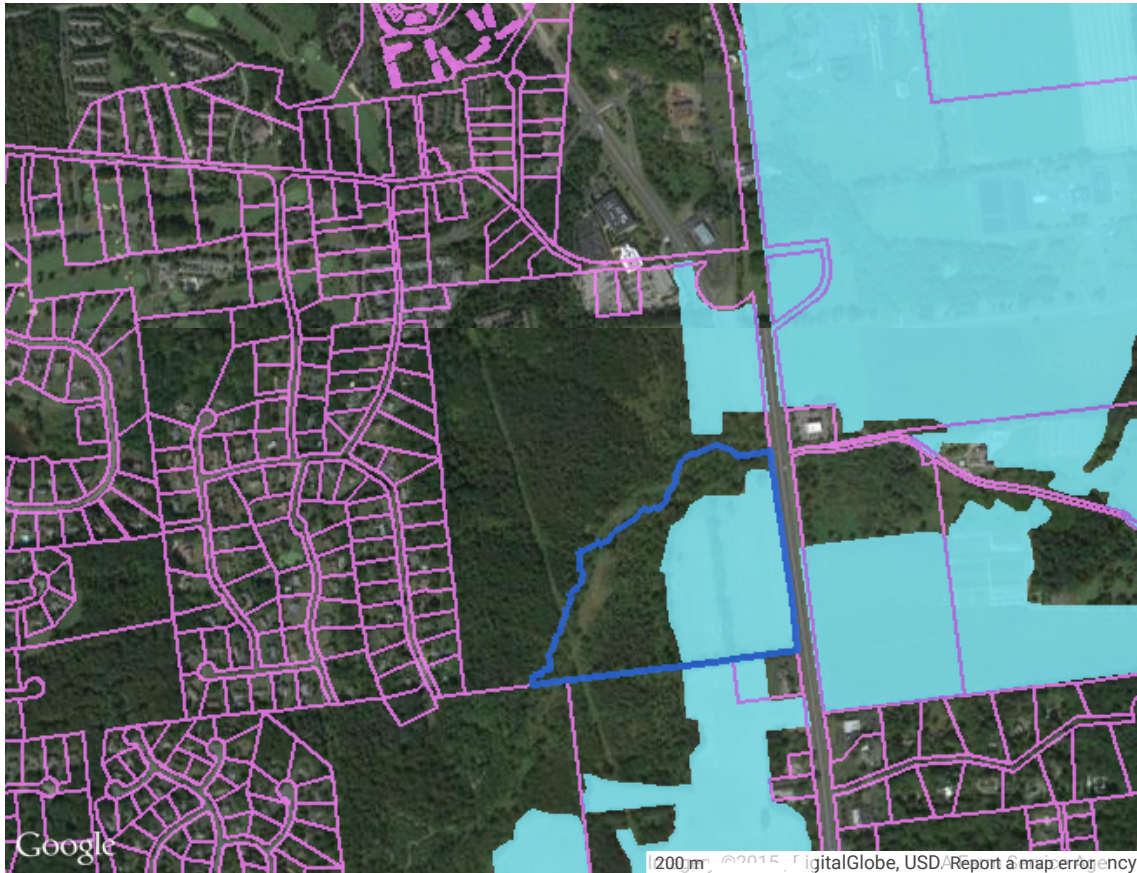
**Objective 6D3b:** Centers in the Conservation Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Objective 6H1d:** Cluster and conservation design development plans and regulations shall consider existing community character, incorporate smart growth design principles, and require Low Impact Development including but not limited to: locating development adjacent to existing infrastructure such as water, wastewater, transportation, and public facilities to limit the degree of new impervious surface, and permitting smaller residential lots in order to incorporate community open space and existing natural resources into the design.

**Policy 6H3:** To require conforming municipalities and counties to include site development programs, such as clustering, to preserve land in perpetuity for environmental protection or agricultural purposes.

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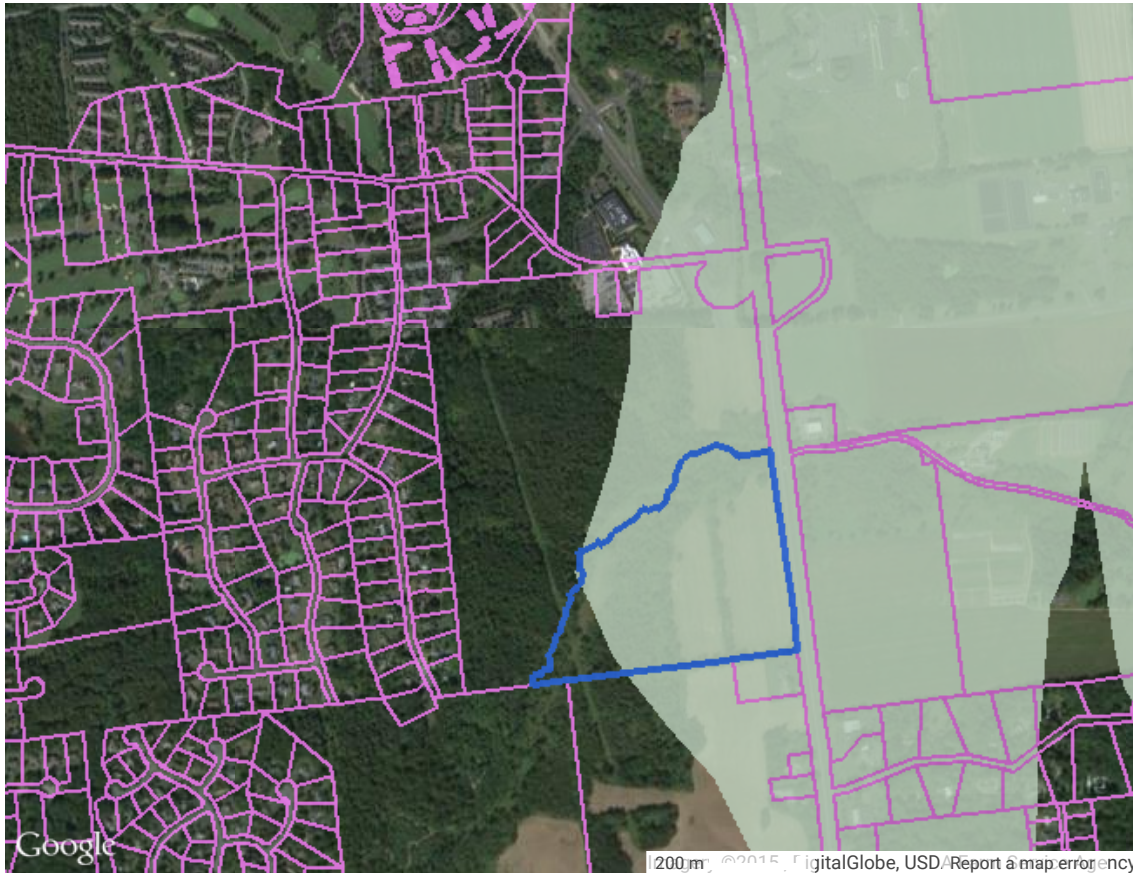
Agricultural Uses: ■

An intensity indicator that represents the extent of lands that are currently in agricultural use based upon NJDEP 2002 Land Use Land Cover data, with 10 acres as a minimum threshold. Categories include cropland and pastureland, orchards, vineyards, nurseries and horticultural areas, confined feeding operations, and other agriculture.

**Policy 3D2:** To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of greater than 3% but less than 9%, to develop and implement a Farm Conservation Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.

**Policy 3D3:** To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of 9% or greater to develop and implement a Resource Management System Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.

**Objective 2B4d:** The highest priority for agricultural water uses in the Conservation Zone shall be those Preservation Area uses that promote agricultural and horticultural uses and opportunities that are compatible with protection of the Highlands environment, and those Planning Area uses that promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities. Compatible agricultural and horticultural uses shall minimize consumptive water uses through efficiency measures.



Carbonate Rock: ■

The Carbonate Rock Area is that area of the Region that is underlain by carbonate rocks. The dissolution of carbonate rock can cause surface depressions and the development of such features as sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams. These features may direct surface water runoff into aquifers with little or no attenuation of any transported contaminants. Further, they present a potential geologic hazard as they may undermine such infrastructure as stormwater basins, roads, sewer lines, septic systems, and natural gas lines.

**Policy 1K2:** To identify and delineate through local development review and Highlands Project Review land areas that drain surface water into the Carbonate Rock Area, as changes in the quantity, quality and rate of discharge of surface water runoff from upslope lands can impair ground water resources in the Carbonate Rock Area.

**Policy 1K4:** To ensure through Plan Conformance that municipalities in, or within subwatersheds draining directly to, the Carbonate Rock Area protect public health and safety and the quality of ground waters from inappropriate land uses and pollutant discharges.

**Objective 1K4b:** Applications for site plan or subdivision approval will include a multi-phased geotechnical site investigation (e.g., test borings, test pits) to locate any potential karst features and potential hazards to public health and safety, structures and ground water quality.

**Objective 1K4c:** Local development reviews and Highlands Project Reviews and requirements shall ensure that all potential hazards to public health and safety, structures and ground water quality, including but not limited to concentrated surface water flows that dissolve carbonate rock, are fully addressed and mitigated in the construction plans and subsequent approval process, with the maximum emphasis on nonstructural measures, including, but not limited to, avoidance of modifications to the karst features.

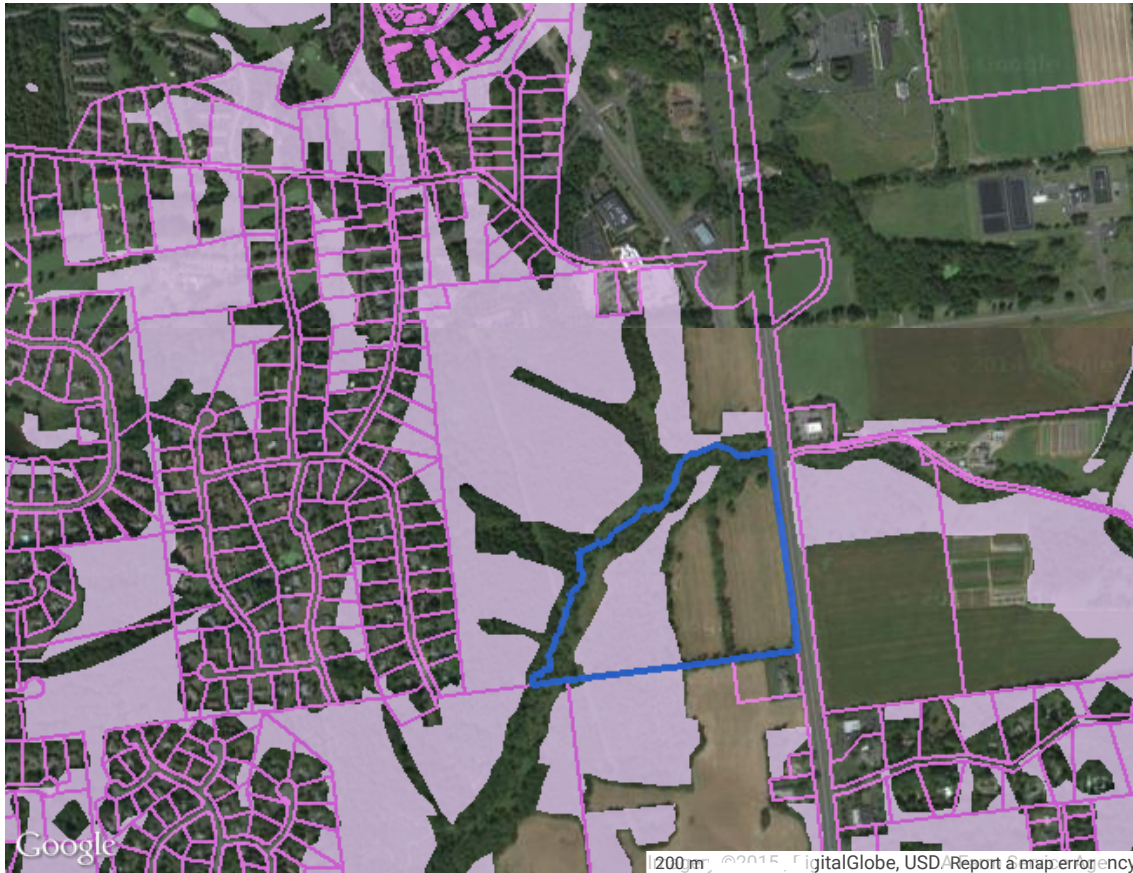
**Objective 1K4d:** Public works projects, including but not limited to water supply, sewerage, stormwater and transportation facilities, shall be constructed and maintained such that the potential for damage from karst features and the contamination of ground water are avoided.

**Objective 1K4e:** Highlands Project Reviews and requirements and local development reviews

(where applicable) shall prohibit new land uses and facilities that constitute unacceptable risks of discharge due to karst topography where karst features have been identified, including but not limited to: Underground storage tanks; Solid waste landfills; Hazardous waste storage and disposal; and Hazardous materials storage and handling.

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Prime Groundwater Recharge Area: ■

The layer displays the mapping of Prime Ground Water Recharge Areas. The Regional Master Plan defines Prime Ground Water Recharge Areas as those lands within a HUC14 subwatershed that most efficiently provide 40% of total drought recharge volume for that HUC14 subwatershed, using a GSR-32 analysis based upon land cover and the 1964-1966 drought of record precipitation.

**Policy 2D3:** To protect, enhance, and restore the quantity and quality of Prime Ground Water Recharge Areas.

**Objective 2D3c:** Implement master plans and development review ordinances through Plan Conformance that protect Prime Ground Water Recharge Areas and minimize the potential for disruption of recharge in such areas by development.

**Objective 2D3g:** Require through Plan Conformance and local health ordinances, that existing land uses that have a significant potential to result in major discharges of pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a Prime Ground Water Recharge Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

**Policy 2D4:** To apply standards through Plan Conformance, local development review and Highlands Project Review to protect, restore and enhance the functionality and the water resource value of Prime Ground Water Recharge Areas by restricting development and uses of land within a Prime Ground Water Recharge Area that reduce natural ground water recharge volumes or may directly or indirectly contribute to or result in water quality degradation.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.

**Objective 2D4b:** Any development activity approved to occur in a Prime Ground Water Recharge Area shall provide an equivalent of 125% of pre-construction recharge volumes for the affected Prime Ground Water Recharge Area of the site within the following areas, in order of priority: (1) the same development site where feasible; (2) the same HUC14 subwatershed, or (3) an interrelated HUC14 subwatershed as approved by the Highlands Council where no feasible option exists in the same HUC14 subwatershed. This requirement shall apply to all portions of the Prime Ground Water Recharge Area where the recharge is disrupted through impervious surfaces, routing of stormwater runoff and recharge from natural flow paths, and other similar changes.

**Objective 2D4c:** Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area shall be minimized through the implementation of Low Impact Development Best Management Practices meeting the requirements of Objective 2D3a.

**Objective 2D4d:** Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area, after conformance with Objectives 2D4a, 2D4b and 2D4c is achieved, shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall be preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest ground water recharge rates and the lowest potential for aquifer recharge.

**Objective 2D4e:** Prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into a Prime Ground Water Recharge Area within the Protection or Conservation Zone within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.

**Objective 2D4f:** Prohibit through Plan Conformance, local development review and Highlands Project Review new land uses, including those identified through Objective 2D3d, that have a significant potential to result in the discharge of persistent organic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a Prime Ground Water Recharge Area, such that they may degrade or contribute to the degradation of ground water quality.

**Objective 2D4g:** Require conformance with applicable components of regional stormwater management plans, where applicable, as a mandatory requirement for any site plan application.

**Objective 2D4h:** Achieve a net improvement in ground water recharge volume and maintenance of water quality as required through compliance with and implementation of any related provisions of an adopted regional stormwater plan.

**Objective 2D4i:** Achieve a net improvement in ground water volume and maintenance of water quality through redevelopment, enhanced infiltration, pretreatment or other means where feasible.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems

shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.


**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Wellhead Protection Area:  2-Year Tier  5-Year Tier  12-Year Tier

A Wellhead Protection Area is a mapped area around a public water supply well that delineates the horizontal extent of ground water captured by a public water supply well pumping at a specific rate over a specific time. Wellhead Protection Areas consist of three tiers; the ground water within each tier takes a specified period of time to travel to the well: Tier 1 is a two-year time of travel; Tier 2 is equivalent to a five-year time of travel; Tier 3 is equivalent to a twelve-year time of travel. Wellhead Protection Areas are important areas for the protection of ground water quality.

**Policy 2H2:** To develop and implement, through Plan Conformance, local development review and Highlands Project Review, resource protection measures to protect and enhance ground water and water supply resources within Wellhead Protection Areas consistent with the source water assessments for each water supply source.

**Objective 2H4a:** Require site specific and municipal stormwater management plans to address wellhead protection requirements.

**Policy 2H5:** To require that conforming municipalities revise master plans and development regulations to address wellhead protection requirements.

**Objective 2H5b:** Restrict development activities that pose threats to the water quality of public water supply wells.

**Objective 2H5c:** Ensure that development activities and existing land use activities implement best management practices to protect the quality of ground water within Wellhead Protection Areas.

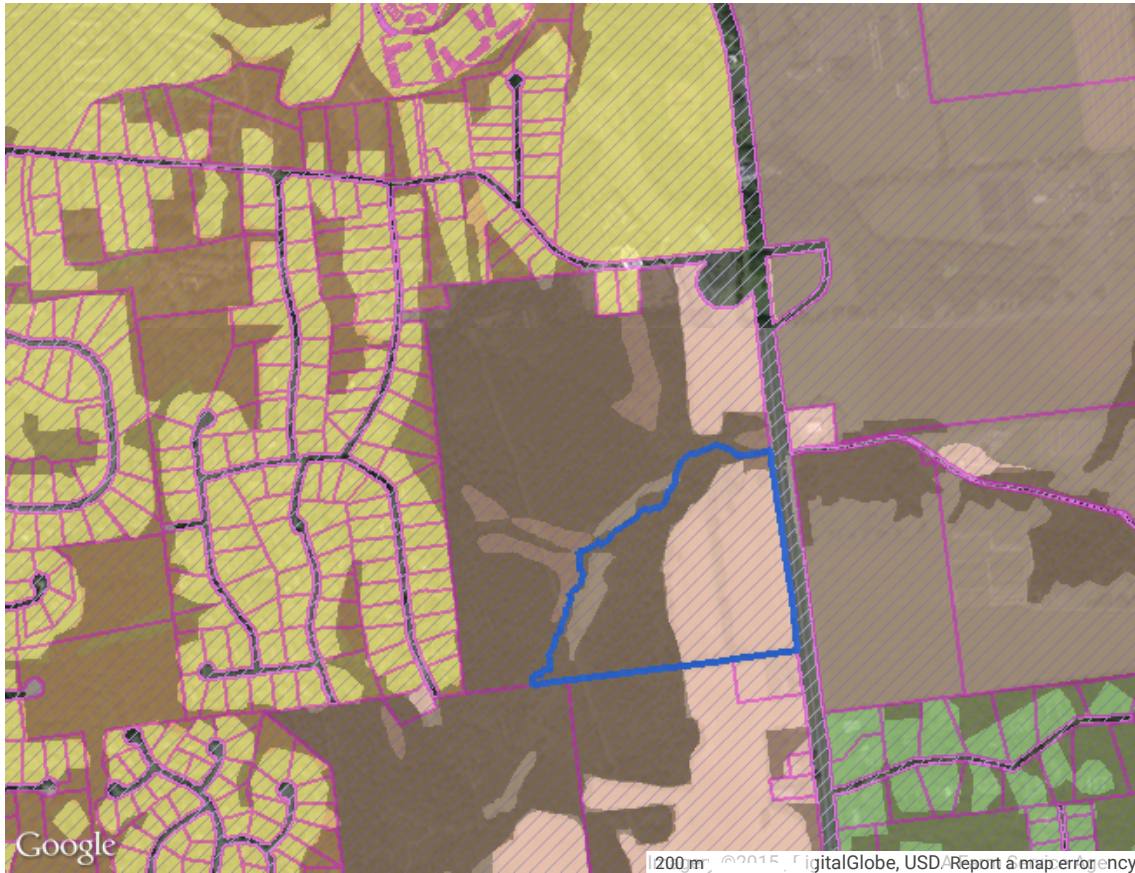
**Objective 2H5d:** Amend Areawide Water Quality Management Plans or Wastewater Management Plans for conforming municipalities and counties to ensure that any activity associated with the proposed service area will not adversely affect a Wellhead Protection Area.

**Objective 2G6c:** Require conforming municipal and county master plans and development regulations to incorporate relevant TMDLs, additional water quality protection measures and wellhead protection for public water supply wells and nitrate standards as development standards.



**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

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Forest Outside of Forest Resource Area: ■

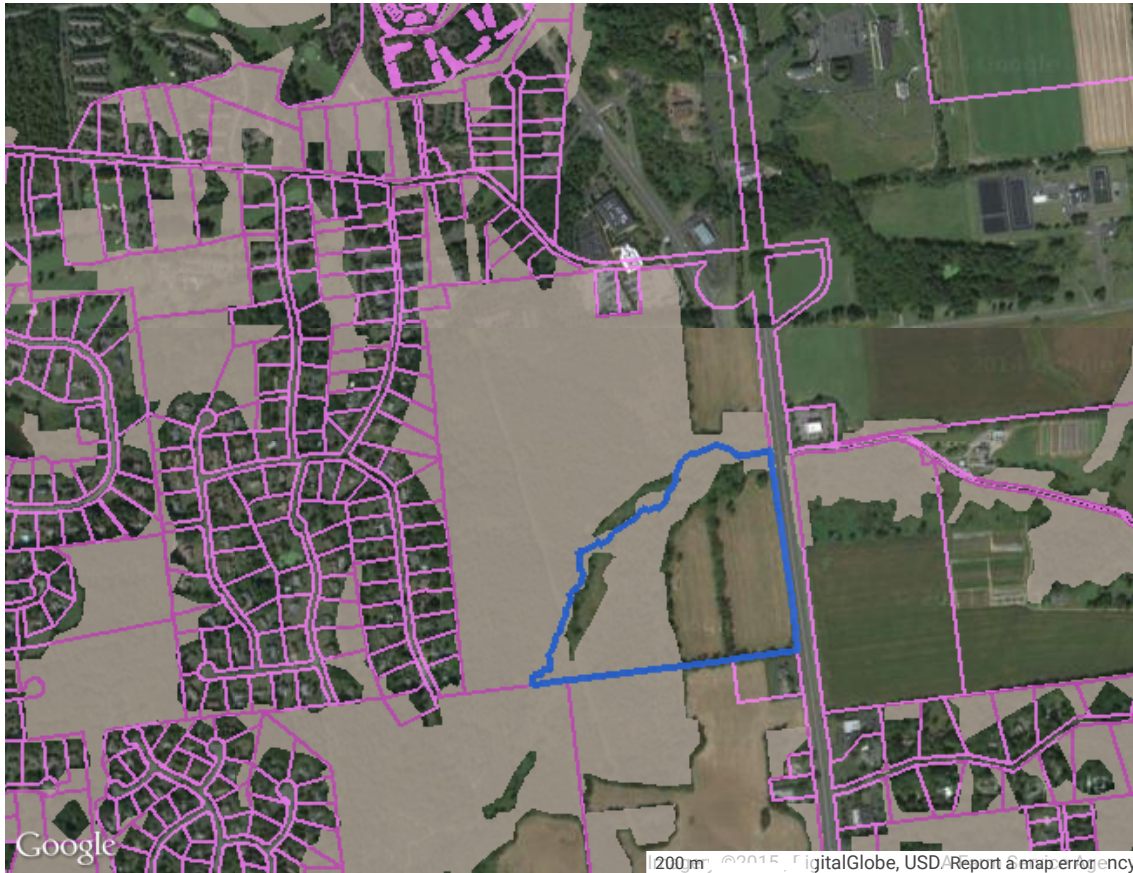
■ Protection Zone	■ Conservation Zone
■ Existing Community Zone	■ Lake Community Subzone
■ Conservation Environmentally Constrained Subzone	
■ Existing Community Environmentally Constrained Subzone	
■ Wildlife Management	

Land Use Capability:

Planning Area / Preservation Area: ■ Planning Area / ■ Preservation Area

Planning Area Forest in Protection or Conservation Zone data layer represents all forested lands in the Protection Zone or Conservation Zone in the legislatively delineated Planning Area. Regional Master Plan protection policies limit development of these forests to low impact residential in an effort to maintain valuable forested lands within these two Zones in the Planning Area.

**Policy 1B2:** To limit through local development review and Highlands Project Review human development of forests to low impact residential development in the Protection Zone and the Conservation Zone in the Planning Area.



Forest Outside of Forest Resource Area: ■

Forest Resources represents the Total Forest Area data layer that was extracted from the NJDEP 2002 draft Land Use Land Cover data. This data layer illustrates all upland and wetland forest and scrub/shrub categories (excluding old field) and represents all forested lands within the Region. The Regional Master Plan includes policies that limit clearing of trees within Forest Resources lands and that seek to protect overall forest resources integrity.

**Objective 1B3a:** Implementation through Plan Conformance of regulations, which limit the clearing of trees in conjunction with human development to circumstances where the clearing will not diminish the integrity of forest resources.

**Policy 1B5:** To ensure that forest resources are protected on a site specific basis during local development review and Highlands Project Review.

**Objective 1B5a:** Applications for local development review and Highlands Project Review require identification of any forest area on and adjacent to a site in accordance with the Highlands Council's Method for Identifying Upland Forest Areas in the Highlands Region.

**Policy 1B7:** To prohibit clear-cutting of forest lands except pursuant to an approved Forest Management Plan approved by the State Forester.

**Policy 1C3:** To require that conforming municipalities adopt a tree clearing ordinance consistent with an approved community forestry plan under the New Jersey Forest Service Community Forestry Program as part of the municipal master plan and local development regulations.

