



MAY 2009

BOROUGH OF WANAQUE HIGHLANDS INITIAL ASSESSMENT

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BOROUGH OF WANAQUE

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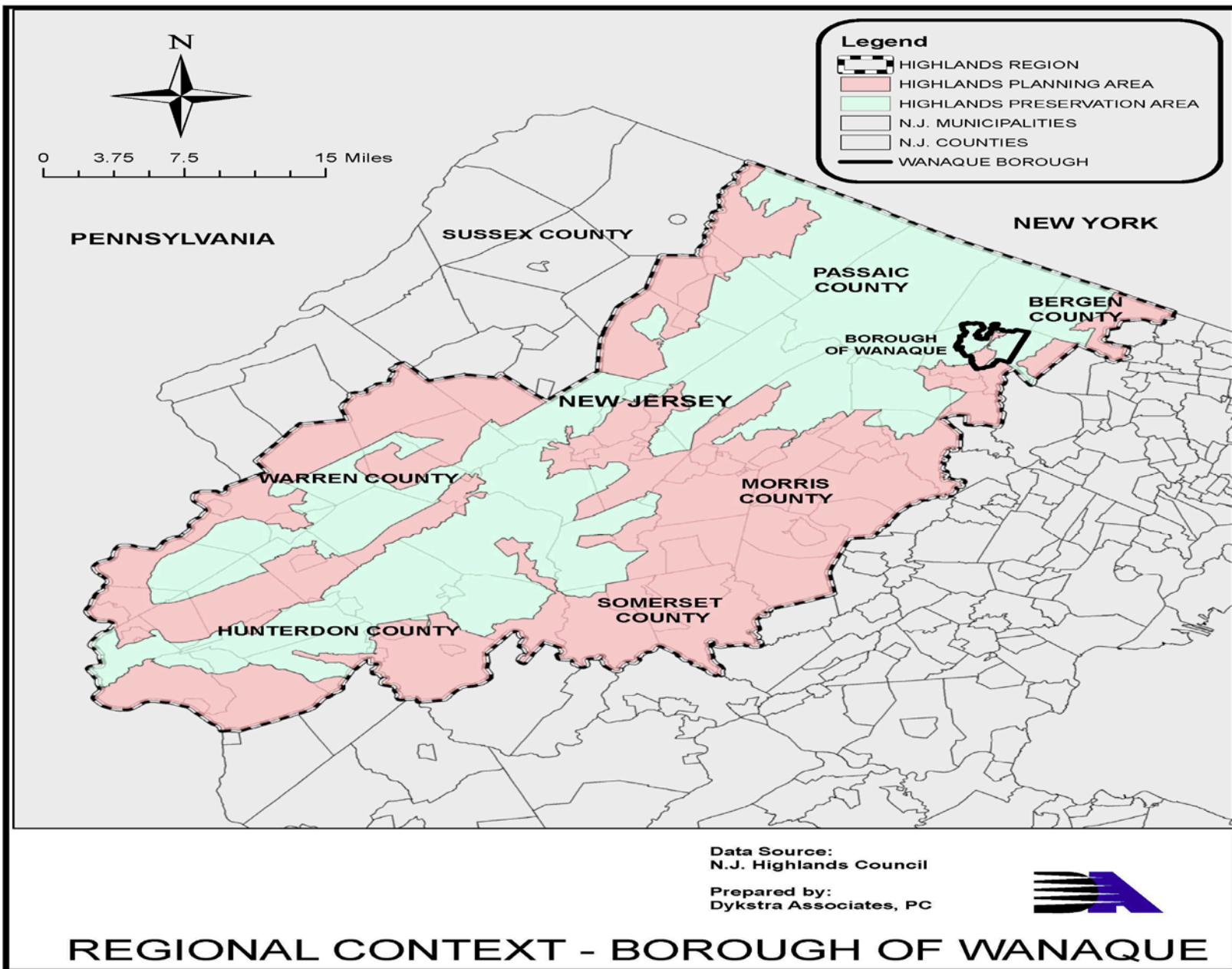
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HIGHLANDS INITIAL ASSESSMENT

TABLE OF CONTENTS

Acknowledgements	2	Landowner Equity Impacts of Opting in to the Highlands Master Plan	31
Table of Contents	3	Mandatory Components of basic Plan Conformance	32
Introduction to Initial Assessment	4	1. Current Municipal Conditions & Build-out Analysis Module	
The Highlands Act Planning and Preservation Areas	5	2. Land Use & Resource Capacity Analysis Module	
Highlands Regional Master Plan	6	3. Housing Element & Fair Share Module	
Highlands Water Protection and Planning Act Rules	7	4. Highlands Environmental Resource Inventory Module	
Executive Order 114	8	5. Highlands Master Plan Element Module	
COAH Memorandum of Understanding	8	6. Highlands Regulations Module	
Borough of Wanaque Master Plan	9	7. Municipal Self-Assessment, Implementation Plan & Petition Module	
1. Existing Conditions			
2. Wanaque Master Plan			
3. Wanaque Land Development Ordinance And Zoning Regulations			
Consistency Review	15	Documents Required for Plan Conformance	34
1. Forested Areas	16	Issues and Implications of Plan Conformance	35
2. Open Waters and Riparian Areas	18	Policy Options	36
3. Steep Slopes	20	2009 Plan Conformance Grant Program Requested Grant Amounts	38
4. Critical Habitats	21	Initial Assessment Grant Report Addendum	39
5. Land Preservation and Stewardship	23	Glossary	41
6. Carbonate Rock Topography	24		
7. Water Supply and Quality	25		
8. Public Water, Public/Community Wastewater, and Private, Individual On-Site Septic Systems	27		
9. Agriculture	29		
10. Redevelopment, Smart Growth, Sustainable Economic Development and TDR	30		



INTRODUCTION TO INITIAL ASSESSMENT

Wanaque Borough is one of 88 municipalities in the Highlands Region. Most of Wanaque has been designated for preservation because of its importance as a critical water resource for northern New Jersey. Approximately 4,641 acres or 78 % of the Borough is designated as Preservation Area while 1,294 acres or 22 % is in the Planning Area. With the recent adoption of the Highlands Regional Master Plan (RMP), The Borough must decide whether to seek Plan Conformance with the Highlands RMP which is optional in the Planning Area. The purpose of this report is to provide the Borough of Wanaque with an understanding of the Highlands Regional Master Plan (RMP), the current level of consistency with the Highlands Regional Master Plan, and the extent of work needed to bring local plans into conformance with the Highlands regional Master Plan.

The deadline for Plan Conformance is December 8, 2009 and the Highlands Council has already finished Module 1 