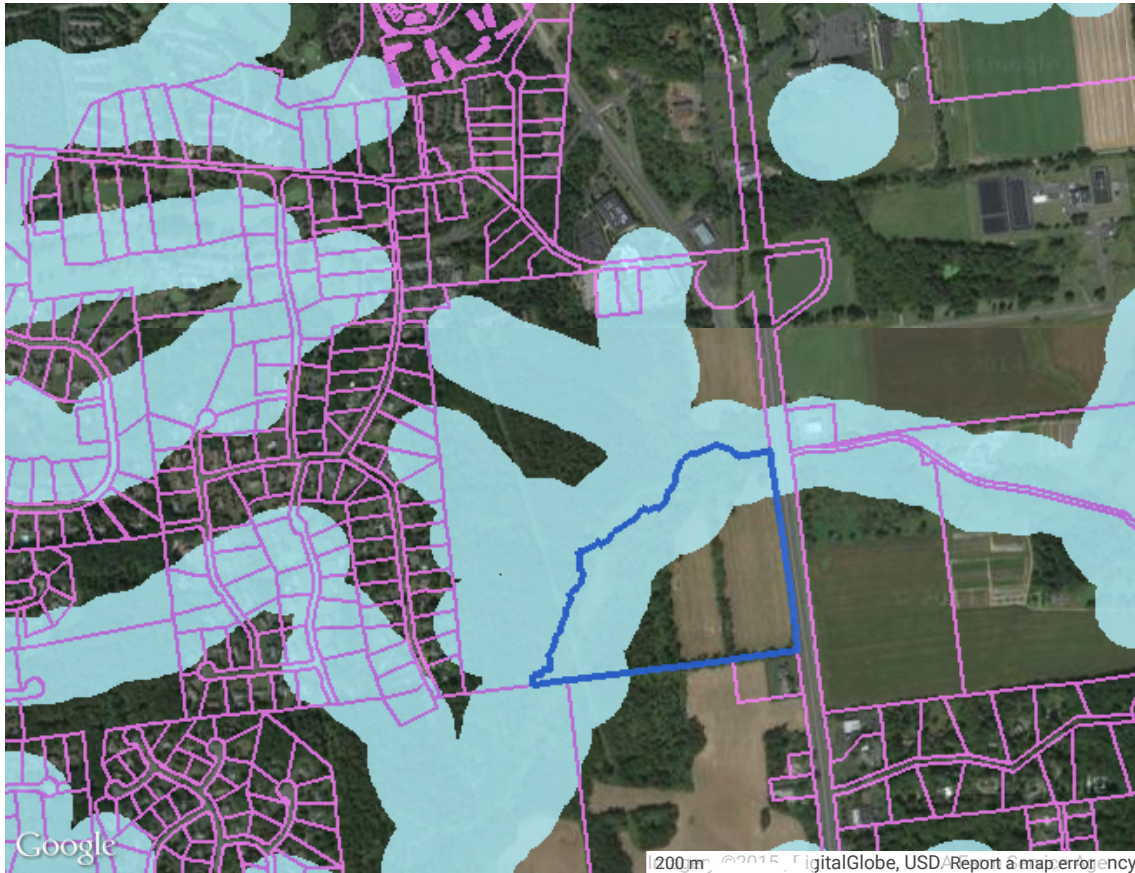
**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian

Areas, and Prime Ground Water Recharge Areas.

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Open Water Protection Area: ■

Highlands Open Waters are defined by the Highlands Act as all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial. The vegetated corridors adjacent to Highlands Open Waters are effective and important tools to protect water quality and aquatic habitat. Protection buffers safeguard Highlands Open Waters from the impacts of adjacent land use practices. The Regional Master Plan includes a protection buffer of 300 feet from the edge of the discernable bank of a Highlands Open Waters feature, or from the centerline where no discernable bank exists.

**Policy 1D4:** Highlands Open Waters shall include a protection buffer of 300 feet from the edge of the discernable bank of the Highlands Open Waters feature, or from the centerline where no discernable bank exists. With respect to wetlands and other Highlands Open Waters features (e.g., seeps, springs, etc.), the feature shall include a protection buffer of 300 feet from the delineated Letter of Interpretation (LOI) line issued by the NJDEP for wetlands, or from a field-delineated boundary for other features. In areas where existing development or land uses within the protection buffers have reduced or impaired the functional values of the buffers, the Council will seek opportunities to restore the buffer and its functions. Any proposed disturbance shall, through local development review and Highlands Project Review, comply with Highlands Open Waters buffer standards. The protection buffer width for Category 2 streams in the Planning Area may be modified through a Stream Corridor Protection/Restoration Plan, as specified in Objective 1D4i. In approved Redevelopment Areas, the Council may, at its discretion, modify the required buffer, upon a showing of no alternatives, no impact to the functional value of the buffer, and provision of alternative approaches to enhancing or protecting Highlands Open Waters and resources of the buffer area.

**Objective 1D4a:** Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Open Waters.

**Objective 1D4c:** Require that proposed development within all Highlands Open Waters buffers (Preservation and Planning Areas) conforms through local development review and Highlands Project Review with the buffer requirements of N.J.A.C. 7:8 (Stormwater Management Rules), N.J.A.C 7:13 (Flood Hazard Area Rules), and N.J.A.C. 7:7 (Freshwater Wetland Rules), and with

any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).

**Objective 1D4i:** Develop through Plan Conformance and implement stream corridor or subwatershed-based Stream Corridor Protection/Restoration Plans which shall include Steps 1, 2, and 3, and may include Steps 4 and 5: 1. Identify areas where existing development, land disturbances, or land uses are within Highlands Open Waters buffers have removed or substantially impaired natural vegetation communities, and have significantly reduced or impaired the functional values of Highlands Open Waters buffers. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered “land improvements,” “development,” “land disturbances,” or “land uses”; 2. Identify and require opportunities for restoration of areas identified in Step 1 as part of mitigation requirements under a Highlands Act waiver or Objectives 1D4e and 1D4f, and public or nongovernmental restoration/stabilization projects; 3. Identify the extent of stream corridor features that are critical to supporting the functions of a healthy Highlands Open Waters buffer and that extend beyond the buffers required by Objectives 1D4b and 1D4c. The 300 foot buffer in these areas may be expanded to be most protective of these features which may include, but are not limited to, Critical Habitat, pollutant source areas identified through scientific techniques, and steep slopes; 4. Where Highlands Open Waters buffers include areas identified in Step 1, regarding Category 2 surface waters in the Planning Area only, the Stream Corridor Protection/Restoration Plan may identify where, based on scientific analysis of site-specific conditions (e.g., topography, vegetation cover type, habitat, soil type, upstream land uses and pollution inputs, width of floodplain, rate and volume of run-off), a buffer of less than the full 300 feet (but including the undisturbed buffer area at a minimum) is sufficient to maintain or improve the protection of Highlands Open Waters and Riparian Areas. The plan must identify alternative buffers that provide functional buffer values at least equivalent to existing conditions and are no less than 150 feet or no less than the extent allowed in State or municipal regulation (including Objectives 1D4b and 1D4c), whichever is greater. Further, the plan shall include a functional value assessment to ensure that there is no net loss in the overall functional value of the subwatershed’s stream buffers. Buffers established through this process shall be determined based on site conditions rather than fixed distances, reflecting findings of the scientific analysis, and shall be used in the site design and development review process regarding determinations of restoration, continued use, or increased use of the disturbed buffer area. Buffer averaging for the purpose of accommodating development proposals is deemed not to meet the requirements of this provision; and 5. Where a proposed Highlands Redevelopment Area would not meet, in full, Objectives 1D4b through 1D4h but affects an undisturbed buffer area determined to not be necessary for the protection of the functional values for Highlands Open Waters buffer (as determined through scientific analysis of site-specific conditions), modification of the undisturbed buffer may be allowed to no less than the extent allowed in State or municipal regulation. However the Council shall first determine that there is no alternative to the proposed reduction of the buffer, and require a showing of no impact to the functional values of the buffer and provision of alternative approaches to enhancing or protecting the Highlands Open Waters and resources of the buffer area. Restoration or enhancement of buffer functional values shall be provided on-site or within the same stream reach to achieve a net improvement of existing buffer functional values.

**Objective 1D4j:** The Highlands Council may require on a case-by-case basis, through Highlands Project Review, an expansion of the 300 foot buffer to protect the habitat of a water or wetlands-dependant rare, threatened or endangered species, to the minimum expansion necessary to achieve protection of that species.

**Objective 1D5b:** Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands

Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

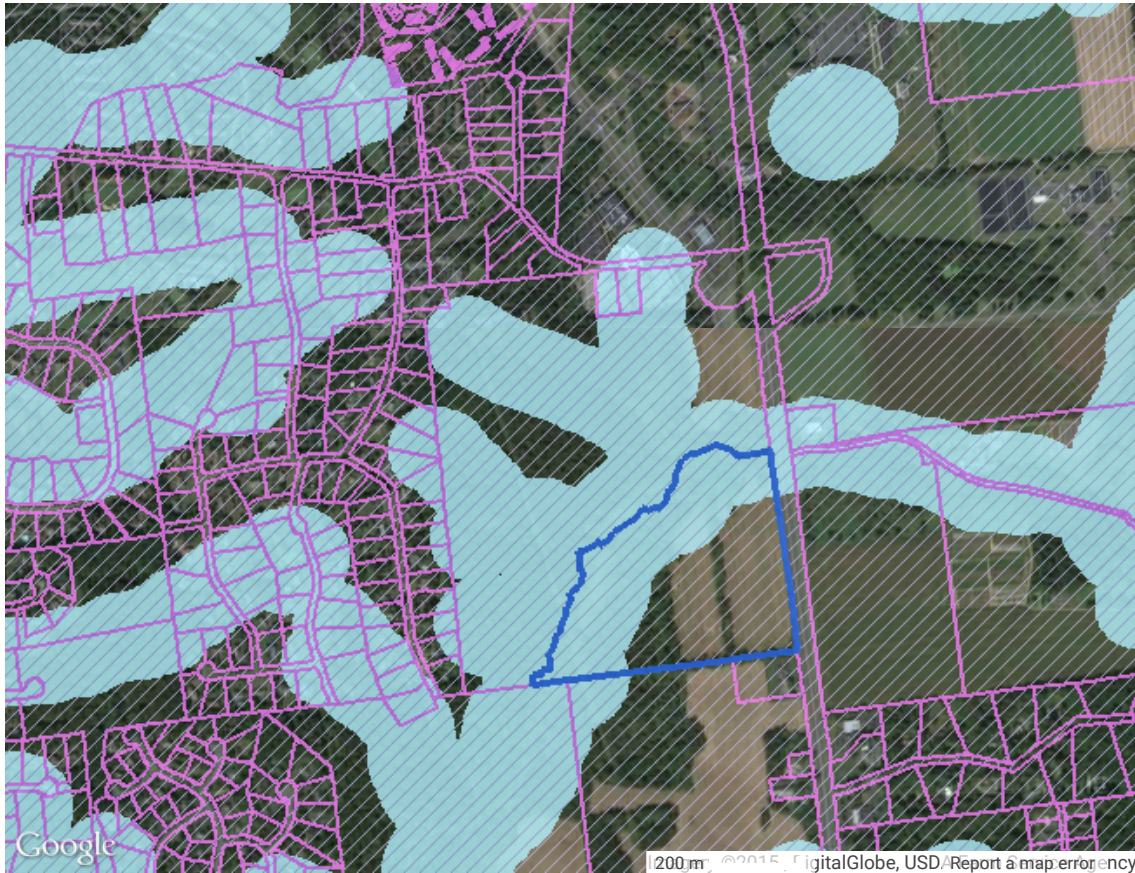
**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Open Water Protection Area: 

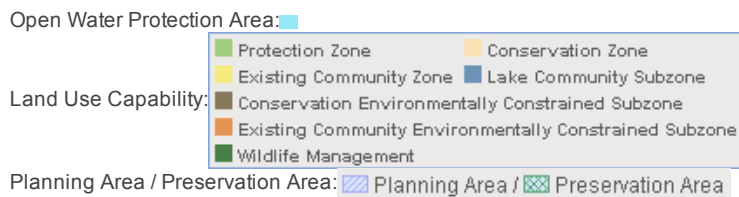
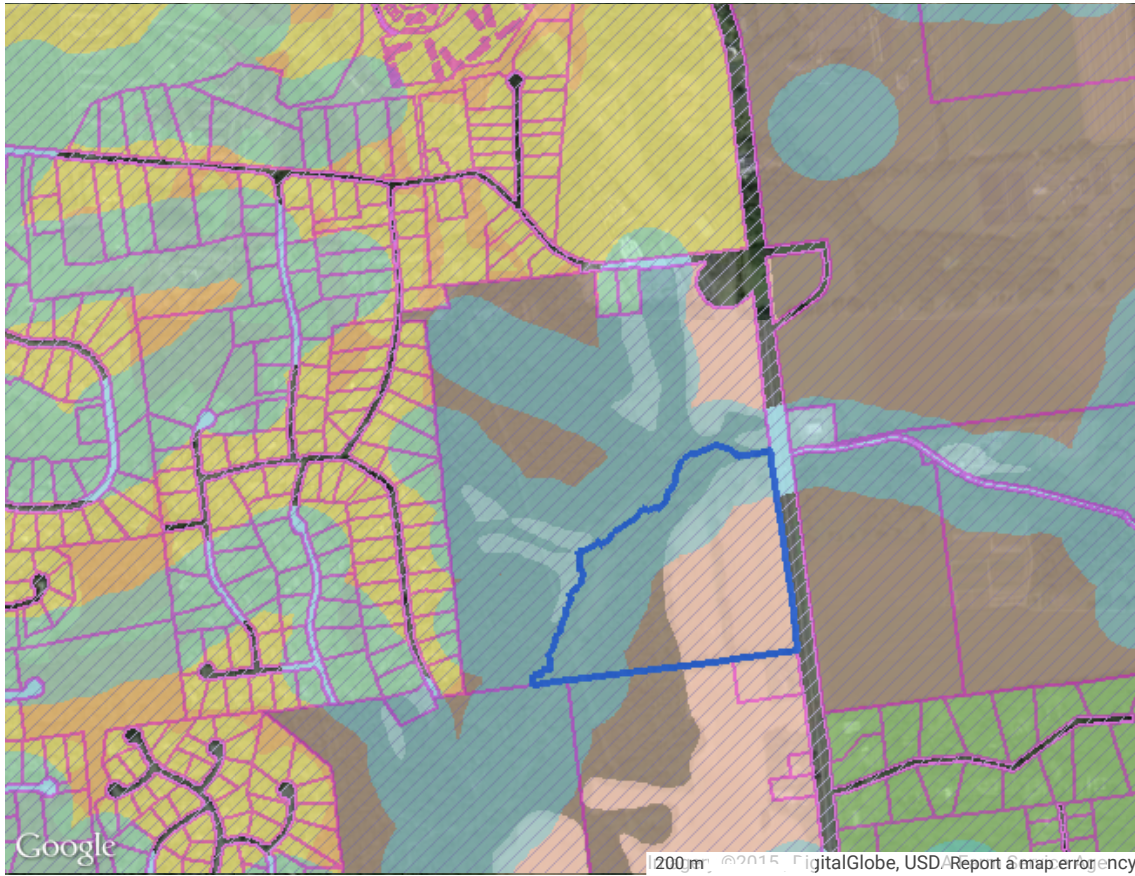
Planning Area / Preservation Area:  Planning Area /  Preservation Area

Includes all Highlands Open Waters protection buffers within the Planning Area

**Objective 1D4d:** Structures or other land improvements existing within a Highlands Open Waters buffer of the Planning Area on August 10, 2004 may remain, provided that the area of disturbance shall not be increased unless approved through local development review or Highlands Project Review in compliance with RMP policies and objectives. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered “land improvements,” “development,” “land disturbances,” or “land uses.”

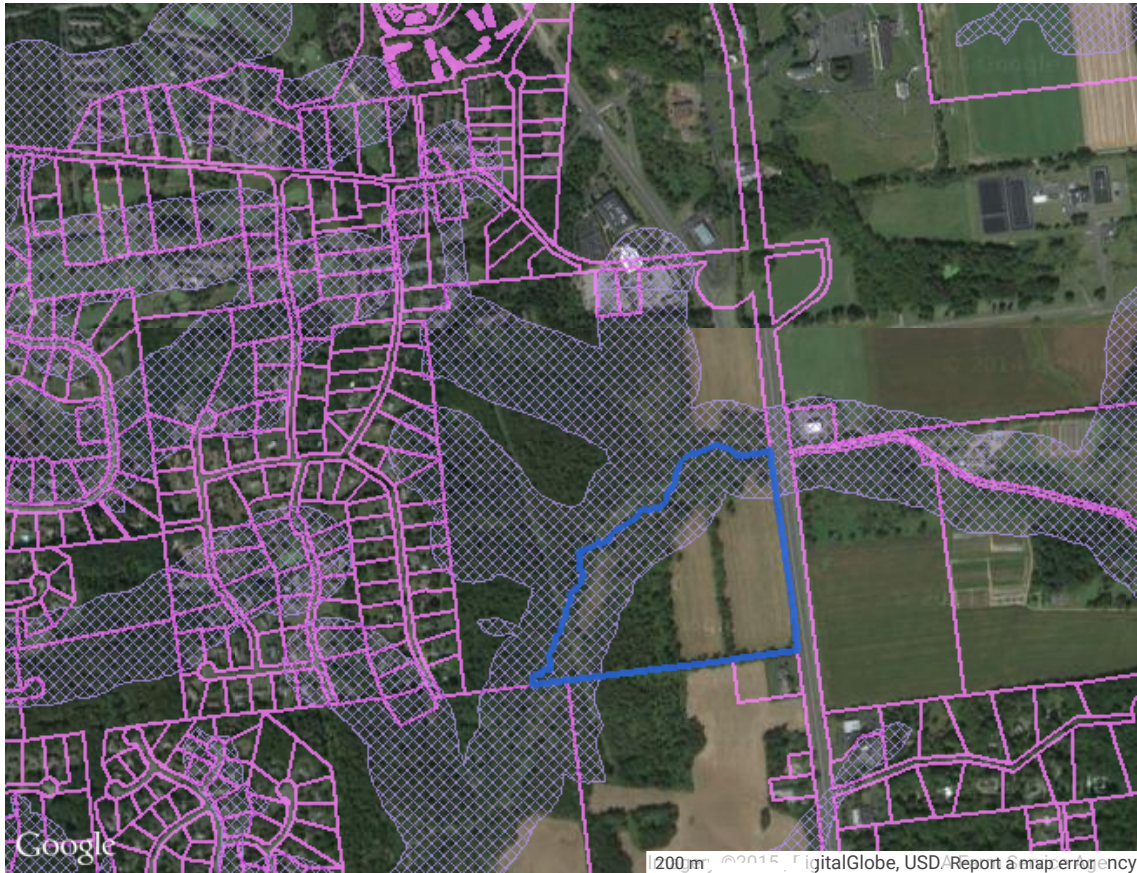
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Includes all Highlands Open Waters protection buffers within the Protection and Conservation Zones of the Planning Area.

**Objective 1D4e:** In the Protection and Conservation Zones of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the Highlands Council under Policy 7G2. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered “land improvements,” “development,” “land disturbances,” or “land uses.” Such proposed disturbances must demonstrate full utilization of the following performance standards in the listed order, to demonstrate the necessity of an encroachment into Highlands Open Waters buffers: 1) avoid the disturbance of Highlands Open Waters buffers; 2) minimize impacts to Highlands Open Waters buffers; and 3) mitigate all adverse impacts to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h. Minimization and mitigation opportunities shall be considered only upon a clear and convincing demonstration by the applicant that the protection buffer cannot be avoided and in no case shall the remaining buffer be reduced to less than 150 feet from the edge of Highlands Open Waters, unless a waiver is granted by the Highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c.



Riparian Corridor Integrity Score: ■ HIGH ■ MODERATE ■ LOW

Riparian Areas are areas adjacent to, and hydrologically interconnected with, rivers and streams. They are areas that exhibit periodic inundation or saturation of soils, are subject to periodic flooding, and include wildlife corridors within 300 feet of a surface water feature. Riparian Areas serve as an interface between surface water bodies and terrestrial ecosystems and play a critical role in maintaining the quality and ecological integrity of Highlands Open Waters.

**Objective 1D5b:** Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.

**Objective 1D5e:** Implement Low Impact Development Best Management Practices for any development activity proposed within a Riparian Area, which minimize both alterations of natural vegetation and increases in impervious area, in compliance with Policies 6N3 and 6N4 and provide for mitigation through restoration of impaired Riparian Areas in the same HUC14 subwatershed.

**Objective 1D5f:** Require that development within Riparian Areas conforms through local development review and Highlands Project Review to any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).

**Objective 1D5g:** Require identification and implementation of opportunities where the restoration and enhancement of previously impaired Riparian Areas are feasible and appropriate as mitigation to any allowable modification to Riparian Area requirements.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge



Areas, and Critical Habitat.

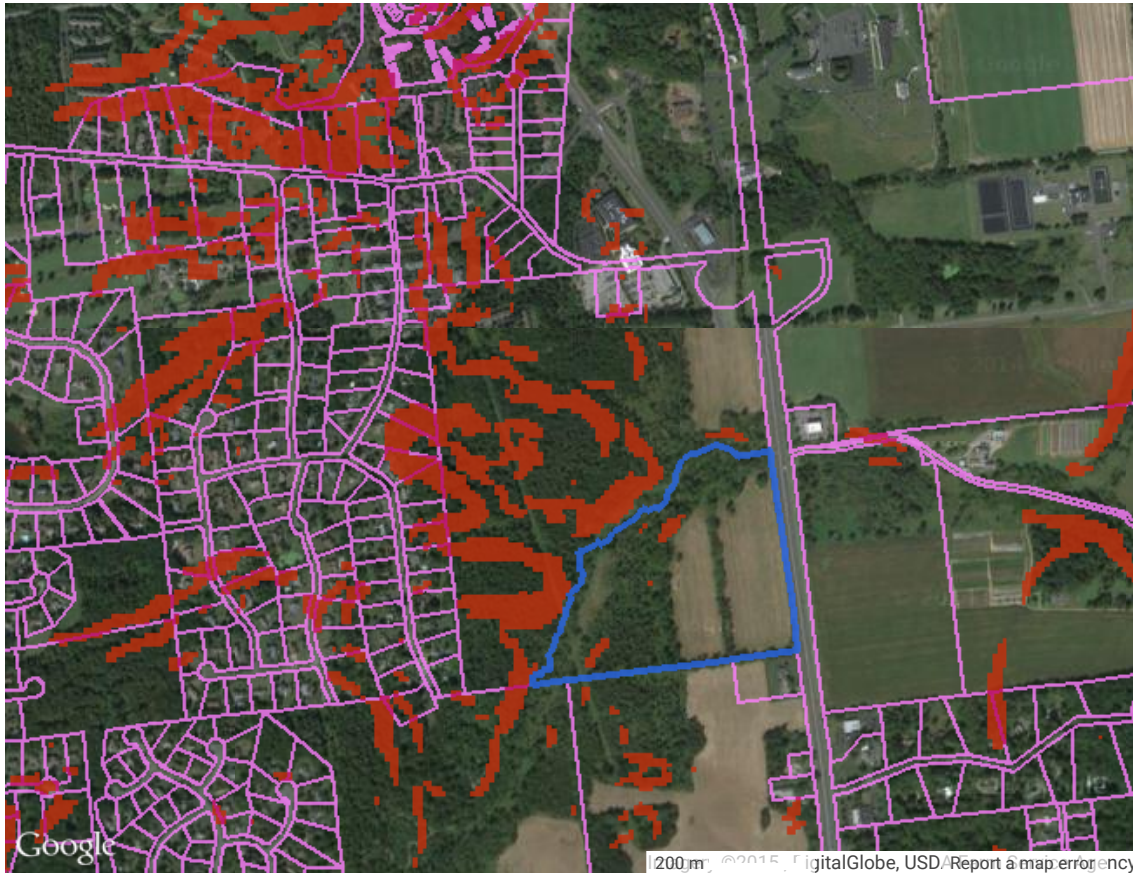
**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Steep Slope Protection Area: ■

Slope is a measurement of the steepness of terrain and is defined as the vertical change in elevation over a given horizontal distance. Disturbance of areas containing steep slopes can trigger erosion and sedimentation, resulting in the loss of topsoil. It can also result in the disturbance of habitats, degradation of surface water quality, silting of wetlands, and alteration of drainage patterns. The Highlands Council examined areas of slope in the Highlands Region that exhibited one of the following grade classifications and these grades were established as Steep Slope Protection Areas: 1) grades of slopes of 20% or greater; 2) grades of slope between 15 - 20%; and 3) grades of slope between 10 - 15% that occur within the Riparian Area.

**Policy 1E6:** To require through local development review and Highlands Project Review that applications for development include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development.

**Policy 1E7:** To require through local development review and Highlands Project Review that applications for development involving parcels of land with slopes of 10% or greater include identification of forested lands, areas which are highly susceptible to erosion, depth to bedrock and Soil Capability Classes.

**Policy 1E10:** To require that conforming municipalities and counties implement the steep slope protection provisions of Policies 1E2 through 1E9 through master plans and development regulations.

**Objective 211b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning



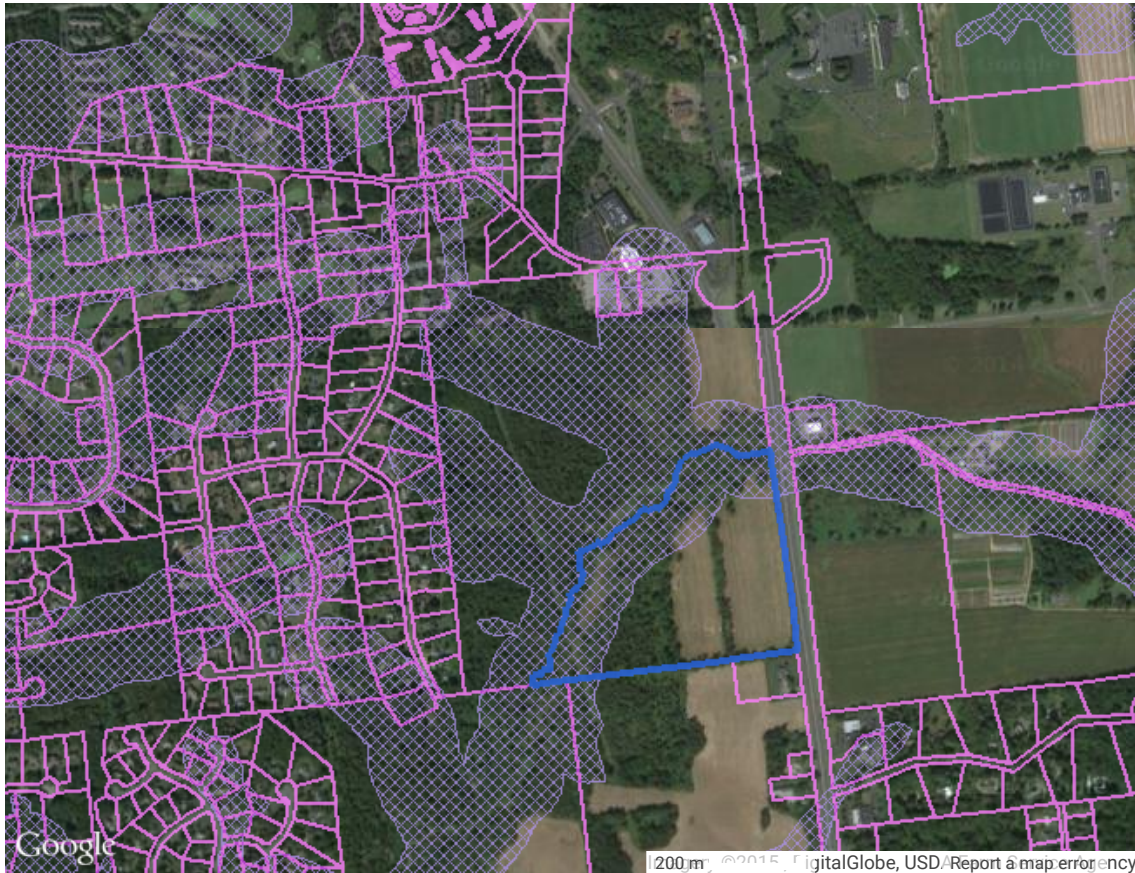
Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.



**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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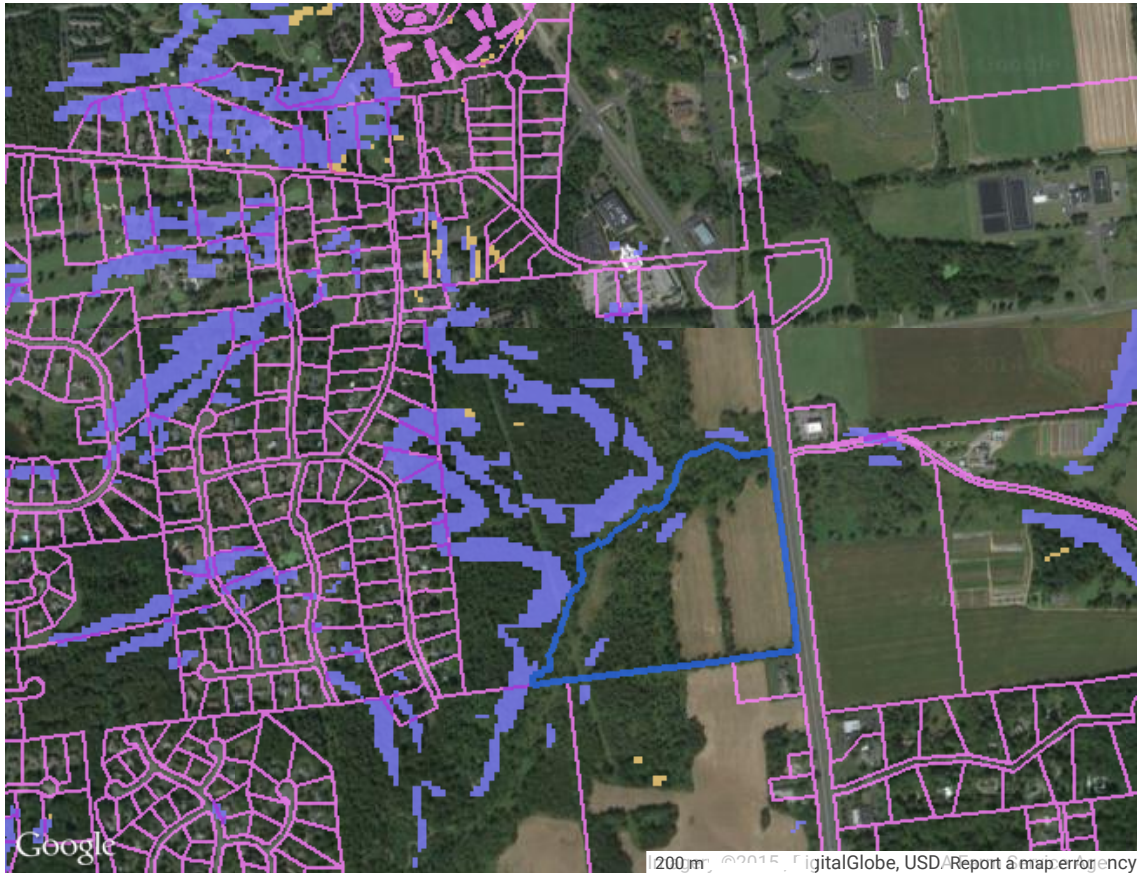
Riparian Corridor Integrity Score:  HIGH  MODERATE  LOW

These areas include watersheds with Riparian Areas that contain a higher incidence of impervious area, agricultural uses and/or road crossings (as compared to High Score) and a reduced proportion of natural vegetation including high quality habitat for rare, threatened, and endangered water/wetland dependent species.

**Objective 1D5b:** Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.

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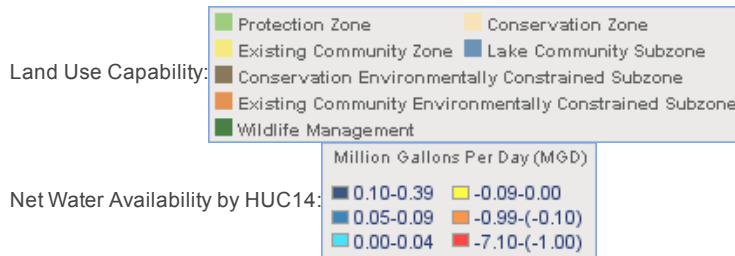
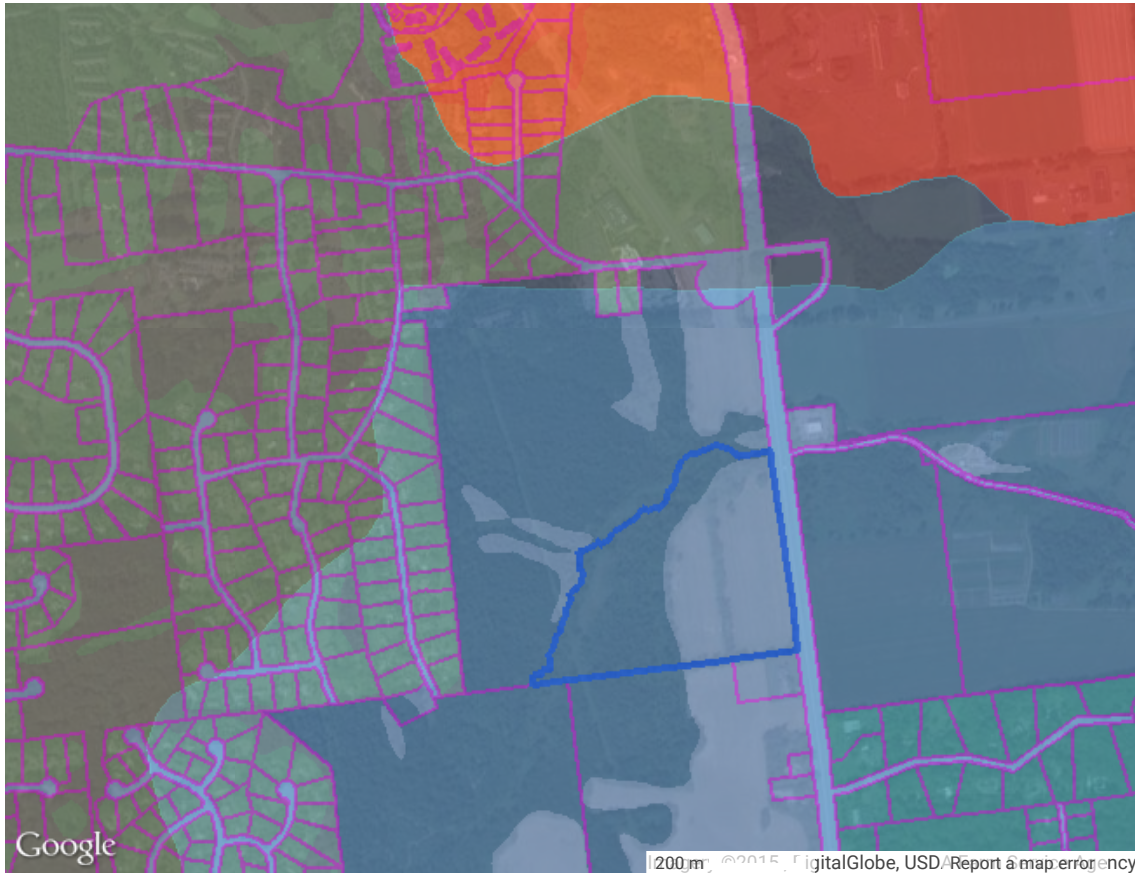
Moderately Constrained Slopes: ■  
Severely Constrained Slopes: ■

Severely Constrained Slopes are all lands with slopes of 20% or greater and lands within Riparian Areas with slopes of 10% or greater. Moderately Constrained Slopes are all non-Riparian Area lands having a slope of 15% to less than 20% which are forested.

**Policy 1E8:** To prohibit through local development review and Highlands Project Review land disturbance within areas which are Severely Constrained Slopes and Moderately Constrained Slopes, except for linear development in both the Preservation and Planning Areas that meets the requirements of N.J.A.C. 7:38-3.8(c)1-4.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.

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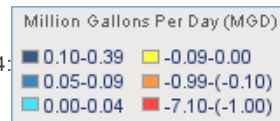
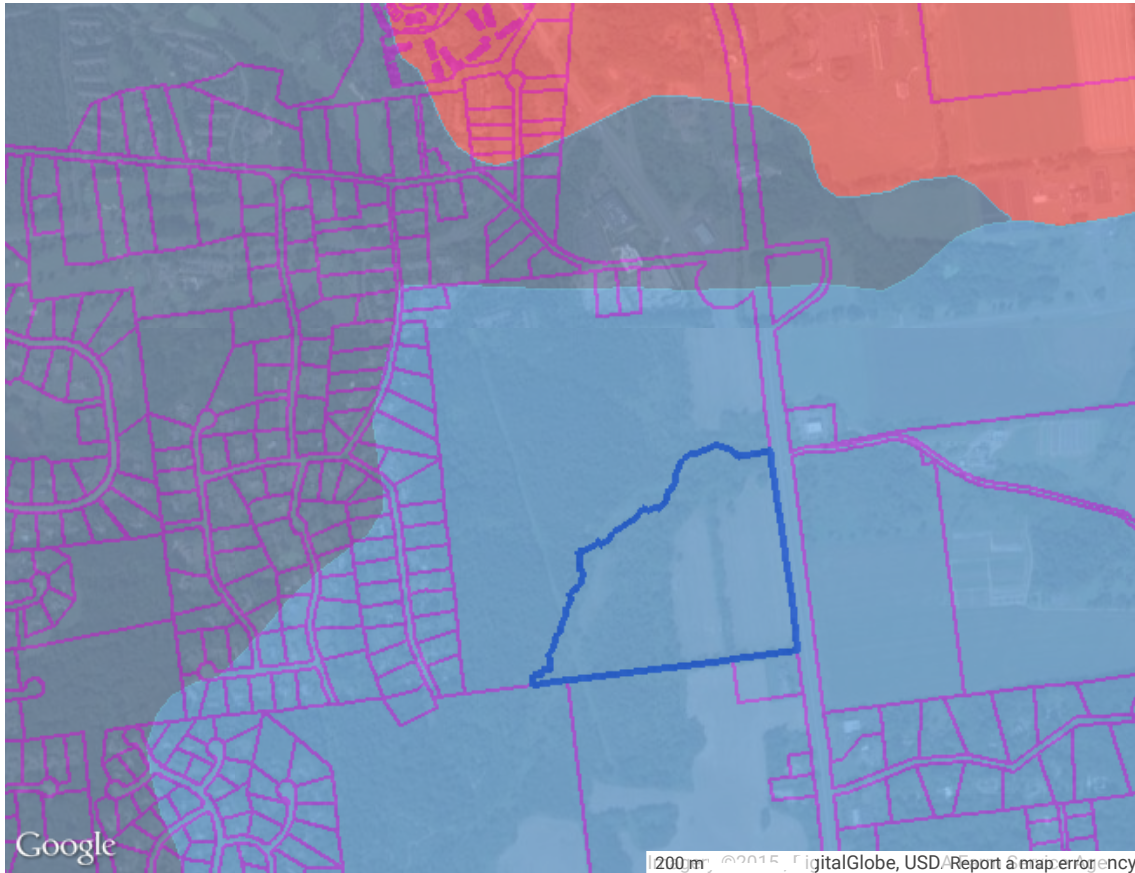
Identifies the portion of a HUC14 subwatershed within the Protection or Conservation Zone.

**Policy 2A2:** To ensure that increasing water demands do not exceed Net Water Availability or exacerbate existing deficits of subwatersheds. Net Water Availability is affected at a subwatershed level by location and extent of Land Use Capability Zone Map and its status as Current Deficit Area or Existing Constrained Area.

**Objective 2B4a:** Give highest priority for the use of non-agricultural Net Water Availability or Conditional Water Availability within Protection Zone and Conservation Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review, and Highlands Project review: 1. To address a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for Net Water Availability; 2. To serve a designated Highlands Redevelopment Area; 3. To serve a cluster development that complies with Objective 2J4b; and 4. To serve affordable housing projects where at least 10% of the units are affordable.

**Objective 2B4c:** Establish and implement mandatory stormwater reuse for recreational and other non-agricultural irrigation, as well as other non-potable water purposes to minimize both the volume of stormwater discharges and water withdrawals for these purposes.





Net Water Availability by HUC14:

Net Water Availability is calculated for each HUC14 subwatershed by deducting consumptive and depletive water uses from Ground Water Availability. The Regional Master Plan incorporates Net Water Availability as a capacity threshold on future water uses. Where Net Water Availability is positive, it is assumed there is water available beyond the existing demand. Where net water availability is negative, the subwatershed is in deficit and deemed to be a Current Deficit Area. In Current Deficit Areas where a Water Use and Conservation Management Plan has not yet been adopted, limited amounts of Conditional Water Availability are provided. The use of Net Water Availability or Conditional Water Availability is subject to Regional Master Plan policies.

**Policy 2A2:** To ensure that increasing water demands do not exceed Net Water Availability or exacerbate existing deficits of subwatersheds. Net Water Availability is affected at a subwatershed level by location and extent of Land Use Capability Zone Map and its status as Current Deficit Area or Existing Constrained Area.

**Objective 2B4c:** Establish and implement mandatory stormwater reuse for recreational and other non-agricultural irrigation, as well as other non-potable water purposes to minimize both the volume of stormwater discharges and water withdrawals for these purposes.

**Policy 2B7:** To ensure through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review that the use of Net Water Availability and Conditional Water Availability within each subwatershed supports development patterns that are in conformance with RMP policies and objectives.



**Objective 2B8c:** Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where

developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.

**Objective 2J2b:** Limit future water system demands to levels that will not create a Current Deficit Area where one does not currently exist.

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Wellhead Protection Area:  2-Year Tier  5-Year Tier  12-Year Tier

Identifies the Tier 2 portion of a Wellhead Protection Area. The calculated time for ground water to travel to the well from this zone is five years. Tier 2 also includes the land area within Tier 1.

**Objective 2H2b:** Prohibit land uses that have a significant potential to result in the discharge of persistent organic or toxic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a designated Tier 2 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality.

**Objective 2H2c:** Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

**Objective 2H4b:** Encourage stormwater reuse for non-agricultural irrigation and other non-potable water purposes to minimize the volume of stormwater discharges (other than from clean sources) within a Tier 1 or Tier 2 Wellhead Protection Area.

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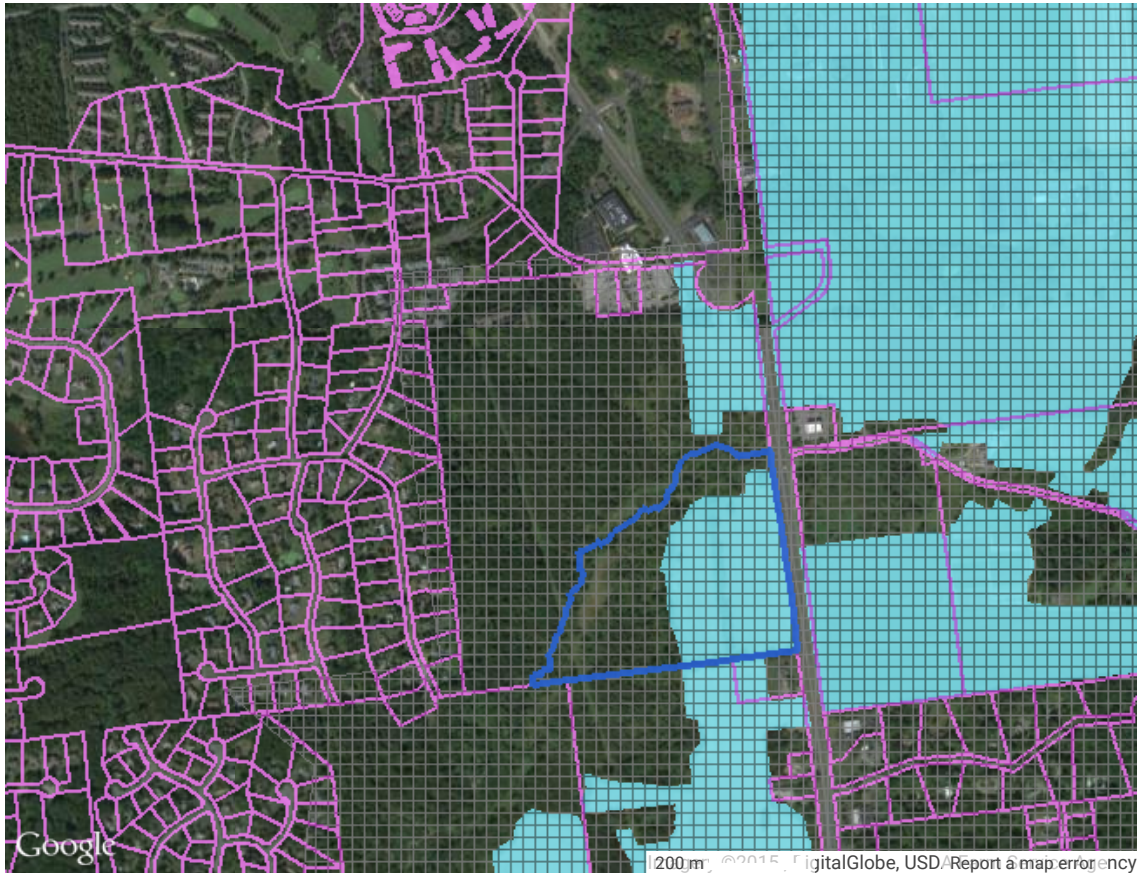
Wellhead Protection Area:   2-Year Tier   5-Year Tier   12-Year Tier

Identifies the Tier 3 portion of a Wellhead Protection Area. The calculated time for ground water to travel to the well from this zone is twelve years. Tier 3 also includes the land area within Tiers 2 and 1.

**Objective 2H2c:** Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

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Agricultural Uses: ■

Agricultural Resource Area: ■■

Includes all Agricultural Uses within the Agricultural Resource Area.

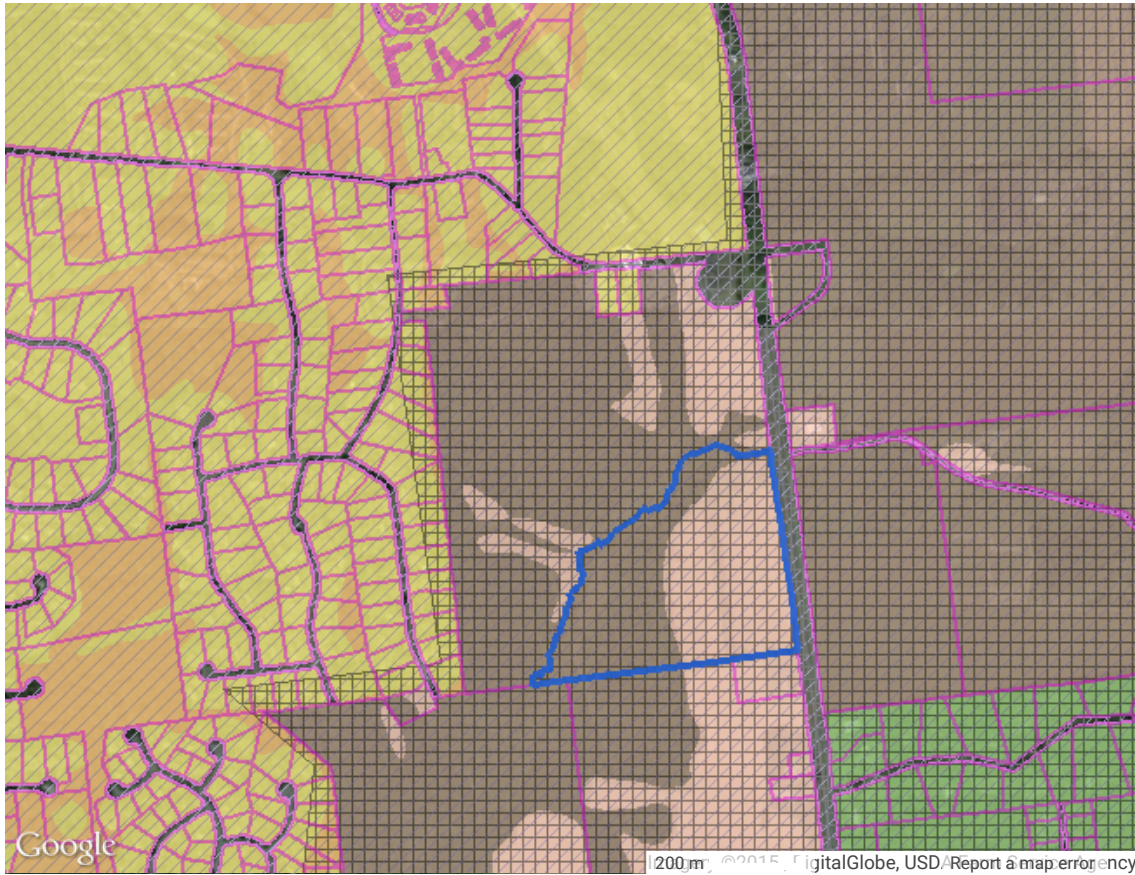
**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a








cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.


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Agricultural Resource Area: 

 Protection Zone	 Conservation Zone
 Existing Community Zone	 Lake Community Subzone
 Conservation Environmentally Constrained Subzone	
 Existing Community Environmentally Constrained Subzone	
 Wildlife Management	

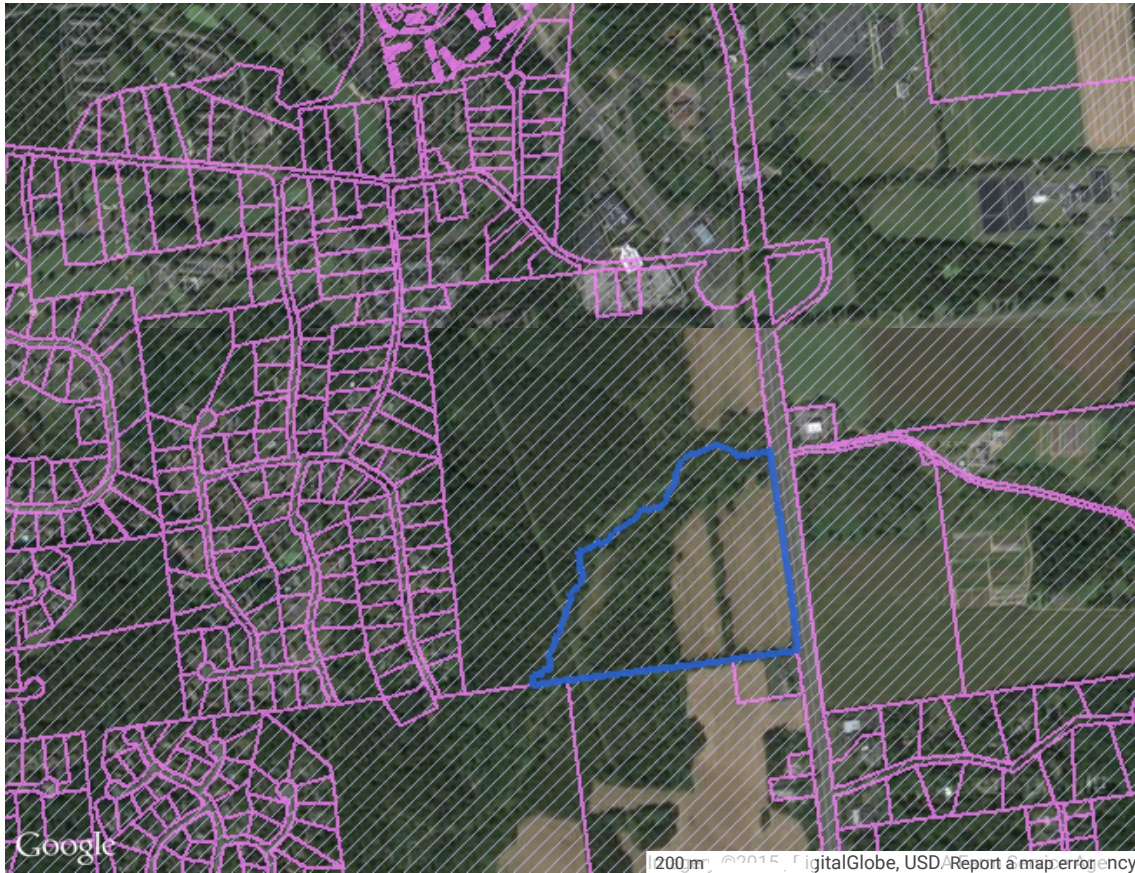
Land Use Capability:

Planning Area / Preservation Area:  Planning Area /  Preservation Area

Includes Agricultural Resource Area within the Planning Area and within the Conservation and Protection Zones.

**Policy 3C1:** To prohibit through Plan Conformance, local development review and Highlands Project Review the development of additional water and wastewater infrastructure in a Agricultural Resource Area (ARA) within the Conservation and Protection Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the preservation of agricultural lands within the ARA.





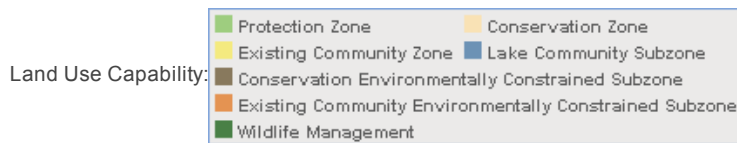
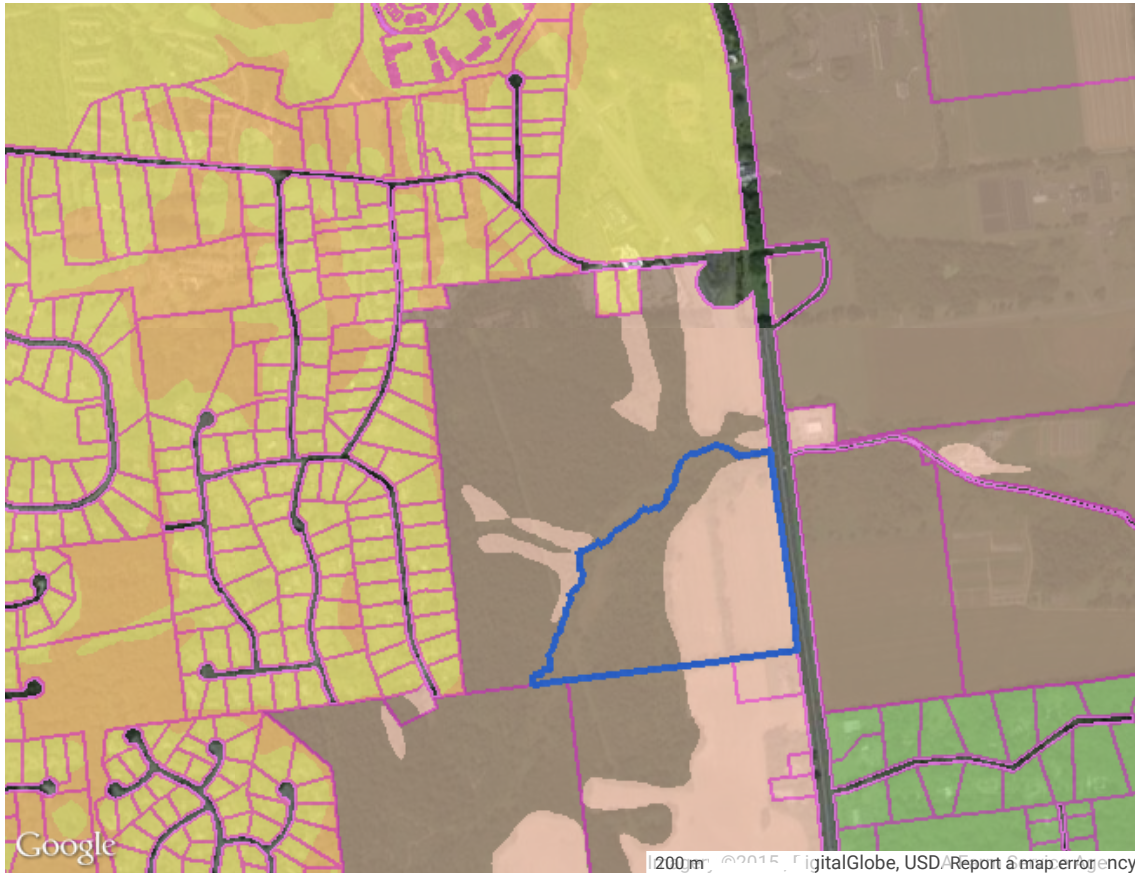
Planning Area / Preservation Area:  Planning Area /  Preservation Area

Means lands within the Highlands Region which are not within the Preservation Area.

**Objective 7F1d:** Planning Area exemptions, issued by the Highlands Council, shall be required, where appropriate, prior to consideration of a local development review or a Highlands Project Review. Guidance shall specify the exceptions where a review may proceed absent such an exemption determination. Applications for exemptions submitted to the Highlands Council shall be based upon the application requirements exemptions codified in N.J.A.C. 7:38.

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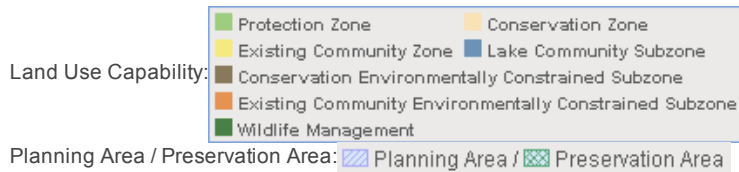
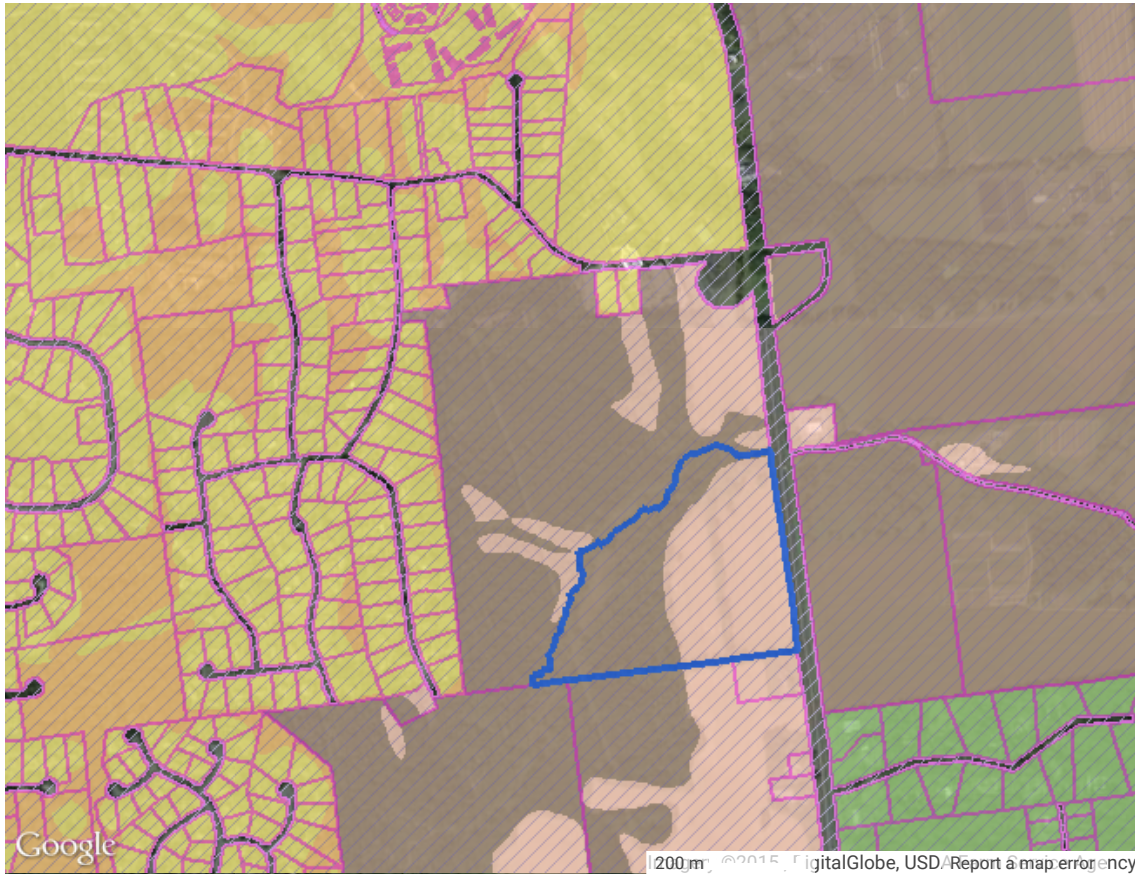


Consists of areas with significant agricultural lands and interspersed with associated woodlands and environmental features.

**Objective 2B4d:** The highest priority for agricultural water uses in the Conservation Zone shall be those Preservation Area uses that promote agricultural and horticultural uses and opportunities that are compatible with protection of the Highlands environment, and those Planning Area uses that promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities. Compatible agricultural and horticultural uses shall minimize consumptive water uses through efficiency measures.

**Policy 6D3:** To limit through Plan Conformance, local development review and Highlands Project Review the use and development of lands within the Conservation Zone to agriculture use and development, including ancillary and support uses, redevelopment of existing developed areas, and environmentally-compatible low density land uses that are to the maximum extent possible achieved in compact development patterns, to be designed and developed in a manner which is compatible with the long term use of adjacent land for agricultural purposes.

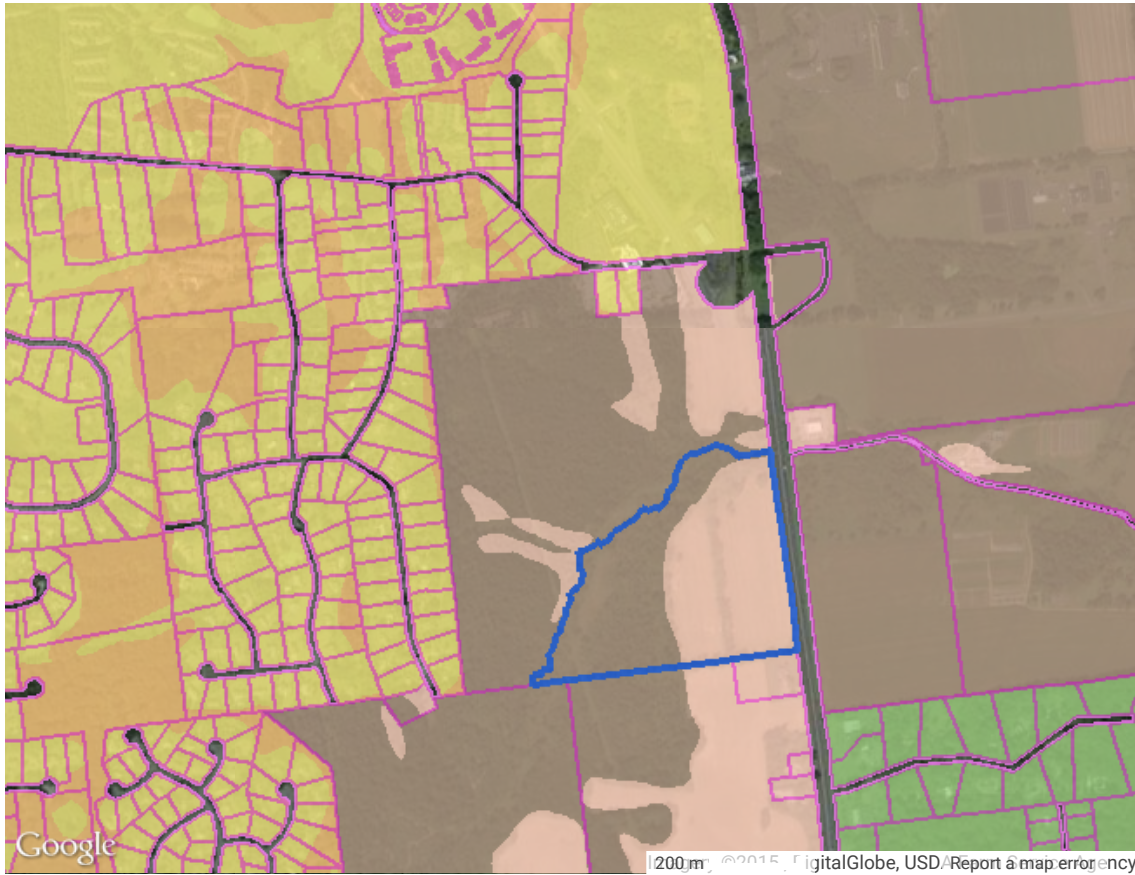
**Objective 6D3b:** Centers in the Conservation Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.



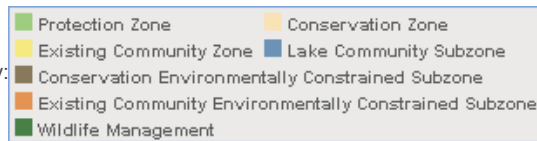
Includes the Conservation Zone within the Planning Area.

**Objective 2L2b:** Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Conservation Zone is predominant as the nitrate target for new development reliant on septic systems within the Conservation Zone. The median is 1.87 mg/L.

**Policy 6J3:** To encourage redevelopment in the Conservation and Protection Zones in the Planning Area of brownfields and grayfields that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.



Land Use Capability:

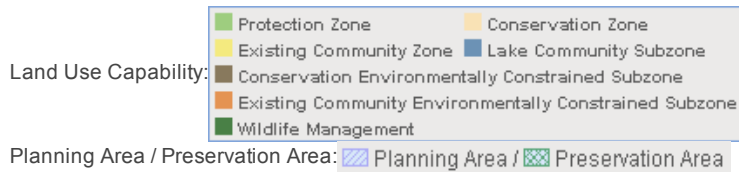
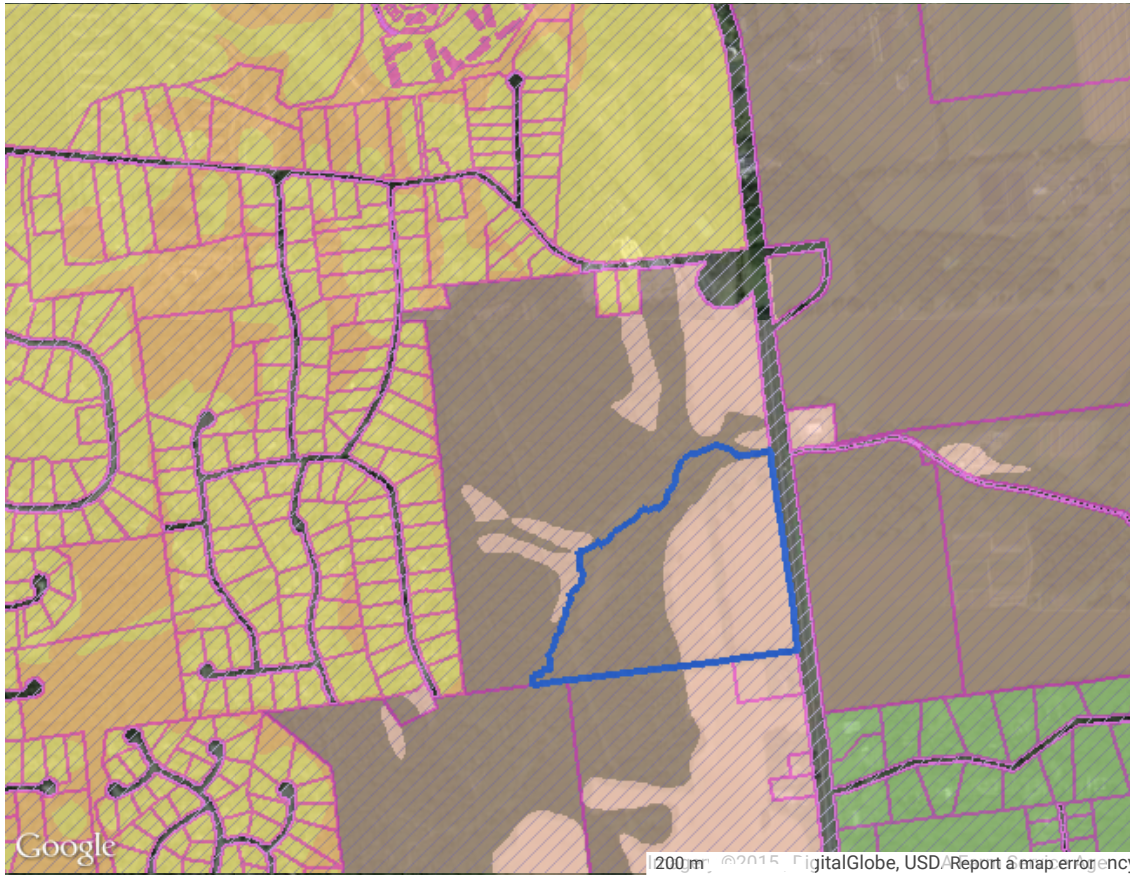


Includes both the Conservation Zone and the Protection Zone.

**Objective 2L3f:** Carrying capacity shall be documented through the Land Use Capability Septic System Yield Map as the number of allowable septic systems per Conservation and Protection Zone for each HUC14 subwatershed, taking into account the nitrate target, the HUC14 subwatershed drought ground water recharge, and the acreage that is privately owned, undeveloped or underdeveloped, and not preserved.

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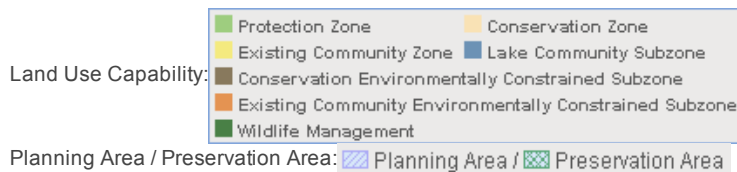
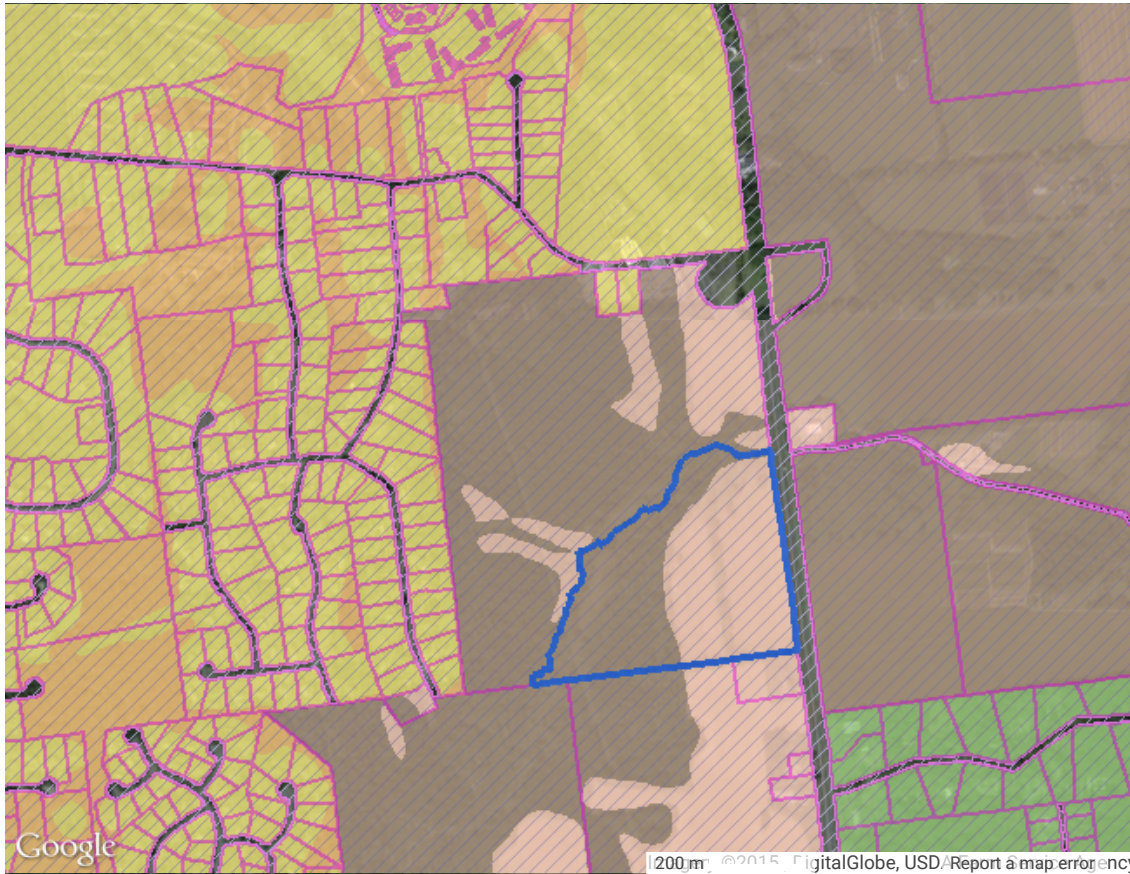




Includes the Protection Zone, Conservation Zone, Environmentally Constrained Sub-Zones and the Existing Community Zone within the Planning Area.

**Policy 2J4:** To minimize, through Plan Conformance, local development review and Highlands Project Review, the creation or extension of public water supply systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area, and to allow for the creation or extension of public water supply systems where appropriate within the Existing Community Zone.





Includes the Protection Zone, Conservation Zone, and the Environmentally Constrained Sub-Zones within the Planning Area.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2J4b:** Clustered development served by public water supply within the Protection Zone,

the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity; 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. To the maximum extent feasible the developed portion (i.e., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Objective 2J4d:** All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area will be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Objective 2K3d:** Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas; 2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited

to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served; 4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Objective 2K3f:** All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 6H1b:** Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone and Environmentally Constrained Sub-Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the protection of agricultural and environmentally sensitive resources.

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A-13 Highlands Council Analysis of Windy Acres Site



# Regional Master Plan Consistency Report

3/5/2015

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Prepared by State of New Jersey Highlands Water Protection and Planning  
Council  
100 North Road (Route 513), Chester, NJ 07930  
Telephone: (908) 879-6737 Fax: (908) 879-4205

Opacity ▼



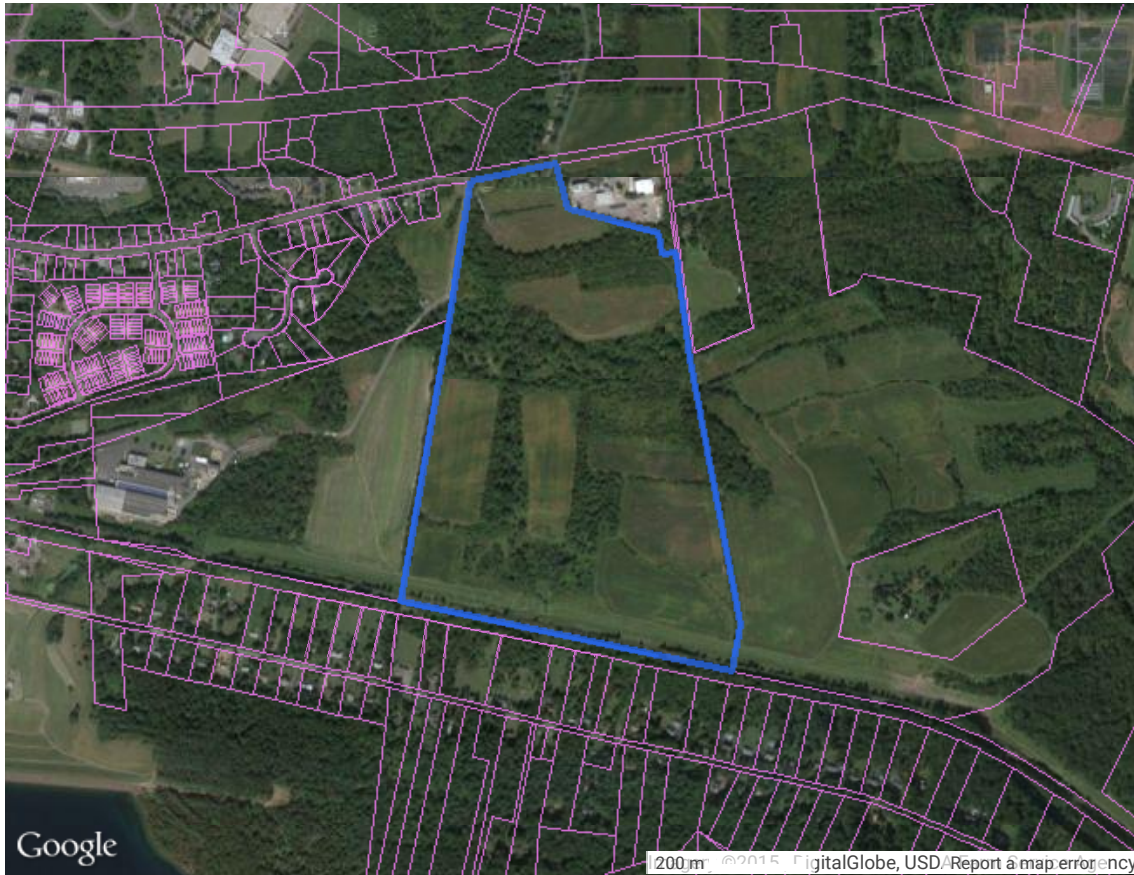
Print

Please consider the environment before printing this report

Disclaimer

Please be advised that any reports generated from the online Consistency Review Application do not constitute a formal Consistency Determination from the Highlands Council. The information contained therein is provided solely for informational purposes and is not to be construed as providing advice, recommendations, endorsements, representations or warranties of any kind whatsoever.

**Windy Acres Site (1), 200 Main Street, Block 7, Lot 31, Clinton Township, Hunterdon County**







Agricultural Resource Area: 

An intensity indicator that reflects areas in the Region with a prevalence of active farms and is based upon Contiguous Farms >250 acres, Important Agricultural Soils - Undeveloped, and Preserved Farms data layers.

**Objective 113:** To require conforming municipalities and counties to require conservation or land stewardship easements, enforceable by the Highlands Council and at least one of the following: the appropriate municipality, the County Agriculture Development Board, the SADC, Green Acres, or a non-profit land trust organized pursuant to 501 (c)(3) of the federal tax code and engaged in the protection of land for the purpose of providing long-term stewardship of important resources as a condition of development approval for lands within parcels proposed for development that are identified for preservation on a proposed site plan or subdivision plot.

**Objective 2J4b:** Clustered development served by public water supply within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity; 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. To the maximum extent feasible the developed portion (i.e., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil

Conservation District (SCD).

**Objective 2J4d:** All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area will be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 2K3d:** Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas; 2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served; 4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Objective 2K3f:** All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 2L2e:** New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L or any more stringent requirement as required by N.J.A.C. 7:15.

**Policy 3A5:** Where it is not feasible to preserve agricultural lands within the ARA by such methods as fee simple acquisition, easement acquisition, or a TDR Program, require mandatory clustering through Municipal Plan Conformance, local development review and Highlands Project Review for residential development in an ARA. Cluster development within the Planning Area that incorporates public or community on-site wastewater utilities shall meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area shall meet the requirements of Policy 2I1 and Objectives 2I1a and 2I1b, and where reliant on septic systems shall meet the requirements of Objective 6I1a.

**Objective 3A5a:** Implement regulations requiring that cluster or conservation design development

proposed within an Agricultural Resource Area support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect Important Farmland Soils, and meet resource management and protection requirements of the RMP.

**Objective 3A5b:** Implement regulations requiring that all cluster or conservation design development proposed in an Agricultural Resource Area be buffered appropriately with existing natural resources, such as hedgerows or trees, or with new buffers to avoid conflicts between non-agricultural development and agricultural activities, and to protect existing agricultural uses and sensitive environmental resources.

**Objective 3A5c:** Implement regulations requiring that all land preserved in perpetuity for environmental protection or agricultural purposes as a result of clustering be subject to a conservation easement enforceable by the Highlands Council and at least one of the following: the appropriate municipality, for agricultural purposes the County Agriculture Development Board or the SADC and for environmental purposes Green Acres or a qualified land trust non-profit organization.

**Objective 3A5d:** Where the preserved land in the cluster project area is dedicated to agricultural purposes support continued agricultural viability of the agricultural land, encourage that the original or new farmstead remain attached to the preserved land wherever feasible, and require the implementation of best management practices through the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA NRCS, Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Policy 3A6:** To permit through local development review and Highlands Project Review limited development, including family and farm labor housing in Agricultural Resource Areas which are necessary to support the viability of the agricultural operation, in coordination with the NJDA and the SADC, and subject to compliance with the resource management and protection requirements of the RMP.

**Objective 3A6a:** Implement regulations allowing for construction of ancillary structures and family and farm labor housing that is necessary to support the viability of the agricultural operation, upon a demonstration that the proposed development is consistent with the resource management and protection requirements of the RMP.

**Objective 6C1a:** Centers in the Protection Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.

**Objective 6D3b:** Centers in the Conservation Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.

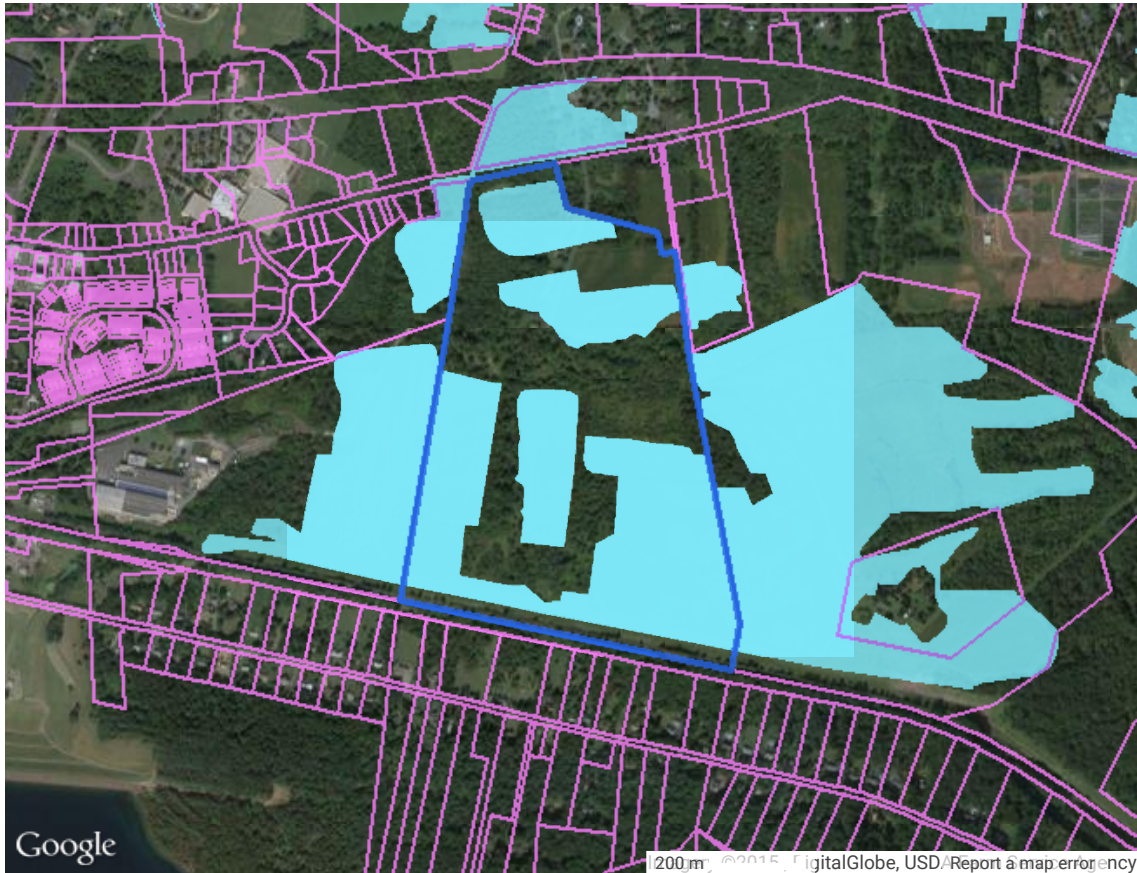
**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Objective 6H1d:** Cluster and conservation design development plans and regulations shall consider existing community character, incorporate smart growth design principles, and require Low Impact Development including but not limited to: locating development adjacent to existing infrastructure such as water, wastewater, transportation, and public facilities to limit the degree of new impervious surface, and permitting smaller residential lots in order to incorporate community open space and existing natural resources into the design.

**Policy 6H3:** To require conforming municipalities and counties to include site development programs, such as clustering, to preserve land in perpetuity for environmental protection or agricultural purposes.

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Agricultural Uses: ■

An intensity indicator that represents the extent of lands that are currently in agricultural use based upon NJDEP 2002 Land Use Land Cover data, with 10 acres as a minimum threshold. Categories include cropland and pastureland, orchards, vineyards, nurseries and horticultural areas, confined feeding operations, and other agriculture.

**Policy 3D2:** To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of greater than 3% but less than 9%, to develop and implement a Farm Conservation Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.

**Policy 3D3:** To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of 9% or greater to develop and implement a Resource Management System Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.

**Objective 2B4d:** The highest priority for agricultural water uses in the Conservation Zone shall be those Preservation Area uses that promote agricultural and horticultural uses and opportunities that are compatible with protection of the Highlands environment, and those Planning Area uses that promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities. Compatible agricultural and horticultural uses shall minimize consumptive water uses through efficiency measures.





Critical Wildlife Habitat: ■

Critical Wildlife Habitat data layer illustrates habitat areas that are critical for the survival of rare, threatened or endangered wildlife species of the Highlands Region. Critical Wildlife Habitat areas are lands within the NJDEP's Landscape Project Version 3 that are Landscape Rank 3 through 5 and Landscape Rank 2 with Highlands Conservation Rank of Critically Significant or Significant in the Planning Area.

**Policy 1A2:** To limit human development in the Forest Resource Area in the Preservation Area in order to protect and enhance forest resources, forest ecosystem integrity, Critical Habitat, and the quantity and quality of water resources.

**Policy 1F2:** To prohibit through Plan Conformance, local development review and Highlands Project Review the direct impact of new human development or expansion or increased intensity of existing development within Critical Habitat.

**Policy 1F5:** To establish a Habitat Conservation and Management Program, including minimum performance standards and criteria for the protection, enhancement, and restoration of lands within Critical Habitat.

**Policy 1F6:** To require that applications for any local development review and Highlands Project Review for Critical Habitat be subject to minimum standards and criteria outlined in the Habitat Conservation and Management Plan.

**Objective 1F6a:** Prohibit direct impacts from new development or expansion or increased intensity of existing development that will jeopardize the continued existence of, or result in the likelihood of the destruction or adverse modification of Critical Habitat, except as permitted through the issuance of a waiver under Policy 7G1 or 7G2.

**Objective 1F6b:** Prohibit indirect impacts from activity that is off-site, adjacent to, or within Critical Habitat that will jeopardize the continued existence of, or result in the likelihood of the destruction or adverse modification of Critical Habitat, except as permitted through the issuance of a waiver under Policy 7G1 or 7G2.

**Objective 1F6c:** Waiver applications under Policy 7G2 for local development in a municipality with a Council-approved Critical Habitat Conservation and Management Plan shall be subject to the minimum standards and criteria for waiver provisions as set forth in the plan, to the maximum extent practicable.

**Objective 1F6d:** Waiver applications under Policy 7G2 for development in a municipality without a Council-approved Critical Habitat Conservation and Management Plan shall be subject to the Low Impact Development Best Management Practices required in Objective 1F5b.

**Objective 1F6f:** A Critical Wildlife Habitat area or Significant Natural Area delineation may be modified if an applicant can demonstrate, to the satisfaction of the Highlands Council in coordination with the NJDEP's Endangered and Nongame Species Program or Natural Heritage Program, that: 1. The nature of the site is such that it does not provide habitat for species of concern; 2. The species of concern are not present on the site during any critical part of their life cycle, do not depend upon the site for food, shelter or breeding, and the habitat; on the site is either unsuitable or not critical to species' recovery in the Region; or 3. Existing land uses present a human, natural or development barrier to the use of the site by species of concern. Requirements for demonstrating the above criteria shall be included in the Critical Habitat Conservation and Management Plan.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in

Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Prime Groundwater Recharge Area: ■

The layer displays the mapping of Prime Ground Water Recharge Areas. The Regional Master Plan defines Prime Ground Water Recharge Areas as those lands within a HUC14 subwatershed that most efficiently provide 40% of total drought recharge volume for that HUC14 subwatershed, using a GSR-32 analysis based upon land cover and the 1964-1966 drought of record precipitation.

**Policy 2D3:** To protect, enhance, and restore the quantity and quality of Prime Ground Water Recharge Areas.

**Objective 2D3c:** Implement master plans and development review ordinances through Plan Conformance that protect Prime Ground Water Recharge Areas and minimize the potential for disruption of recharge in such areas by development.

**Objective 2D3g:** Require through Plan Conformance and local health ordinances, that existing land uses that have a significant potential to result in major discharges of pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a Prime Ground Water Recharge Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

**Policy 2D4:** To apply standards through Plan Conformance, local development review and Highlands Project Review to protect, restore and enhance the functionality and the water resource value of Prime Ground Water Recharge Areas by restricting development and uses of land within a Prime Ground Water Recharge Area that reduce natural ground water recharge volumes or may directly or indirectly contribute to or result in water quality degradation.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.



**Objective 2D4b:** Any development activity approved to occur in a Prime Ground Water Recharge Area shall provide an equivalent of 125% of pre-construction recharge volumes for the affected Prime Ground Water Recharge Area of the site within the following areas, in order of priority: (1) the same development site where feasible; (2) the same HUC14 subwatershed, or (3) an interrelated HUC14 subwatershed as approved by the Highlands Council where no feasible option exists in the same HUC14 subwatershed. This requirement shall apply to all portions of the Prime Ground Water Recharge Area where the recharge is disrupted through impervious surfaces, routing of stormwater runoff and recharge from natural flow paths, and other similar changes.

**Objective 2D4c:** Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area shall be minimized through the implementation of Low Impact Development Best Management Practices meeting the requirements of Objective 2D3a.

**Objective 2D4d:** Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area, after conformance with Objectives 2D4a, 2D4b and 2D4c is achieved, shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall be preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest ground water recharge rates and the lowest potential for aquifer recharge.

**Objective 2D4e:** Prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into a Prime Ground Water Recharge Area within the Protection or Conservation Zone within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.

**Objective 2D4f:** Prohibit through Plan Conformance, local development review and Highlands Project Review new land uses, including those identified through Objective 2D3d, that have a significant potential to result in the discharge of persistent organic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a Prime Ground Water Recharge Area, such that they may degrade or contribute to the degradation of ground water quality.

**Objective 2D4g:** Require conformance with applicable components of regional stormwater management plans, where applicable, as a mandatory requirement for any site plan application.

**Objective 2D4h:** Achieve a net improvement in ground water recharge volume and maintenance of water quality as required through compliance with and implementation of any related provisions of an adopted regional stormwater plan.

**Objective 2D4i:** Achieve a net improvement in ground water volume and maintenance of water quality through redevelopment, enhanced infiltration, pretreatment or other means where feasible.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems

shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.


**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Wellhead Protection Area:  2-Year Tier  5-Year Tier  12-Year Tier

A Wellhead Protection Area is a mapped area around a public water supply well that delineates the horizontal extent of ground water captured by a public water supply well pumping at a specific rate over a specific time. Wellhead Protection Areas consist of three tiers; the ground water within each tier takes a specified period of time to travel to the well: Tier 1 is a two-year time of travel; Tier 2 is equivalent to a five-year time of travel; Tier 3 is equivalent to a twelve-year time of travel. Wellhead Protection Areas are important areas for the protection of ground water quality.

**Policy 2H2:** To develop and implement, through Plan Conformance, local development review and Highlands Project Review, resource protection measures to protect and enhance ground water and water supply resources within Wellhead Protection Areas consistent with the source water assessments for each water supply source.

**Objective 2H4a:** Require site specific and municipal stormwater management plans to address wellhead protection requirements.

**Policy 2H5:** To require that conforming municipalities revise master plans and development regulations to address wellhead protection requirements.

**Objective 2H5b:** Restrict development activities that pose threats to the water quality of public water supply wells.

**Objective 2H5c:** Ensure that development activities and existing land use activities implement best management practices to protect the quality of ground water within Wellhead Protection Areas.

**Objective 2H5d:** Amend Areawide Water Quality Management Plans or Wastewater Management Plans for conforming municipalities and counties to ensure that any activity associated with the proposed service area will not adversely affect a Wellhead Protection Area.

**Objective 2G6c:** Require conforming municipal and county master plans and development regulations to incorporate relevant TMDLs, additional water quality protection measures and wellhead protection for public water supply wells and nitrate standards as development standards.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

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Forest Outside of Forest Resource Area: ■

Forest Resources represents the Total Forest Area data layer that was extracted from the NJDEP 2002 draft Land Use Land Cover data. This data layer illustrates all upland and wetland forest and scrub/shrub categories (excluding old field) and represents all forested lands within the Region. The Regional Master Plan includes policies that limit clearing of trees within Forest Resources and that seek to protect overall forest resources integrity.

**Objective 1B3a:** Implementation through Plan Conformance of regulations, which limit the clearing of trees in conjunction with human development to circumstances where the clearing will not diminish the integrity of forest resources.

**Policy 1B5:** To ensure that forest resources are protected on a site specific basis during local development review and Highlands Project Review.

**Objective 1B5a:** Applications for local development review and Highlands Project Review require identification of any forest area on and adjacent to a site in accordance with the Highlands Council's Method for Identifying Upland Forest Areas in the Highlands Region.

**Policy 1B7:** To prohibit clear-cutting of forest lands except pursuant to an approved Forest Management Plan approved by the State Forester.

**Policy 1C3:** To require that conforming municipalities adopt a tree clearing ordinance consistent with an approved community forestry plan under the New Jersey Forest Service Community Forestry Program as part of the municipal master plan and local development regulations.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian

Areas, and Prime Ground Water Recharge Areas.

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Open Water Protection Area: ■

Highlands Open Waters are defined by the Highlands Act as all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial. The vegetated corridors adjacent to Highlands Open Waters are effective and important tools to protect water quality and aquatic habitat. Protection buffers safeguard Highlands Open Waters from the impacts of adjacent land use practices. The Regional Master Plan includes a protection buffer of 300 feet from the edge of the discernable bank of a Highlands Open Waters feature, or from the centerline where no discernable bank exists.

**Policy 1D4:** Highlands Open Waters shall include a protection buffer of 300 feet from the edge of the discernable bank of the Highlands Open Waters feature, or from the centerline where no discernable bank exists. With respect to wetlands and other Highlands Open Waters features (e.g., seeps, springs, etc.), the feature shall include a protection buffer of 300 feet from the delineated Letter of Interpretation (LOI) line issued by the NJDEP for wetlands, or from a field-delineated boundary for other features. In areas where existing development or land uses within the protection buffers have reduced or impaired the functional values of the buffers, the Council will seek opportunities to restore the buffer and its functions. Any proposed disturbance shall, through local development review and Highlands Project Review, comply with Highlands Open Waters buffer standards. The protection buffer width for Category 2 streams in the Planning Area may be modified through a Stream Corridor Protection/Restoration Plan, as specified in Objective 1D4i. In approved Redevelopment Areas, the Council may, at its discretion, modify the required buffer, upon a showing of no alternatives, no impact to the functional value of the buffer, and provision of alternative approaches to enhancing or protecting Highlands Open Waters and resources of the buffer area.

**Objective 1D4a:** Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Open Waters.

**Objective 1D4c:** Require that proposed development within all Highlands Open Waters buffers (Preservation and Planning Areas) conforms through local development review and Highlands Project Review with the buffer requirements of N.J.A.C. 7:8 (Stormwater Management Rules), N.J.A.C 7:13 (Flood Hazard Area Rules), and N.J.A.C. 7:7 (Freshwater Wetland Rules), and with



any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).

**Objective 1D4i:** Develop through Plan Conformance and implement stream corridor or subwatershed-based Stream Corridor Protection/Restoration Plans which shall include Steps 1, 2, and 3, and may include Steps 4 and 5: 1. Identify areas where existing development, land disturbances, or land uses are within Highlands Open Waters buffers have removed or substantially impaired natural vegetation communities, and have significantly reduced or impaired the functional values of Highlands Open Waters buffers. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered “land improvements,” “development,” “land disturbances,” or “land uses”; 2. Identify and require opportunities for restoration of areas identified in Step 1 as part of mitigation requirements under a Highlands Act waiver or Objectives 1D4e and 1D4f, and public or nongovernmental restoration/stabilization projects; 3. Identify the extent of stream corridor features that are critical to supporting the functions of a healthy Highlands Open Waters buffer and that extend beyond the buffers required by Objectives 1D4b and 1D4c. The 300 foot buffer in these areas may be expanded to be most protective of these features which may include, but are not limited to, Critical Habitat, pollutant source areas identified through scientific techniques, and steep slopes; 4. Where Highlands Open Waters buffers include areas identified in Step 1, regarding Category 2 surface waters in the Planning Area only, the Stream Corridor Protection/Restoration Plan may identify where, based on scientific analysis of site-specific conditions (e.g., topography, vegetation cover type, habitat, soil type, upstream land uses and pollution inputs, width of floodplain, rate and volume of run-off), a buffer of less than the full 300 feet (but including the undisturbed buffer area at a minimum) is sufficient to maintain or improve the protection of Highlands Open Waters and Riparian Areas. The plan must identify alternative buffers that provide functional buffer values at least equivalent to existing conditions and are no less than 150 feet or no less than the extent allowed in State or municipal regulation (including Objectives 1D4b and 1D4c), whichever is greater. Further, the plan shall include a functional value assessment to ensure that there is no net loss in the overall functional value of the subwatershed’s stream buffers. Buffers established through this process shall be determined based on site conditions rather than fixed distances, reflecting findings of the scientific analysis, and shall be used in the site design and development review process regarding determinations of restoration, continued use, or increased use of the disturbed buffer area. Buffer averaging for the purpose of accommodating development proposals is deemed not to meet the requirements of this provision; and 5. Where a proposed Highlands Redevelopment Area would not meet, in full, Objectives 1D4b through 1D4h but affects an undisturbed buffer area determined to not be necessary for the protection of the functional values for Highlands Open Waters buffer (as determined through scientific analysis of site-specific conditions), modification of the undisturbed buffer may be allowed to no less than the extent allowed in State or municipal regulation. However the Council shall first determine that there is no alternative to the proposed reduction of the buffer, and require a showing of no impact to the functional values of the buffer and provision of alternative approaches to enhancing or protecting the Highlands Open Waters and resources of the buffer area. Restoration or enhancement of buffer functional values shall be provided on-site or within the same stream reach to achieve a net improvement of existing buffer functional values.

**Objective 1D4j:** The Highlands Council may require on a case-by-case basis, through Highlands Project Review, an expansion of the 300 foot buffer to protect the habitat of a water or wetlands-dependant rare, threatened or endangered species, to the minimum expansion necessary to achieve protection of that species.

**Objective 1D5b:** Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands



Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

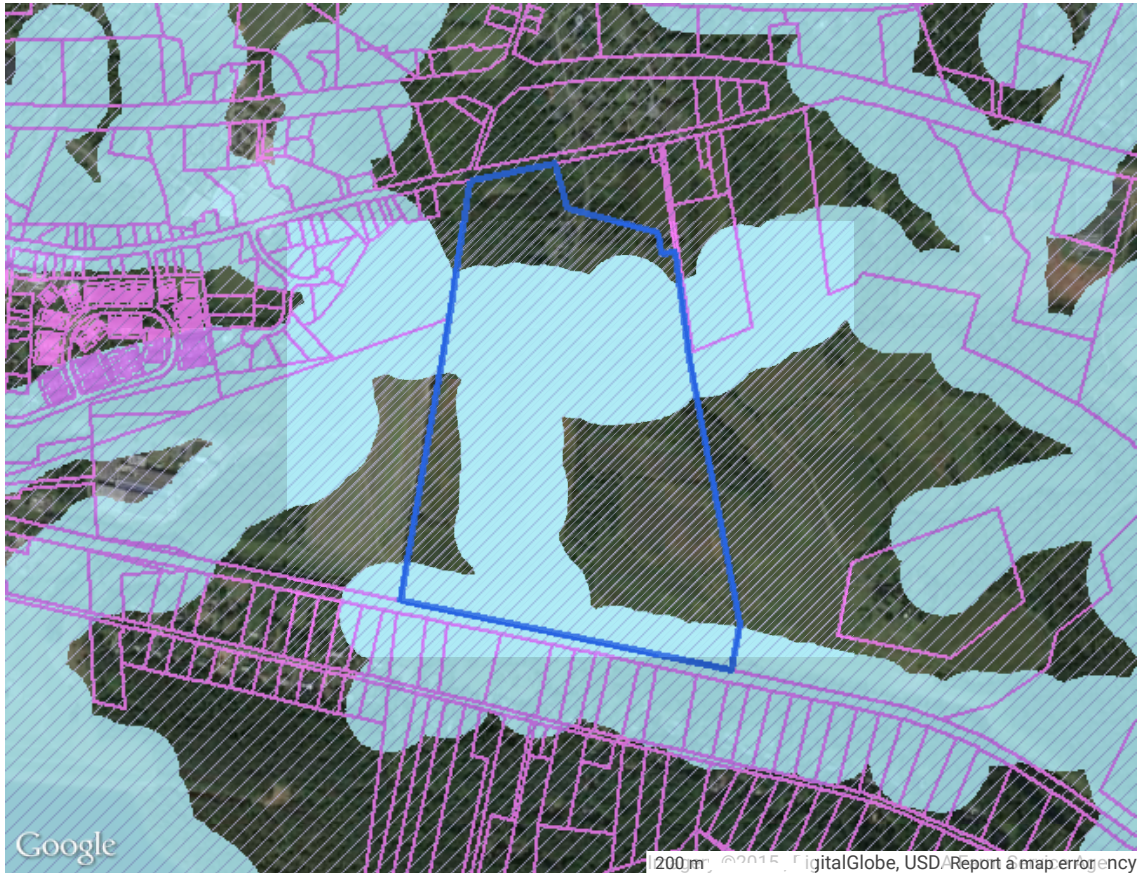
**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Open Water Protection Area: ■

Planning Area / Preservation Area: ■ Planning Area / ■ Preservation Area

Includes all Highlands Open Waters protection buffers within the Planning Area

**Objective 1D4d:** Structures or other land improvements existing within a Highlands Open Waters buffer of the Planning Area on August 10, 2004 may remain, provided that the area of disturbance shall not be increased unless approved through local development review or Highlands Project Review in compliance with RMP policies and objectives. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered “land improvements,” “development,” “land disturbances,” or “land uses.”

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Riparian Corridor Integrity Score: HIGH MODERATE LOW

Riparian Areas are areas adjacent to, and hydrologically interconnected with, rivers and streams. They are areas that exhibit periodic inundation or saturation of soils, are subject to periodic flooding, and include wildlife corridors within 300 feet of a surface water feature. Riparian Areas serve as an interface between surface water bodies and terrestrial ecosystems and play a critical role in maintaining the quality and ecological integrity of Highlands Open Waters.

**Objective 1D5b:** Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.

**Objective 1D5e:** Implement Low Impact Development Best Management Practices for any development activity proposed within a Riparian Area, which minimize both alterations of natural vegetation and increases in impervious area, in compliance with Policies 6N3 and 6N4 and provide for mitigation through restoration of impaired Riparian Areas in the same HUC14 subwatershed.

**Objective 1D5f:** Require that development within Riparian Areas conforms through local development review and Highlands Project Review to any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).

**Objective 1D5g:** Require identification and implementation of opportunities where the restoration and enhancement of previously impaired Riparian Areas are feasible and appropriate as mitigation to any allowable modification to Riparian Area requirements.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge

Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

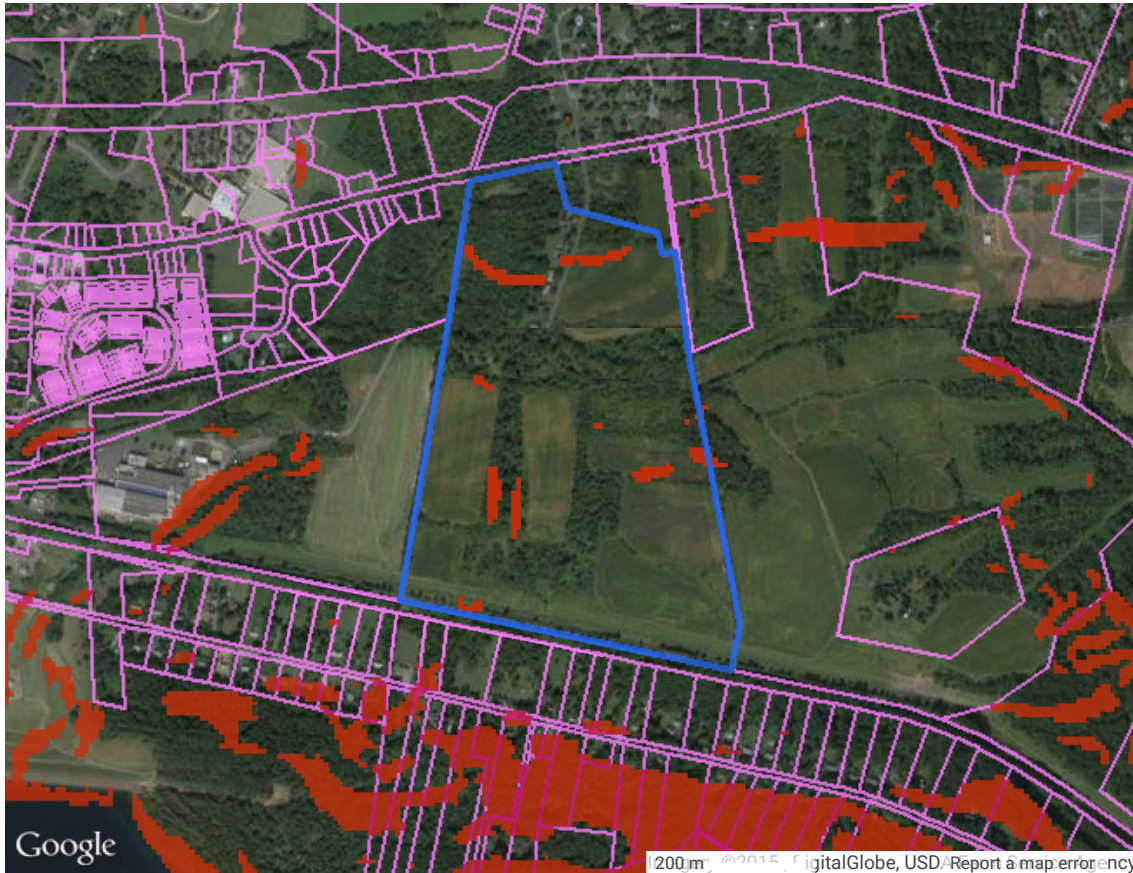
**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Steep Slope Protection Area: ■

Slope is a measurement of the steepness of terrain and is defined as the vertical change in elevation over a given horizontal distance. Disturbance of areas containing steep slopes can trigger erosion and sedimentation, resulting in the loss of topsoil. It can also result in the disturbance of habitats, degradation of surface water quality, silting of wetlands, and alteration of drainage patterns. The Highlands Council examined areas of slope in the Highlands Region that exhibited one of the following grade classifications and these grades were established as Steep Slope Protection Areas: 1) grades of slopes of 20% or greater; 2) grades of slope between 15 - 20%; and 3) grades of slope between 10 - 15% that occur within the Riparian Area.

**Policy 1E6:** To require through local development review and Highlands Project Review that applications for development include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development.

**Policy 1E7:** To require through local development review and Highlands Project Review that applications for development involving parcels of land with slopes of 10% or greater include identification of forested lands, areas which are highly susceptible to erosion, depth to bedrock and Soil Capability Classes.

**Policy 1E10:** To require that conforming municipalities and counties implement the steep slope protection provisions of Policies 1E2 through 1E9 through master plans and development regulations.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning

Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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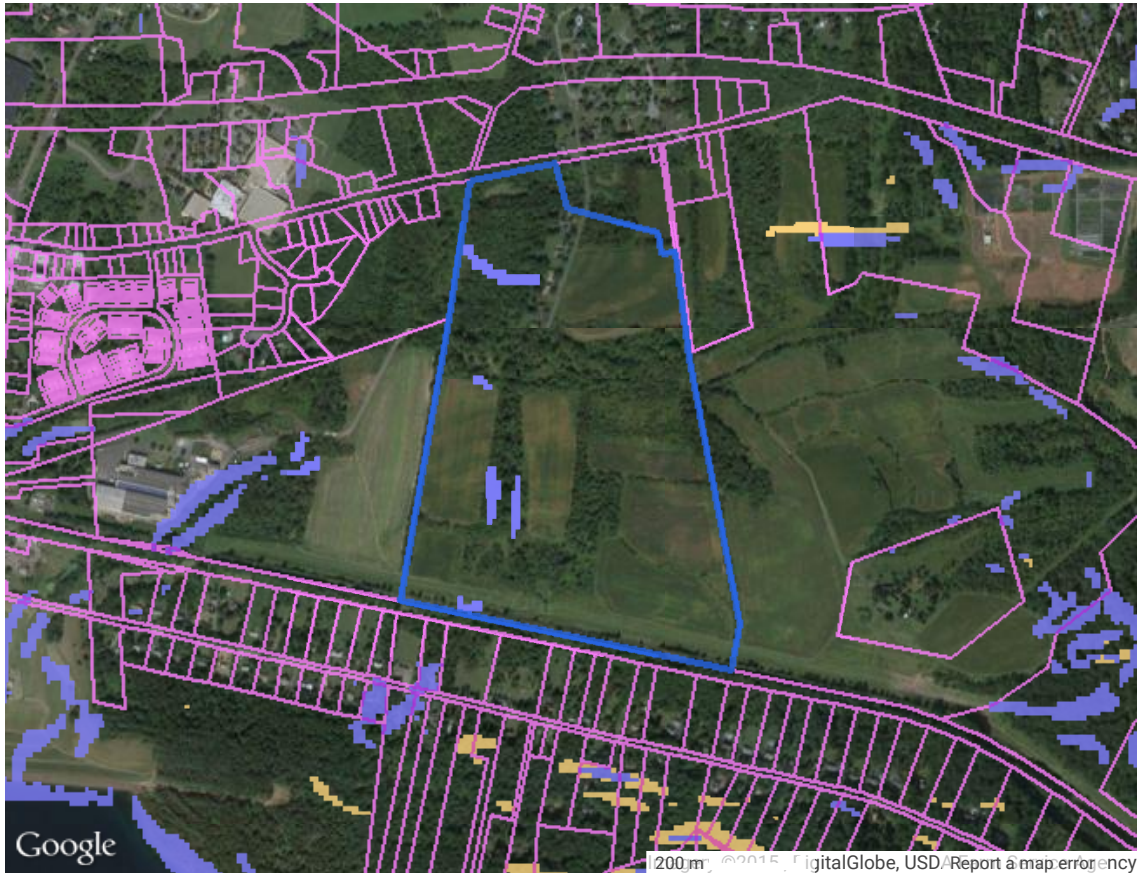




Riparian Corridor Integrity Score: HIGH MODERATE LOW

These areas include watersheds with Riparian Areas that contain a higher incidence of impervious area, agricultural uses and/or road crossings (as compared to High Score) and a reduced proportion of natural vegetation including high quality habitat for rare, threatened, and endangered water/wetland dependent species.

**Objective 1D5b:** Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.



Moderately Constrained Slopes: ■  
Severely Constrained Slopes: ■

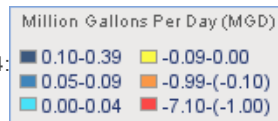
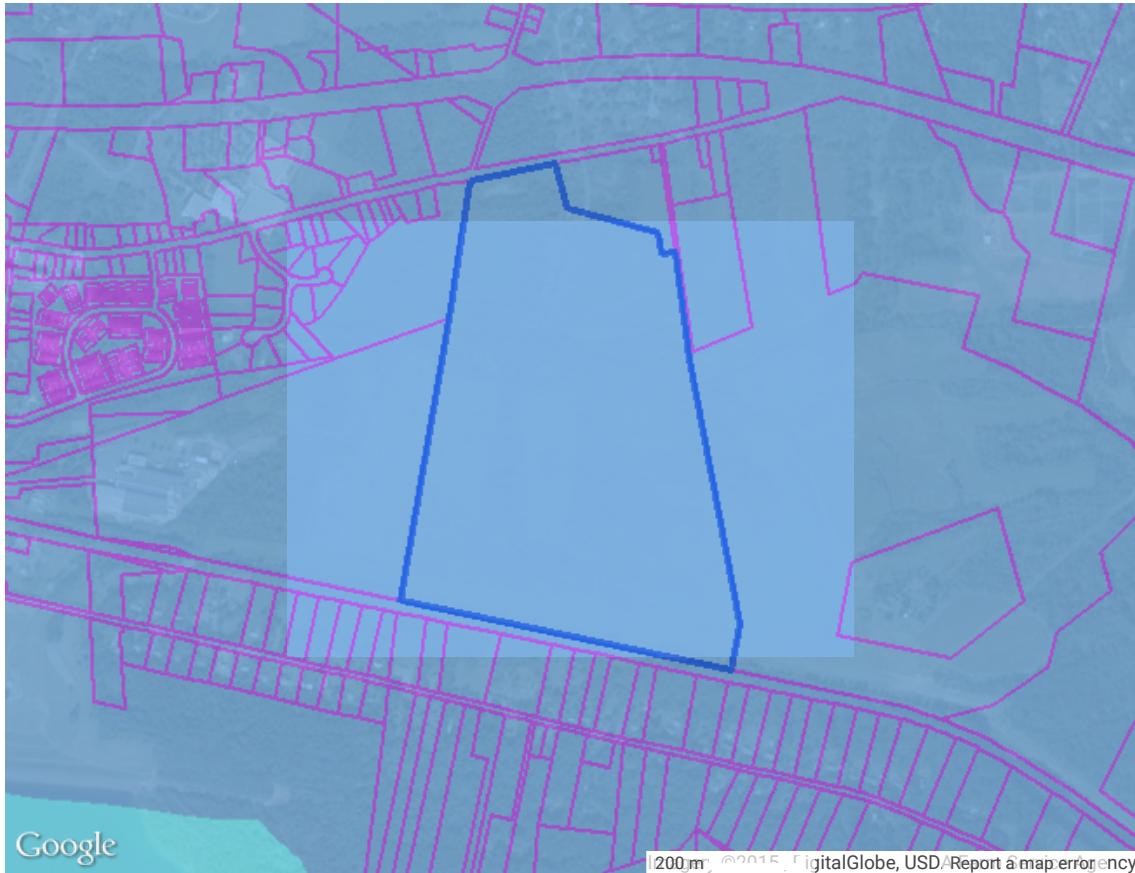
Severely Constrained Slopes are all lands with slopes of 20% or greater and lands within Riparian Areas with slopes of 10% or greater. Moderately Constrained Slopes are all non-Riparian Area lands having a slope of 15% to less than 20% which are forested.

**Policy 1E8:** To prohibit through local development review and Highlands Project Review land disturbance within areas which are Severely Constrained Slopes and Moderately Constrained Slopes, except for linear development in both the Preservation and Planning Areas that meets the requirements of N.J.A.C. 7:38-3.8(c)1-4.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.

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Net Water Availability by HUC14:

Net Water Availability is calculated for each HUC14 subwatershed by deducting consumptive and depletive water uses from Ground Water Availability. The Regional Master Plan incorporates Net Water Availability as a capacity threshold on future water uses. Where Net Water Availability is positive, it is assumed there is water available beyond the existing demand. Where net water availability is negative, the subwatershed is in deficit and deemed to be a Current Deficit Area. In Current Deficit Areas where a Water Use and Conservation Management Plan has not yet been adopted, limited amounts of Conditional Water Availability are provided. The use of Net Water Availability or Conditional Water Availability is subject to Regional Master Plan policies.

**Policy 2A2:** To ensure that increasing water demands do not exceed Net Water Availability or exacerbate existing deficits of subwatersheds. Net Water Availability is affected at a subwatershed level by location and extent of Land Use Capability Zone Map and its status as Current Deficit Area or Existing Constrained Area.

**Objective 2B4c:** Establish and implement mandatory stormwater reuse for recreational and other non-agricultural irrigation, as well as other non-potable water purposes to minimize both the volume of stormwater discharges and water withdrawals for these purposes.

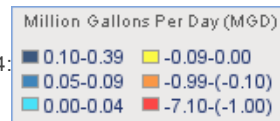
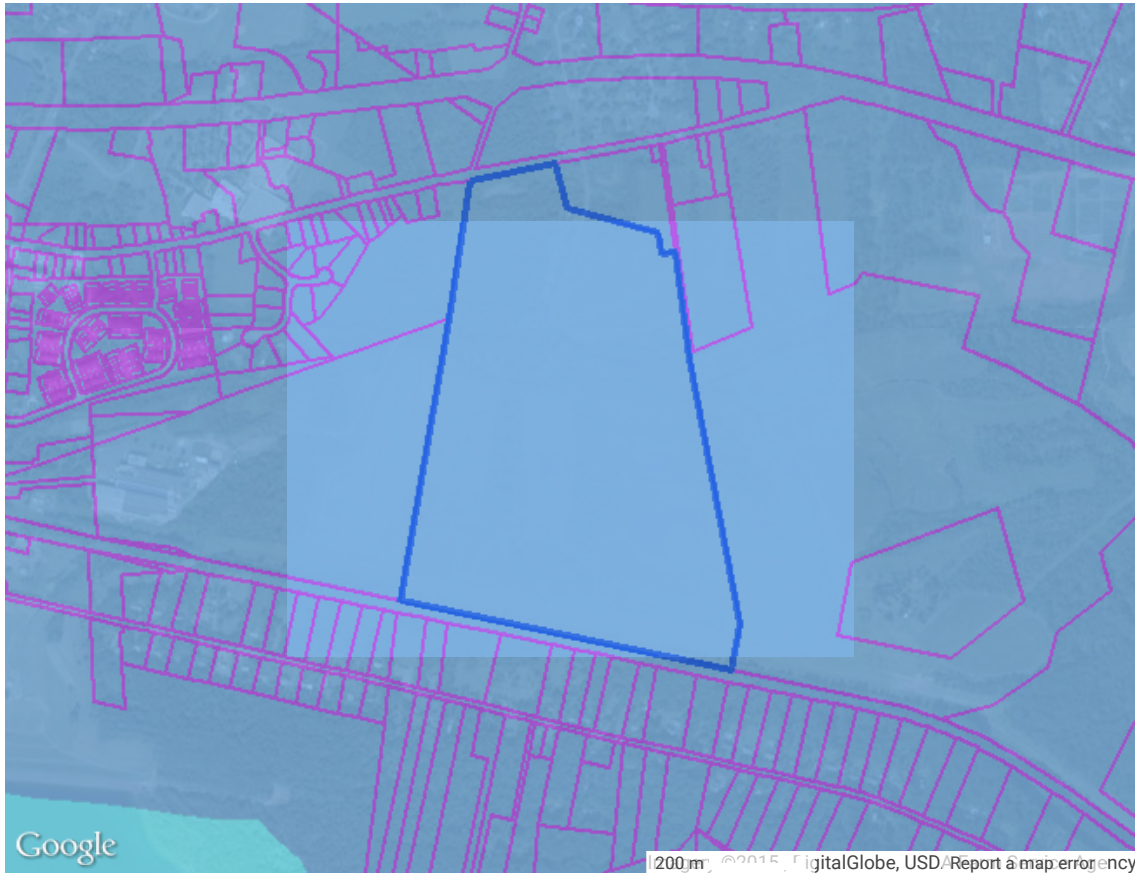
**Policy 2B7:** To ensure through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review that the use of Net Water Availability and Conditional Water Availability within each subwatershed supports development patterns that are in conformance with RMP policies and objectives.

**Objective 2B8c:** Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where

developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.

**Objective 2J2b:** Limit future water system demands to levels that will not create a Current Deficit Area where one does not currently exist.

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Net Water Availability by HUC14:

Identifies HUC14 subwatersheds that are upstream of a Current Deficit Area. The maintenance of stream flows in Existing Constrained Areas is necessary to ensure that downstream deficits are not exacerbated.

**Objective 2B8c:** Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.

**Objective 2J2a:** Limit future water system demand and reduce existing demand where feasible by water systems that are dependent on Current Deficit Areas or Existing Constrained Areas as a source of water.

**Objective 2J2b:** Limit future water system demands to levels that will not create a Current Deficit Area where one does not currently exist.





Wellhead Protection Area:   2-Year Tier   5-Year Tier   12-Year Tier

Identifies the Tier 1 portion of a Wellhead Protection Area. The calculated time for ground water to travel to the well from this zone is two years.

**Objective 2H2a:** Prohibit land uses that have a significant potential to result in the discharge of pathogens (including, but not limited to, septic systems and engineered stormwater infiltration from surfaces with significant potential for contact with pathogenic contaminants) to ground water or to the land surface within a designated Tier 1 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality. Require that the construction of sewer lines within Tier 1 of a Well Head Protection Area prevent seepage of untreated sewage into ground water.

**Objective 2H2b:** Prohibit land uses that have a significant potential to result in the discharge of persistent organic or toxic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a designated Tier 2 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality.

**Objective 2H2c:** Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

**Objective 2H4b:** Encourage stormwater reuse for non-agricultural irrigation and other non-potable water purposes to minimize the volume of stormwater discharges (other than from clean sources) within a Tier 1 or Tier 2 Wellhead Protection Area.





Wellhead Protection Area:   2-Year Tier   5-Year Tier   12-Year Tier

Identifies the Tier 2 portion of a Wellhead Protection Area. The calculated time for ground water to travel to the well from this zone is five years. Tier 2 also includes the land area within Tier 1.

**Objective 2H2b:** Prohibit land uses that have a significant potential to result in the discharge of persistent organic or toxic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a designated Tier 2 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality.

**Objective 2H2c:** Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

**Objective 2H4b:** Encourage stormwater reuse for non-agricultural irrigation and other non-potable water purposes to minimize the volume of stormwater discharges (other than from clean sources) within a Tier 1 or Tier 2 Wellhead Protection Area.





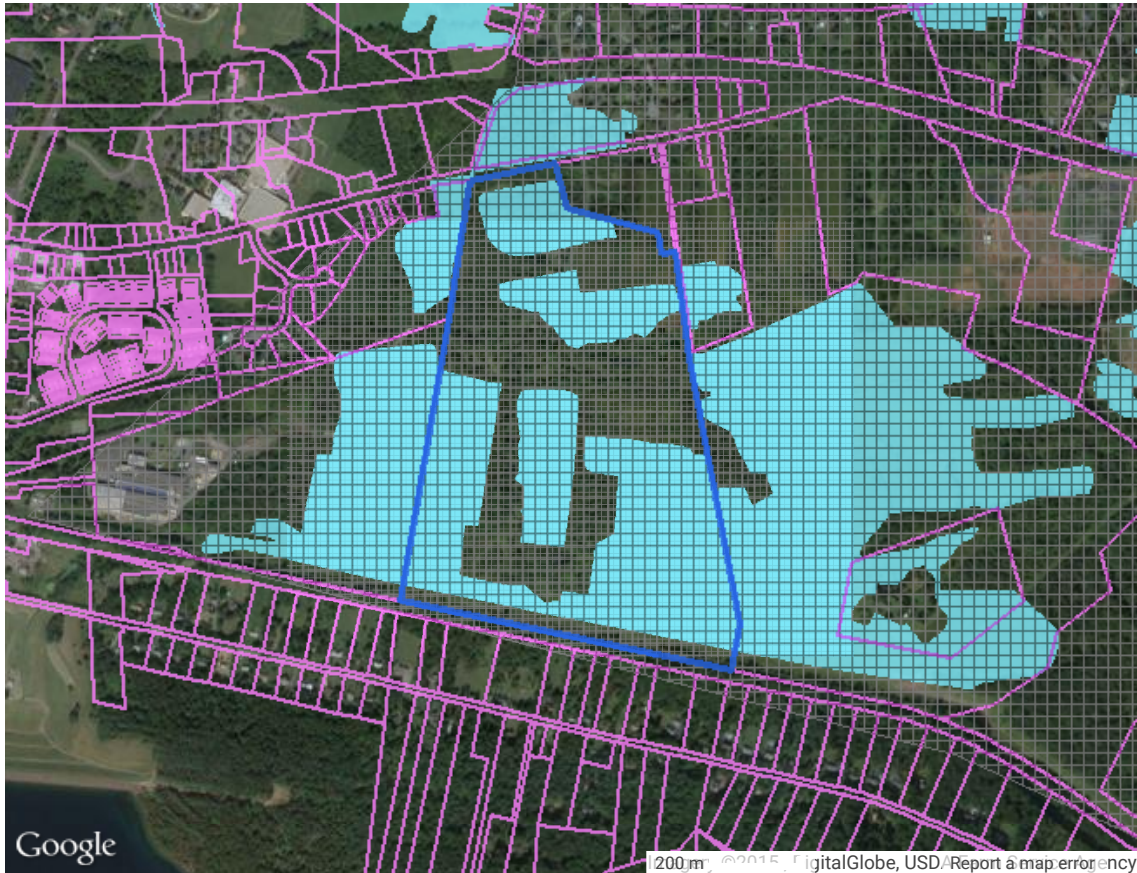
Wellhead Protection Area:   2-Year Tier   5-Year Tier   12-Year Tier

Identifies the Tier 3 portion of a Wellhead Protection Area. The calculated time for ground water to travel to the well from this zone is twelve years. Tier 3 also includes the land area within Tiers 2 and 1.

**Objective 2H2c:** Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

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Agricultural Uses: ■

Agricultural Resource Area: ■

Includes all Agricultural Uses within the Agricultural Resource Area.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

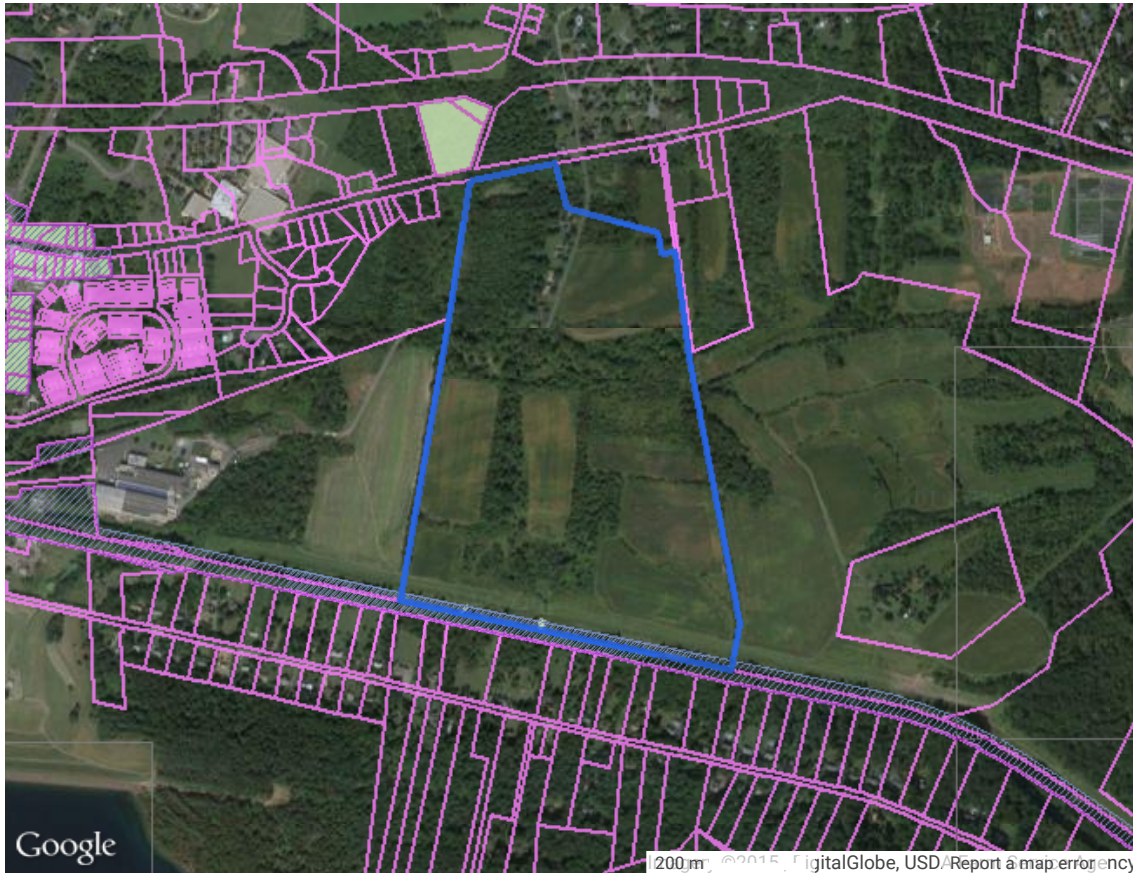
**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a

cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

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New Jersey Historic Properties:   
New Jersey Historic Districts:   
Archeological 1 Sq Mi Grids:

Consists of all properties listed on the New Jersey or the National Register of Historic Places, all properties which have been deemed eligible for listing on the New Jersey or National Register, and all properties for which a formal SHPO opinion has been issued. A SHPO opinion is an evaluation of eligibility prepared when a federally funded activity is expected to have an effect on historic properties not listed on the National Register.

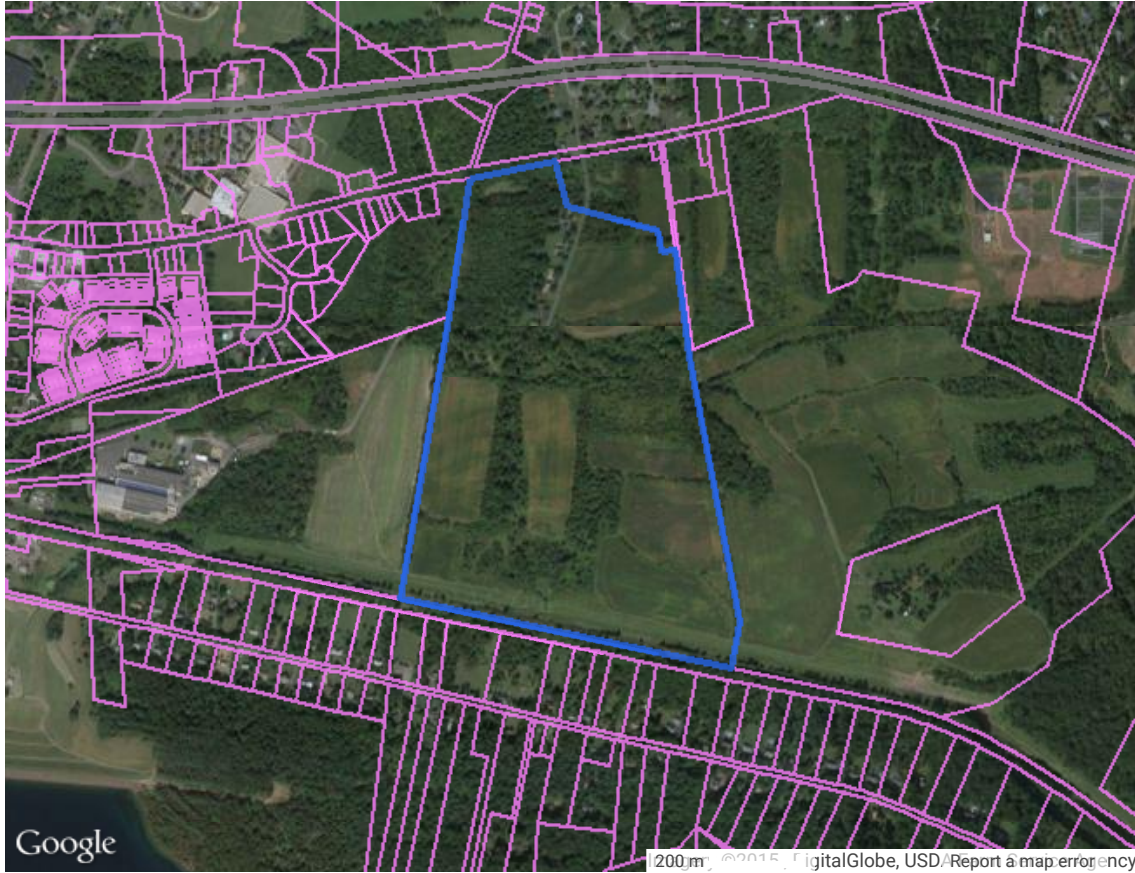
**Policy 4A3:** To ensure through local development review, where a municipality has adopted an historic preservation ordinance under Policy 4C2, that human development does not adversely affect the character or value of resources which are listed on the Highlands Historic and Cultural Resource Inventory to the maximum extent practicable.

**Objective 4A3a:** All development and redevelopment applications shall include submission of a report identifying potential historic, cultural and/or archaeological resources on the subject property or immediately adjacent properties.

**Policy 4A4:** To require that the impact of proposed human development on the historic and cultural resources of the Highlands Region be addressed during local development review and Highlands Project Review and approval.

**Objective 4A4a:** All applications for site plan or subdivision approval shall include identification of any cultural, historic or archaeological resources in the Highlands Region, which are listed on the Highlands Historic and Cultural Resource Inventory and may be affected by the proposed development.

**Objective 4A4b:** Where a municipality has adopted an historic preservation ordinance under Policy 4C2, all development which affects identified cultural, historic sites/districts, or archaeological resources shall comply with minimum standards for the preservation of the affected resources.



New Jersey Transit Bus Routes:—

Private Bus Routes:---

- Bergen + Main Line
  - Montclair Boonton Line
- Rail Stations:
- Morris + Essex Line - Gladstone Branch
  - Morris + Essex Line - Morristown Branch
  - Raritan Valley Line

Park & Ride Sites:●

Includes all developed lands within a 1/2 mile buffer from all park and ride locations, rail stations, and NJ Transit public and major private bus routes in or within 1/2 mile of the Highlands Region.

**Objective 5E1b:** Development and redevelopment in close proximity to rail stations and along bus routes.



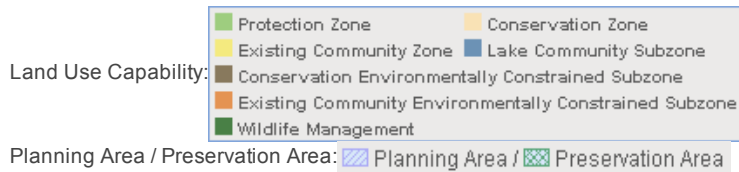
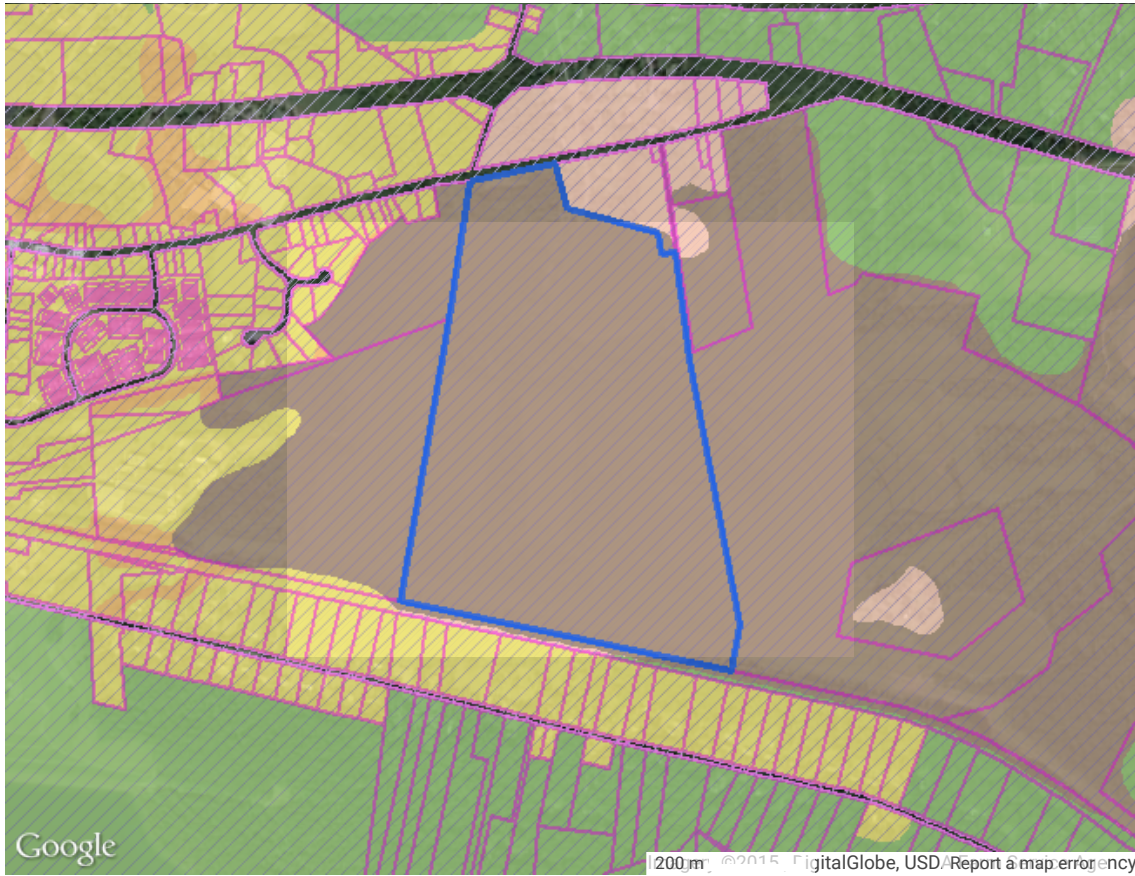


Planning Area / Preservation Area:  Planning Area /  Preservation Area

Means lands within the Highlands Region which are not within the Preservation Area.

**Objective 7F1d:** Planning Area exemptions, issued by the Highlands Council, shall be required, where appropriate, prior to consideration of a local development review or a Highlands Project Review. Guidance shall specify the exceptions where a review may proceed absent such an exemption determination. Applications for exemptions submitted to the Highlands Council shall be based upon the application requirements exemptions codified in N.J.A.C. 7:38.

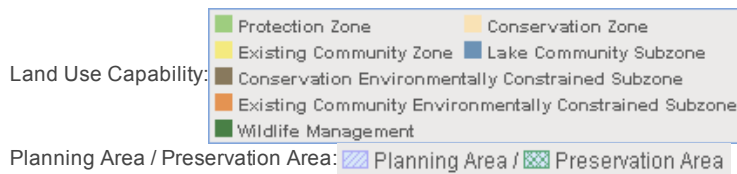
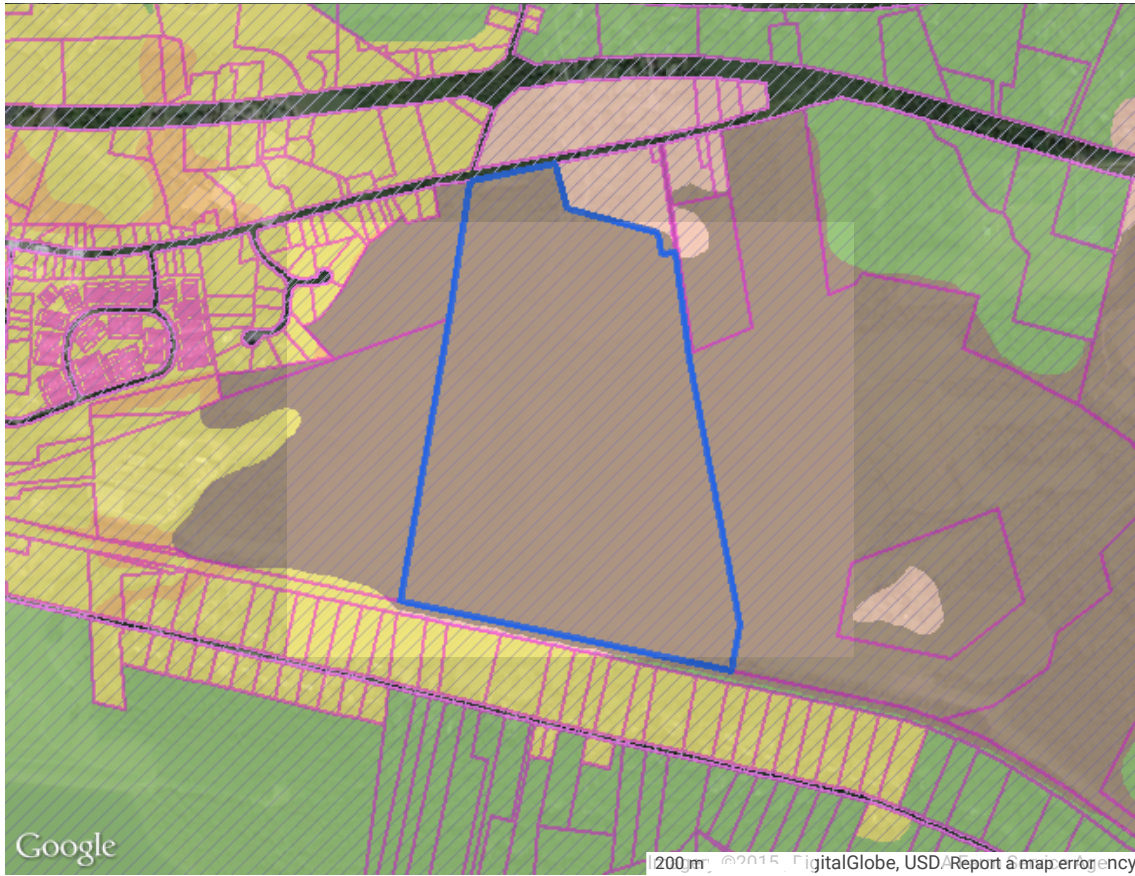
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Includes the Protection Zone, Conservation Zone, Environmentally Constrained Sub-Zones and the Existing Community Zone within the Planning Area.

**Policy 2J4:** To minimize, through Plan Conformance, local development review and Highlands Project Review, the creation or extension of public water supply systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area, and to allow for the creation or extension of public water supply systems where appropriate within the Existing Community Zone.





Includes the Protection Zone, Conservation Zone, and the Environmentally Constrained Sub-Zones within the Planning Area.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2J4b:** Clustered development served by public water supply within the Protection Zone,

the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity; 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. To the maximum extent feasible the developed portion (i.e., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Objective 2J4d:** All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area will be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Objective 2K3d:** Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas; 2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited

to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served; 4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Objective 2K3f:** All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 6H1b:** Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone and Environmentally Constrained Sub-Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the protection of agricultural and environmentally sensitive resources.

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# Regional Master Plan Consistency Report

3/5/2015

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Prepared by State of New Jersey Highlands Water Protection and Planning  
Council  
100 North Road (Route 513), Chester, NJ 07930  
Telephone: (908) 879-6737 Fax: (908) 879-4205

Opacity ▼



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Disclaimer

Please be advised that any reports generated from the online Consistency Review Application do not constitute a formal Consistency Determination from the Highlands Council. The information contained therein is provided solely for informational purposes and is not to be construed as providing advice, recommendations, endorsements, representations or warranties of any kind whatsoever.

**Windy Acres Site (2), 234 Main Street, Block 7, Lot 18, Clinton Township, Hunterdon County**





Agricultural Resource Area: 

An intensity indicator that reflects areas in the Region with a prevalence of active farms and is based upon Contiguous Farms >250 acres, Important Agricultural Soils - Undeveloped, and Preserved Farms data layers.

**Objective 1I3:** To require conforming municipalities and counties to require conservation or land stewardship easements, enforceable by the Highlands Council and at least one of the following: the appropriate municipality, the County Agriculture Development Board, the SADC, Green Acres, or a non-profit land trust organized pursuant to 501 (c)(3) of the federal tax code and engaged in the protection of land for the purpose of providing long-term stewardship of important resources as a condition of development approval for lands within parcels proposed for development that are identified for preservation on a proposed site plan or subdivision plot.

**Objective 2J4b:** Clustered development served by public water supply within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity; 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. To the maximum extent feasible the developed portion (i.e., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil



Conservation District (SCD).

**Objective 2J4d:** All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area will be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 2K3d:** Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas; 2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served; 4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Objective 2K3f:** All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 2L2e:** New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L or any more stringent requirement as required by N.J.A.C. 7:15.

**Policy 3A5:** Where it is not feasible to preserve agricultural lands within the ARA by such methods as fee simple acquisition, easement acquisition, or a TDR Program, require mandatory clustering through Municipal Plan Conformance, local development review and Highlands Project Review for residential development in an ARA. Cluster development within the Planning Area that incorporates public or community on-site wastewater utilities shall meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area shall meet the requirements of Policy 2I1 and Objectives 2I1a and 2I1b, and where reliant on septic systems shall meet the requirements of Objective 6I1a.

**Objective 3A5a:** Implement regulations requiring that cluster or conservation design development



proposed within an Agricultural Resource Area support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect Important Farmland Soils, and meet resource management and protection requirements of the RMP.

**Objective 3A5b:** Implement regulations requiring that all cluster or conservation design development proposed in an Agricultural Resource Area be buffered appropriately with existing natural resources, such as hedgerows or trees, or with new buffers to avoid conflicts between non-agricultural development and agricultural activities, and to protect existing agricultural uses and sensitive environmental resources.

**Objective 3A5c:** Implement regulations requiring that all land preserved in perpetuity for environmental protection or agricultural purposes as a result of clustering be subject to a conservation easement enforceable by the Highlands Council and at least one of the following: the appropriate municipality, for agricultural purposes the County Agriculture Development Board or the SADC and for environmental purposes Green Acres or a qualified land trust non-profit organization.

**Objective 3A5d:** Where the preserved land in the cluster project area is dedicated to agricultural purposes support continued agricultural viability of the agricultural land, encourage that the original or new farmstead remain attached to the preserved land wherever feasible, and require the implementation of best management practices through the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA NRCS, Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Policy 3A6:** To permit through local development review and Highlands Project Review limited development, including family and farm labor housing in Agricultural Resource Areas which are necessary to support the viability of the agricultural operation, in coordination with the NJDA and the SADC, and subject to compliance with the resource management and protection requirements of the RMP.

**Objective 3A6a:** Implement regulations allowing for construction of ancillary structures and family and farm labor housing that is necessary to support the viability of the agricultural operation, upon a demonstration that the proposed development is consistent with the resource management and protection requirements of the RMP.

**Objective 6C1a:** Centers in the Protection Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.

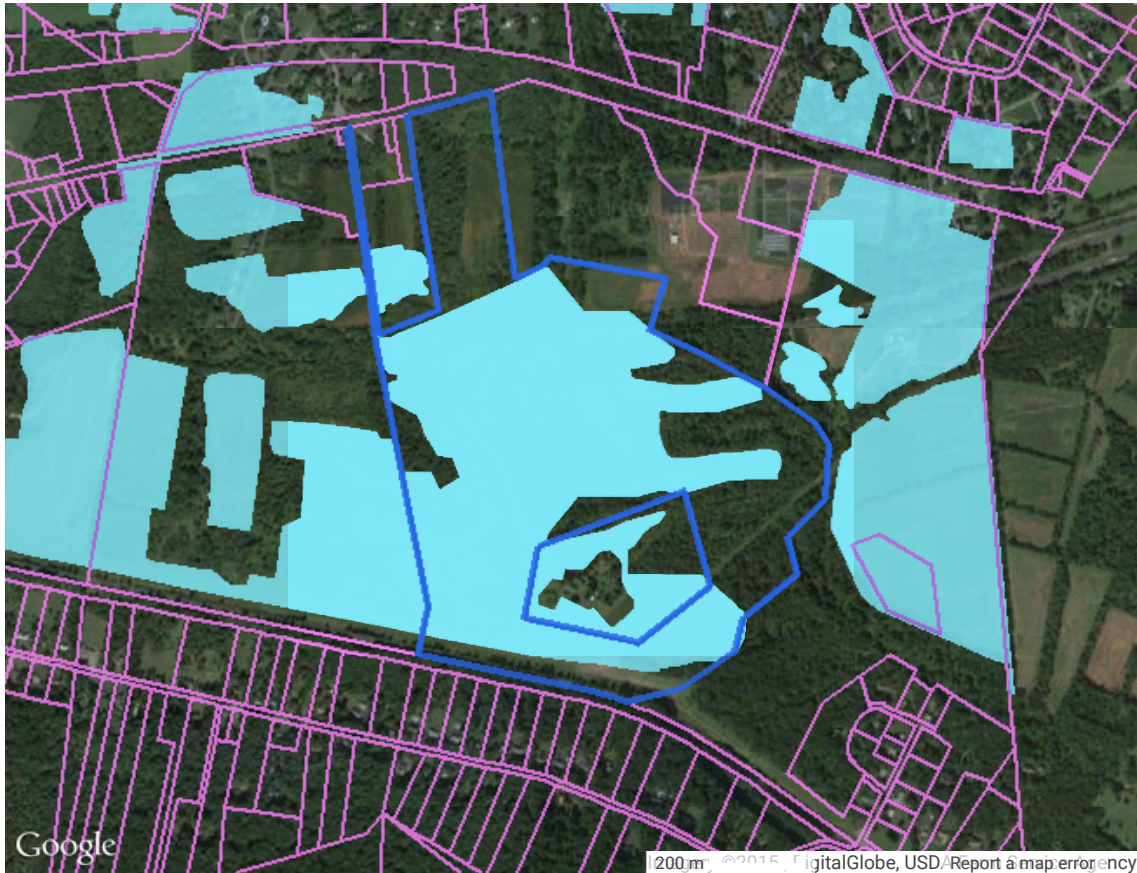
**Objective 6D3b:** Centers in the Conservation Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Objective 6H1d:** Cluster and conservation design development plans and regulations shall consider existing community character, incorporate smart growth design principles, and require Low Impact Development including but not limited to: locating development adjacent to existing infrastructure such as water, wastewater, transportation, and public facilities to limit the degree of new impervious surface, and permitting smaller residential lots in order to incorporate community open space and existing natural resources into the design.

**Policy 6H3:** To require conforming municipalities and counties to include site development programs, such as clustering, to preserve land in perpetuity for environmental protection or agricultural purposes.

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**Agricultural Uses:**

An intensity indicator that represents the extent of lands that are currently in agricultural use based upon NJDEP 2002 Land Use Land Cover data, with 10 acres as a minimum threshold. Categories include cropland and pastureland, orchards, vineyards, nurseries and horticultural areas, confined feeding operations, and other agriculture.

**Policy 3D2:** To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of greater than 3% but less than 9%, to develop and implement a Farm Conservation Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.

**Policy 3D3:** To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover, since enactment of the Highlands Act, to the total land area of a Farm Management Unit (either individually or cumulatively) of 9% or greater to develop and implement a Resource Management System Plan prepared by the USDA NRCS, TSP, appropriate agent, or NJDA staff, and approved by the local SCD.

**Objective 2B4d:** The highest priority for agricultural water uses in the Conservation Zone shall be those Preservation Area uses that promote agricultural and horticultural uses and opportunities that are compatible with protection of the Highlands environment, and those Planning Area uses that promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities. Compatible agricultural and horticultural uses shall minimize consumptive water uses through efficiency measures.



Critical Wildlife Habitat: ■

Critical Wildlife Habitat data layer illustrates habitat areas that are critical for the survival of rare, threatened or endangered wildlife species of the Highlands Region. Critical Wildlife Habitat areas are lands within the NJDEP's Landscape Project Version 3 that are Landscape Rank 3 through 5 and Landscape Rank 2 with Highlands Conservation Rank of Critically Significant or Significant in the Planning Area.

**Policy 1A2:** To limit human development in the Forest Resource Area in the Preservation Area in order to protect and enhance forest resources, forest ecosystem integrity, Critical Habitat, and the quantity and quality of water resources.

**Policy 1F2:** To prohibit through Plan Conformance, local development review and Highlands Project Review the direct impact of new human development or expansion or increased intensity of existing development within Critical Habitat.

**Policy 1F5:** To establish a Habitat Conservation and Management Program, including minimum performance standards and criteria for the protection, enhancement, and restoration of lands within Critical Habitat.

**Policy 1F6:** To require that applications for any local development review and Highlands Project Review for Critical Habitat be subject to minimum standards and criteria outlined in the Habitat Conservation and Management Plan.

**Objective 1F6a:** Prohibit direct impacts from new development or expansion or increased intensity of existing development that will jeopardize the continued existence of, or result in the likelihood of the destruction or adverse modification of Critical Habitat, except as permitted through the issuance of a waiver under Policy 7G1 or 7G2.

**Objective 1F6b:** Prohibit indirect impacts from activity that is off-site, adjacent to, or within Critical Habitat that will jeopardize the continued existence of, or result in the likelihood of the destruction or adverse modification of Critical Habitat, except as permitted through the issuance of a waiver under Policy 7G1 or 7G2.



**Objective 1F6c:** Waiver applications under Policy 7G2 for local development in a municipality with a Council-approved Critical Habitat Conservation and Management Plan shall be subject to the minimum standards and criteria for waiver provisions as set forth in the plan, to the maximum extent practicable.

**Objective 1F6d:** Waiver applications under Policy 7G2 for development in a municipality without a Council-approved Critical Habitat Conservation and Management Plan shall be subject to the Low Impact Development Best Management Practices required in Objective 1F5b.

**Objective 1F6f:** A Critical Wildlife Habitat area or Significant Natural Area delineation may be modified if an applicant can demonstrate, to the satisfaction of the Highlands Council in coordination with the NJDEP's Endangered and Nongame Species Program or Natural Heritage Program, that: 1. The nature of the site is such that it does not provide habitat for species of concern; 2. The species of concern are not present on the site during any critical part of their life cycle, do not depend upon the site for food, shelter or breeding, and the habitat; on the site is either unsuitable or not critical to species' recovery in the Region; or 3. Existing land uses present a human, natural or development barrier to the use of the site by species of concern. Requirements for demonstrating the above criteria shall be included in the Critical Habitat Conservation and Management Plan.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in



Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Forest Resource Area: 

The Forest Resource Area data layer is an intensity indicator that captures high ecological value forest areas including those forested lands that exhibit the least fragmentation, which are vital for the maintenance of ecological processes.

**Policy 1A5:** To prohibit through local development review and Highlands Project Review forest clear-cutting within the Forest Resource Area except in accordance with a Forest Management Plan approved by the State Forester.

**Policy 1B3:** To limit through local development review and Highlands Project Review deforestation in the Forest Resource Area and forested lands within High Integrity Forest Subwatersheds within the Existing Community Zone to maximum extent practicable.

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Forest within Forest Resource Area: ■

The Forest in Forest Resource Area data layer illustrates the forested lands located within the spatially delineated Forest Resource Area. The Regional Master plan provides for the protection of the integrity of these forested lands in order to maintain forest ecological function within the Forest Resource Area.

**Objective 1A2d:** To prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into forested areas of the Forest Resource Area within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.

**Policy 1C1:** To require that conforming municipalities and counties address the protection of forested portions of Forest Resource Areas and High Integrity Forest Subwatersheds in their master plans and development regulations.

**Policy 5C3:** To limit road improvements through local development review and Highlands Project Review where roads are constrained by topography, forested lands or the community character of land uses fronting on the road.

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Carbonate Rock: ■

The Carbonate Rock Area is that area of the Region that is underlain by carbonate rocks. The dissolution of carbonate rock can cause surface depressions and the development of such features as sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams. These features may direct surface water runoff into aquifers with little or no attenuation of any transported contaminants. Further, they present a potential geologic hazard as they may undermine such infrastructure as stormwater basins, roads, sewer lines, septic systems, and natural gas lines.

**Policy 1K2:** To identify and delineate through local development review and Highlands Project Review land areas that drain surface water into the Carbonate Rock Area, as changes in the quantity, quality and rate of discharge of surface water runoff from upslope lands can impair ground water resources in the Carbonate Rock Area.

**Policy 1K4:** To ensure through Plan Conformance that municipalities in, or within subwatersheds draining directly to, the Carbonate Rock Area protect public health and safety and the quality of ground waters from inappropriate land uses and pollutant discharges.

**Objective 1K4b:** Applications for site plan or subdivision approval will include a multi-phased geotechnical site investigation (e.g., test borings, test pits) to locate any potential karst features and potential hazards to public health and safety, structures and ground water quality.

**Objective 1K4c:** Local development reviews and Highlands Project Reviews and requirements shall ensure that all potential hazards to public health and safety, structures and ground water quality, including but not limited to concentrated surface water flows that dissolve carbonate rock, are fully addressed and mitigated in the construction plans and subsequent approval process, with the maximum emphasis on nonstructural measures, including, but not limited to, avoidance of modifications to the karst features.

**Objective 1K4d:** Public works projects, including but not limited to water supply, sewerage, stormwater and transportation facilities, shall be constructed and maintained such that the potential for damage from karst features and the contamination of ground water are avoided.

**Objective 1K4e:** Highlands Project Reviews and requirements and local development reviews



(where applicable) shall prohibit new land uses and facilities that constitute unacceptable risks of discharge due to karst topography where karst features have been identified, including but not limited to: Underground storage tanks; Solid waste landfills; Hazardous waste storage and disposal; and Hazardous materials storage and handling.

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Prime Groundwater Recharge Area: 

The layer displays the mapping of Prime Ground Water Recharge Areas. The Regional Master Plan defines Prime Ground Water Recharge Areas as those lands within a HUC14 subwatershed that most efficiently provide 40% of total drought recharge volume for that HUC14 subwatershed, using a GSR-32 analysis based upon land cover and the 1964-1966 drought of record precipitation.

**Policy 2D3:** To protect, enhance, and restore the quantity and quality of Prime Ground Water Recharge Areas.

**Objective 2D3c:** Implement master plans and development review ordinances through Plan Conformance that protect Prime Ground Water Recharge Areas and minimize the potential for disruption of recharge in such areas by development.

**Objective 2D3g:** Require through Plan Conformance and local health ordinances, that existing land uses that have a significant potential to result in major discharges of pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a Prime Ground Water Recharge Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

**Policy 2D4:** To apply standards through Plan Conformance, local development review and Highlands Project Review to protect, restore and enhance the functionality and the water resource value of Prime Ground Water Recharge Areas by restricting development and uses of land within a Prime Ground Water Recharge Area that reduce natural ground water recharge volumes or may directly or indirectly contribute to or result in water quality degradation.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.

**Objective 2D4b:** Any development activity approved to occur in a Prime Ground Water Recharge Area shall provide an equivalent of 125% of pre-construction recharge volumes for the affected Prime Ground Water Recharge Area of the site within the following areas, in order of priority: (1) the same development site where feasible; (2) the same HUC14 subwatershed, or (3) an interrelated HUC14 subwatershed as approved by the Highlands Council where no feasible option exists in the same HUC14 subwatershed. This requirement shall apply to all portions of the Prime Ground Water Recharge Area where the recharge is disrupted through impervious surfaces, routing of stormwater runoff and recharge from natural flow paths, and other similar changes.

**Objective 2D4c:** Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area shall be minimized through the implementation of Low Impact Development Best Management Practices meeting the requirements of Objective 2D3a.

**Objective 2D4d:** Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area, after conformance with Objectives 2D4a, 2D4b and 2D4c is achieved, shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall be preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest ground water recharge rates and the lowest potential for aquifer recharge.

**Objective 2D4e:** Prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into a Prime Ground Water Recharge Area within the Protection or Conservation Zone within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.

**Objective 2D4f:** Prohibit through Plan Conformance, local development review and Highlands Project Review new land uses, including those identified through Objective 2D3d, that have a significant potential to result in the discharge of persistent organic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a Prime Ground Water Recharge Area, such that they may degrade or contribute to the degradation of ground water quality.

**Objective 2D4g:** Require conformance with applicable components of regional stormwater management plans, where applicable, as a mandatory requirement for any site plan application.

**Objective 2D4h:** Achieve a net improvement in ground water recharge volume and maintenance of water quality as required through compliance with and implementation of any related provisions of an adopted regional stormwater plan.

**Objective 2D4i:** Achieve a net improvement in ground water volume and maintenance of water quality through redevelopment, enhanced infiltration, pretreatment or other means where feasible.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems

shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Wellhead Protection Area:   2-Year Tier   5-Year Tier   12-Year Tier

A Wellhead Protection Area is a mapped area around a public water supply well that delineates the horizontal extent of ground water captured by a public water supply well pumping at a specific rate over a specific time. Wellhead Protection Areas consist of three tiers; the ground water within each tier takes a specified period of time to travel to the well: Tier 1 is a two-year time of travel; Tier 2 is equivalent to a five-year time of travel; Tier 3 is equivalent to a twelve-year time of travel. Wellhead Protection Areas are important areas for the protection of ground water quality.

**Policy 2H2:** To develop and implement, through Plan Conformance, local development review and Highlands Project Review, resource protection measures to protect and enhance ground water and water supply resources within Wellhead Protection Areas consistent with the source water assessments for each water supply source.

**Objective 2H4a:** Require site specific and municipal stormwater management plans to address wellhead protection requirements.

**Policy 2H5:** To require that conforming municipalities revise master plans and development regulations to address wellhead protection requirements.

**Objective 2H5b:** Restrict development activities that pose threats to the water quality of public water supply wells.

**Objective 2H5c:** Ensure that development activities and existing land use activities implement best management practices to protect the quality of ground water within Wellhead Protection Areas.

**Objective 2H5d:** Amend Areawide Water Quality Management Plans or Wastewater Management Plans for conforming municipalities and counties to ensure that any activity associated with the proposed service area will not adversely affect a Wellhead Protection Area.

**Objective 2G6c:** Require conforming municipal and county master plans and development regulations to incorporate relevant TMDLs, additional water quality protection measures and wellhead protection for public water supply wells and nitrate standards as development standards.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

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Forest Outside of Forest Resource Area: ■

Planning Area / Preservation Area: ■ Planning Area / ■ Preservation Area

The Forest in Forest Resource Area in Planning Area data layer illustrates the forested lands located within the spatially delineated Forest Resource Area of the legislatively delineated Highlands Planning Area. The Regional Master Plan includes protection policies specific to forested lands in the Forest Resource Area in the Planning Area.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes

listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

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Forest Outside of Forest Resource Area: ■

Forest Resources represents the Total Forest Area data layer that was extracted from the NJDEP 2002 draft Land Use Land Cover data. This data layer illustrates all upland and wetland forest and scrub/shrub categories (excluding old field) and represents all forested lands within the Region. The Regional Master Plan includes policies that limit clearing of trees within Forest Resources lands and that seek to protect overall forest resources integrity.

**Objective 1B3a:** Implementation through Plan Conformance of regulations, which limit the clearing of trees in conjunction with human development to circumstances where the clearing will not diminish the integrity of forest resources.

**Policy 1B5:** To ensure that forest resources are protected on a site specific basis during local development review and Highlands Project Review.

**Objective 1B5a:** Applications for local development review and Highlands Project Review require identification of any forest area on and adjacent to a site in accordance with the Highlands Council's Method for Identifying Upland Forest Areas in the Highlands Region.

**Policy 1B7:** To prohibit clear-cutting of forest lands except pursuant to an approved Forest Management Plan approved by the State Forester.

**Policy 1C3:** To require that conforming municipalities adopt a tree clearing ordinance consistent with an approved community forestry plan under the New Jersey Forest Service Community Forestry Program as part of the municipal master plan and local development regulations.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian

Areas, and Prime Ground Water Recharge Areas.

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Open Water Protection Area: ■

Highlands Open Waters are defined by the Highlands Act as all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial. The vegetated corridors adjacent to Highlands Open Waters are effective and important tools to protect water quality and aquatic habitat. Protection buffers safeguard Highlands Open Waters from the impacts of adjacent land use practices. The Regional Master Plan includes a protection buffer of 300 feet from the edge of the discernable bank of a Highlands Open Waters feature, or from the centerline where no discernable bank exists.

**Policy 1D4:** Highlands Open Waters shall include a protection buffer of 300 feet from the edge of the discernable bank of the Highlands Open Waters feature, or from the centerline where no discernable bank exists. With respect to wetlands and other Highlands Open Waters features (e.g., seeps, springs, etc.), the feature shall include a protection buffer of 300 feet from the delineated Letter of Interpretation (LOI) line issued by the NJDEP for wetlands, or from a field-delineated boundary for other features. In areas where existing development or land uses within the protection buffers have reduced or impaired the functional values of the buffers, the Council will seek opportunities to restore the buffer and its functions. Any proposed disturbance shall, through local development review and Highlands Project Review, comply with Highlands Open Waters buffer standards. The protection buffer width for Category 2 streams in the Planning Area may be modified through a Stream Corridor Protection/Restoration Plan, as specified in Objective 1D4i. In approved Redevelopment Areas, the Council may, at its discretion, modify the required buffer, upon a showing of no alternatives, no impact to the functional value of the buffer, and provision of alternative approaches to enhancing or protecting Highlands Open Waters and resources of the buffer area.

**Objective 1D4a:** Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Open Waters.

**Objective 1D4c:** Require that proposed development within all Highlands Open Waters buffers (Preservation and Planning Areas) conforms through local development review and Highlands Project Review with the buffer requirements of N.J.A.C. 7:8 (Stormwater Management Rules), N.J.A.C 7:13 (Flood Hazard Area Rules), and N.J.A.C. 7:7 (Freshwater Wetland Rules), and with



any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).

**Objective 1D4i:** Develop through Plan Conformance and implement stream corridor or subwatershed-based Stream Corridor Protection/Restoration Plans which shall include Steps 1, 2, and 3, and may include Steps 4 and 5: 1. Identify areas where existing development, land disturbances, or land uses are within Highlands Open Waters buffers have removed or substantially impaired natural vegetation communities, and have significantly reduced or impaired the functional values of Highlands Open Waters buffers. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered “land improvements,” “development,” “land disturbances,” or “land uses”; 2. Identify and require opportunities for restoration of areas identified in Step 1 as part of mitigation requirements under a Highlands Act waiver or Objectives 1D4e and 1D4f, and public or nongovernmental restoration/stabilization projects; 3. Identify the extent of stream corridor features that are critical to supporting the functions of a healthy Highlands Open Waters buffer and that extend beyond the buffers required by Objectives 1D4b and 1D4c. The 300 foot buffer in these areas may be expanded to be most protective of these features which may include, but are not limited to, Critical Habitat, pollutant source areas identified through scientific techniques, and steep slopes; 4. Where Highlands Open Waters buffers include areas identified in Step 1, regarding Category 2 surface waters in the Planning Area only, the Stream Corridor Protection/Restoration Plan may identify where, based on scientific analysis of site-specific conditions (e.g., topography, vegetation cover type, habitat, soil type, upstream land uses and pollution inputs, width of floodplain, rate and volume of run-off), a buffer of less than the full 300 feet (but including the undisturbed buffer area at a minimum) is sufficient to maintain or improve the protection of Highlands Open Waters and Riparian Areas. The plan must identify alternative buffers that provide functional buffer values at least equivalent to existing conditions and are no less than 150 feet or no less than the extent allowed in State or municipal regulation (including Objectives 1D4b and 1D4c), whichever is greater. Further, the plan shall include a functional value assessment to ensure that there is no net loss in the overall functional value of the subwatershed’s stream buffers. Buffers established through this process shall be determined based on site conditions rather than fixed distances, reflecting findings of the scientific analysis, and shall be used in the site design and development review process regarding determinations of restoration, continued use, or increased use of the disturbed buffer area. Buffer averaging for the purpose of accommodating development proposals is deemed not to meet the requirements of this provision; and 5. Where a proposed Highlands Redevelopment Area would not meet, in full, Objectives 1D4b through 1D4h but affects an undisturbed buffer area determined to not be necessary for the protection of the functional values for Highlands Open Waters buffer (as determined through scientific analysis of site-specific conditions), modification of the undisturbed buffer may be allowed to no less than the extent allowed in State or municipal regulation. However the Council shall first determine that there is no alternative to the proposed reduction of the buffer, and require a showing of no impact to the functional values of the buffer and provision of alternative approaches to enhancing or protecting the Highlands Open Waters and resources of the buffer area. Restoration or enhancement of buffer functional values shall be provided on-site or within the same stream reach to achieve a net improvement of existing buffer functional values.

**Objective 1D4j:** The Highlands Council may require on a case-by-case basis, through Highlands Project Review, an expansion of the 300 foot buffer to protect the habitat of a water or wetlands-dependant rare, threatened or endangered species, to the minimum expansion necessary to achieve protection of that species.

**Objective 1D5b:** Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands



Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Open Water Protection Area: ■

Planning Area / Preservation Area:   Planning Area /   Preservation Area

Includes all Highlands Open Waters protection buffers within the Planning Area

**Objective 1D4d:** Structures or other land improvements existing within a Highlands Open Waters buffer of the Planning Area on August 10, 2004 may remain, provided that the area of disturbance shall not be increased unless approved through local development review or Highlands Project Review in compliance with RMP policies and objectives. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered “land improvements,” “development,” “land disturbances,” or “land uses.”

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Riparian Corridor Integrity Score: ■ HIGH ■ MODERATE ■ LOW

Riparian Areas are areas adjacent to, and hydrologically interconnected with, rivers and streams. They are areas that exhibit periodic inundation or saturation of soils, are subject to periodic flooding, and include wildlife corridors within 300 feet of a surface water feature. Riparian Areas serve as an interface between surface water bodies and terrestrial ecosystems and play a critical role in maintaining the quality and ecological integrity of Highlands Open Waters.

**Objective 1D5b:** Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.

**Objective 1D5e:** Implement Low Impact Development Best Management Practices for any development activity proposed within a Riparian Area, which minimize both alterations of natural vegetation and increases in impervious area, in compliance with Policies 6N3 and 6N4 and provide for mitigation through restoration of impaired Riparian Areas in the same HUC14 subwatershed.

**Objective 1D5f:** Require that development within Riparian Areas conforms through local development review and Highlands Project Review to any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).

**Objective 1D5g:** Require identification and implementation of opportunities where the restoration and enhancement of previously impaired Riparian Areas are feasible and appropriate as mitigation to any allowable modification to Riparian Area requirements.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge

Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Steep Slope Protection Area: ■

Slope is a measurement of the steepness of terrain and is defined as the vertical change in elevation over a given horizontal distance. Disturbance of areas containing steep slopes can trigger erosion and sedimentation, resulting in the loss of topsoil. It can also result in the disturbance of habitats, degradation of surface water quality, silting of wetlands, and alteration of drainage patterns. The Highlands Council examined areas of slope in the Highlands Region that exhibited one of the following grade classifications and these grades were established as Steep Slope Protection Areas: 1) grades of slopes of 20% or greater; 2) grades of slope between 15 - 20%; and 3) grades of slope between 10 - 15% that occur within the Riparian Area.

**Policy 1E6:** To require through local development review and Highlands Project Review that applications for development include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development.

**Policy 1E7:** To require through local development review and Highlands Project Review that applications for development involving parcels of land with slopes of 10% or greater include identification of forested lands, areas which are highly susceptible to erosion, depth to bedrock and Soil Capability Classes.

**Policy 1E10:** To require that conforming municipalities and counties implement the steep slope protection provisions of Policies 1E2 through 1E9 through master plans and development regulations.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning

Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Policy 6H1:** To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.

**Policy 6N4:** To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.

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Riparian Corridor Integrity Score:   HIGH   MODERATE   LOW

These areas include watersheds with Riparian Areas that contain a higher incidence of impervious area, agricultural uses and/or road crossings (as compared to High Score) and a reduced proportion of natural vegetation including high quality habitat for rare, threatened, and endangered water/wetland dependent species.

**Objective 1D5b:** Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.

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Moderately Constrained Slopes: ■  
Severely Constrained Slopes: ■

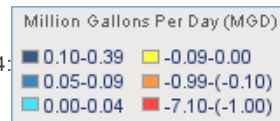
Severely Constrained Slopes are all lands with slopes of 20% or greater and lands within Riparian Areas with slopes of 10% or greater. Moderately Constrained Slopes are all non-Riparian Area lands having a slope of 15% to less than 20% which are forested.

**Policy 1E8:** To prohibit through local development review and Highlands Project Review land disturbance within areas which are Severely Constrained Slopes and Moderately Constrained Slopes, except for linear development in both the Preservation and Planning Areas that meets the requirements of N.J.A.C. 7:38-3.8(c)1-4.

**Objective 2D4a:** Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.

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Net Water Availability by HUC14:

Net Water Availability is calculated for each HUC14 subwatershed by deducting consumptive and depletive water uses from Ground Water Availability. The Regional Master Plan incorporates Net Water Availability as a capacity threshold on future water uses. Where Net Water Availability is positive, it is assumed there is water available beyond the existing demand. Where net water availability is negative, the subwatershed is in deficit and deemed to be a Current Deficit Area. In Current Deficit Areas where a Water Use and Conservation Management Plan has not yet been adopted, limited amounts of Conditional Water Availability are provided. The use of Net Water Availability or Conditional Water Availability is subject to Regional Master Plan policies.

**Policy 2A2:** To ensure that increasing water demands do not exceed Net Water Availability or exacerbate existing deficits of subwatersheds. Net Water Availability is affected at a subwatershed level by location and extent of Land Use Capability Zone Map and its status as Current Deficit Area or Existing Constrained Area.

**Objective 2B4c:** Establish and implement mandatory stormwater reuse for recreational and other non-agricultural irrigation, as well as other non-potable water purposes to minimize both the volume of stormwater discharges and water withdrawals for these purposes.

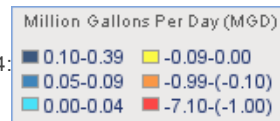
**Policy 2B7:** To ensure through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review that the use of Net Water Availability and Conditional Water Availability within each subwatershed supports development patterns that are in conformance with RMP policies and objectives.

**Objective 2B8c:** Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where

developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.

**Objective 2J2b:** Limit future water system demands to levels that will not create a Current Deficit Area where one does not currently exist.

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Net Water Availability by HUC14:

Identifies HUC14 subwatersheds that are upstream of a Current Deficit Area. The maintenance of stream flows in Existing Constrained Areas is necessary to ensure that downstream deficits are not exacerbated.




**Objective 2B8c:** Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.

**Objective 2J2a:** Limit future water system demand and reduce existing demand where feasible by water systems that are dependent on Current Deficit Areas or Existing Constrained Areas as a source of water.

**Objective 2J2b:** Limit future water system demands to levels that will not create a Current Deficit Area where one does not currently exist.





Wellhead Protection Area:  2-Year Tier  5-Year Tier  12-Year Tier

Identifies the Tier 1 portion of a Wellhead Protection Area. The calculated time for ground water to travel to the well from this zone is two years.

**Objective 2H2a:** Prohibit land uses that have a significant potential to result in the discharge of pathogens (including, but not limited to, septic systems and engineered stormwater infiltration from surfaces with significant potential for contact with pathogenic contaminants) to ground water or to the land surface within a designated Tier 1 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality. Require that the construction of sewer lines within Tier 1 of a Well Head Protection Area prevent seepage of untreated sewage into ground water.

**Objective 2H2b:** Prohibit land uses that have a significant potential to result in the discharge of persistent organic or toxic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a designated Tier 2 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality.

**Objective 2H2c:** Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

**Objective 2H4b:** Encourage stormwater reuse for non-agricultural irrigation and other non-potable water purposes to minimize the volume of stormwater discharges (other than from clean sources) within a Tier 1 or Tier 2 Wellhead Protection Area.





Wellhead Protection Area:  2-Year Tier  5-Year Tier  12-Year Tier

Identifies the Tier 2 portion of a Wellhead Protection Area. The calculated time for ground water to travel to the well from this zone is five years. Tier 2 also includes the land area within Tier 1.

**Objective 2H2b:** Prohibit land uses that have a significant potential to result in the discharge of persistent organic or toxic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a designated Tier 2 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality.

**Objective 2H2c:** Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

**Objective 2H4b:** Encourage stormwater reuse for non-agricultural irrigation and other non-potable water purposes to minimize the volume of stormwater discharges (other than from clean sources) within a Tier 1 or Tier 2 Wellhead Protection Area.

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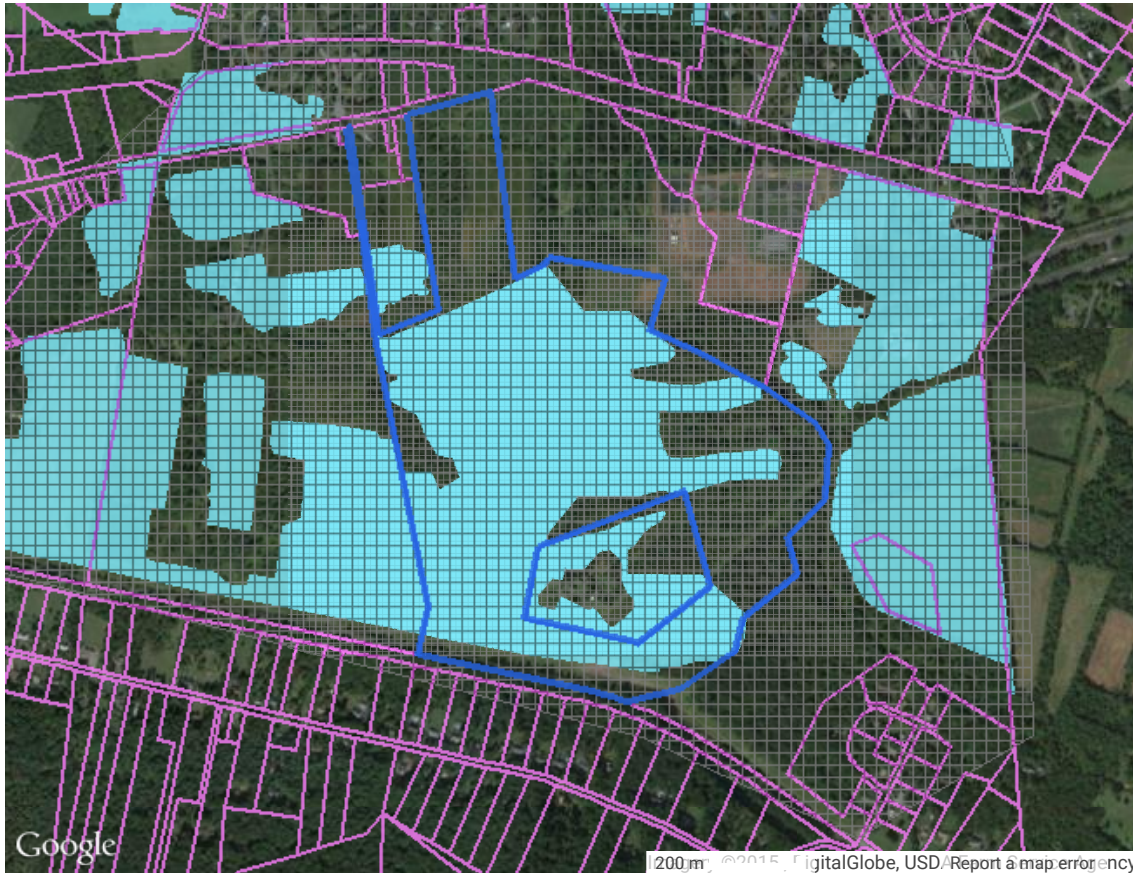
Wellhead Protection Area:   2-Year Tier   5-Year Tier   12-Year Tier

Identifies the Tier 3 portion of a Wellhead Protection Area. The calculated time for ground water to travel to the well from this zone is twelve years. Tier 3 also includes the land area within Tiers 2 and 1.

**Objective 2H2c:** Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.

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Agricultural Uses: ■

Agricultural Resource Area: ■

Includes all Agricultural Uses within the Agricultural Resource Area.

**Objective 2I1b:** The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a




cluster development that meets all requirements of Objective 2J4b.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

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New Jersey Historic Properties:    
 New Jersey Historic Districts:    
 Archeological 1 Sq Mi Grids:  

Consists of all properties listed on the New Jersey or the National Register of Historic Places, all properties which have been deemed eligible for listing on the New Jersey or National Register, and all properties for which a formal SHPO opinion has been issued. A SHPO opinion is an evaluation of eligibility prepared when a federally funded activity is expected to have an effect on historic properties not listed on the National Register.

**Policy 4A3:** To ensure through local development review, where a municipality has adopted an historic preservation ordinance under Policy 4C2, that human development does not adversely affect the character or value of resources which are listed on the Highlands Historic and Cultural Resource Inventory to the maximum extent practicable.

**Objective 4A3a:** All development and redevelopment applications shall include submission of a report identifying potential historic, cultural and/or archaeological resources on the subject property or immediately adjacent properties.

**Policy 4A4:** To require that the impact of proposed human development on the historic and cultural resources of the Highlands Region be addressed during local development review and Highlands Project Review and approval.

**Objective 4A4a:** All applications for site plan or subdivision approval shall include identification of any cultural, historic or archaeological resources in the Highlands Region, which are listed on the Highlands Historic and Cultural Resource Inventory and may be affected by the proposed development.

**Objective 4A4b:** Where a municipality has adopted an historic preservation ordinance under Policy 4C2, all development which affects identified cultural, historic sites/districts, or archaeological resources shall comply with minimum standards for the preservation of the affected resources.



New Jersey Transit Bus Routes:—

Private Bus Routes:---

- Bergen + Main Line
  - Montclair Boonton Line
- Rail Stations:
- Morris + Essex Line - Gladstone Branch
  - Morris + Essex Line - Morristown Branch
  - Raritan Valley Line

Park & Ride Sites:●

Includes all developed lands within a 1/2 mile buffer from all park and ride locations, rail stations, and NJ Transit public and major private bus routes in or within 1/2 mile of the Highlands Region.

**Objective 5E1b:** Development and redevelopment in close proximity to rail stations and along bus routes.



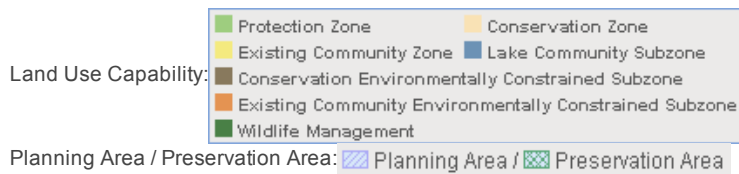
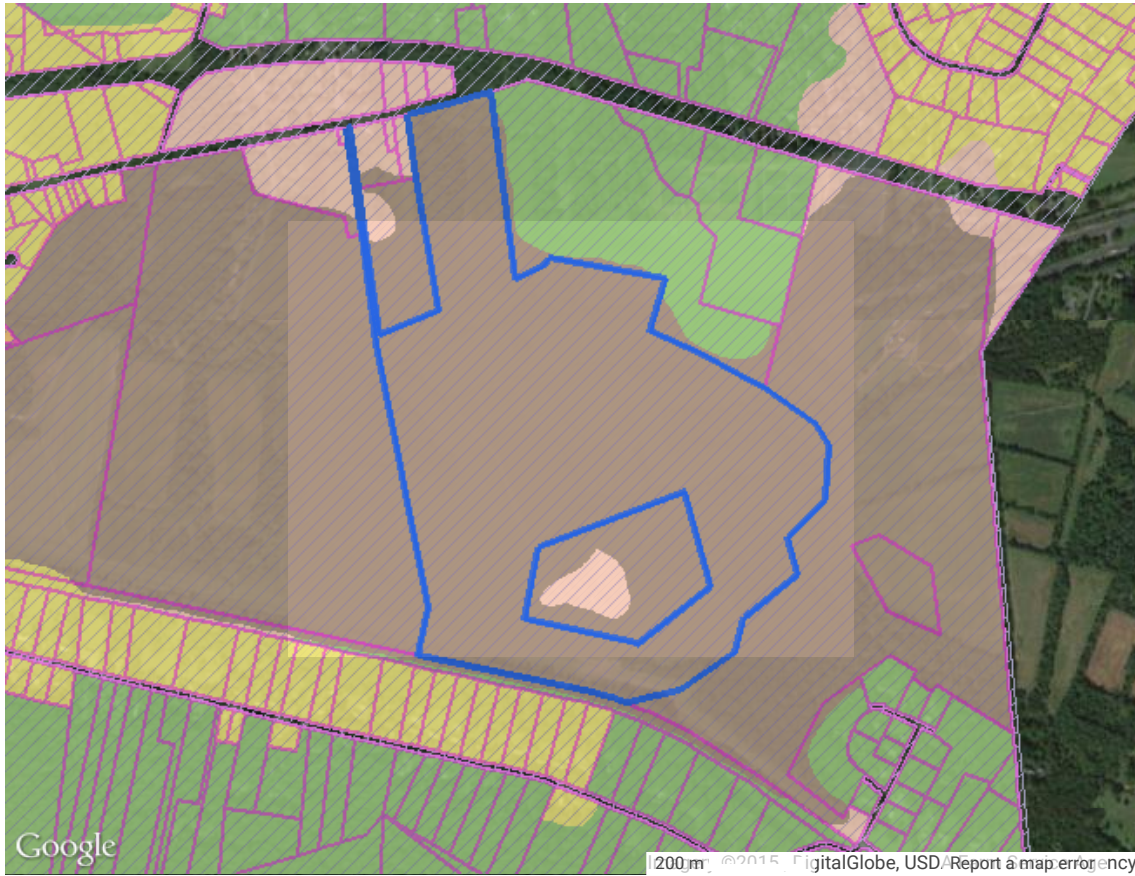


Planning Area / Preservation Area:  Planning Area /  Preservation Area

Means lands within the Highlands Region which are not within the Preservation Area.

**Objective 7F1d:** Planning Area exemptions, issued by the Highlands Council, shall be required, where appropriate, prior to consideration of a local development review or a Highlands Project Review. Guidance shall specify the exceptions where a review may proceed absent such an exemption determination. Applications for exemptions submitted to the Highlands Council shall be based upon the application requirements exemptions codified in N.J.A.C. 7:38.

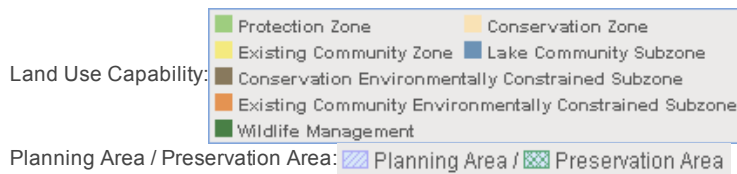
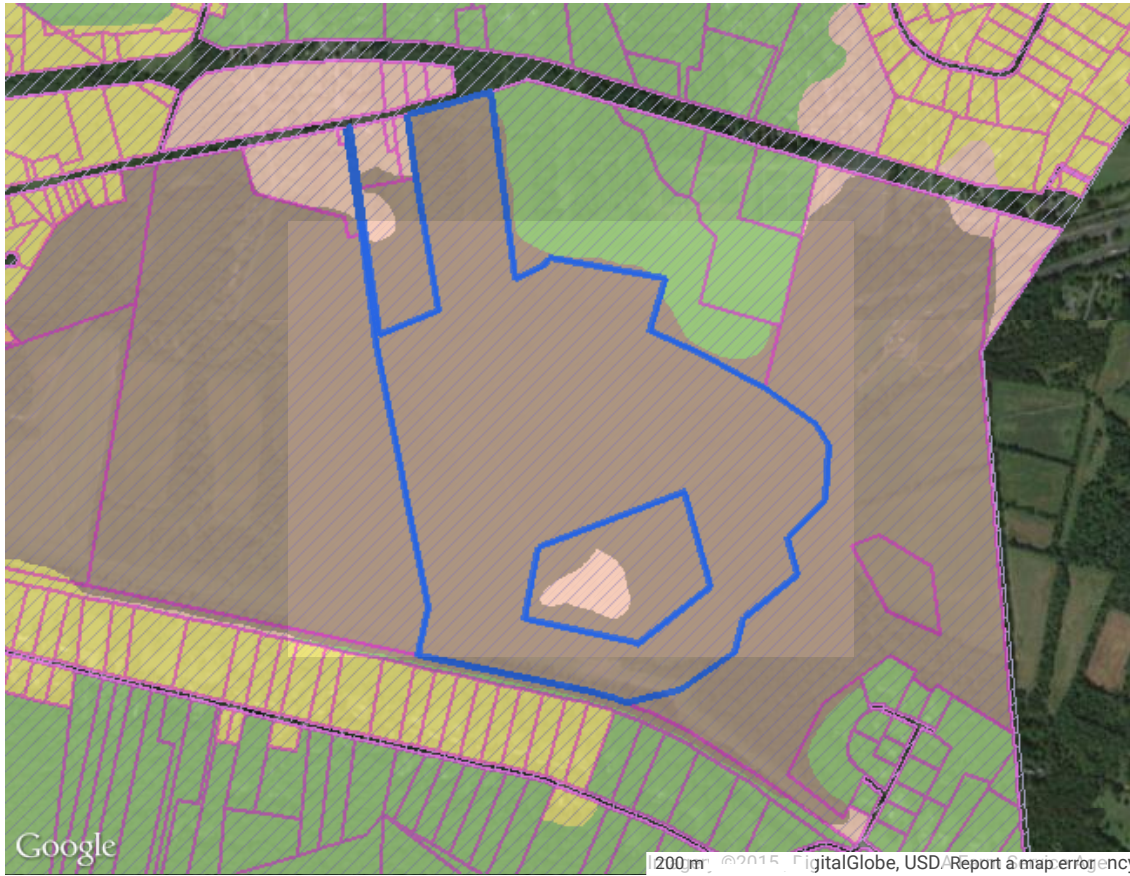
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Includes the Protection Zone, Conservation Zone, Environmentally Constrained Sub-Zones and the Existing Community Zone within the Planning Area.

**Policy 2J4:** To minimize, through Plan Conformance, local development review and Highlands Project Review, the creation or extension of public water supply systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area, and to allow for the creation or extension of public water supply systems where appropriate within the Existing Community Zone.





Includes the Protection Zone, Conservation Zone, and the Environmentally Constrained Sub-Zones within the Planning Area.

**Objective 2J4a:** Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.

**Objective 2J4b:** Clustered development served by public water supply within the Protection Zone,

the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity; 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. To the maximum extent feasible the developed portion (i.e., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Objective 2J4d:** All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area will be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 2K3c:** Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2K3d.

**Objective 2K3d:** Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas; 2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited

to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served; 4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and 5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).

**Objective 2K3f:** All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

**Objective 6H1b:** Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone and Environmentally Constrained Sub-Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the protection of agricultural and environmentally sensitive resources.

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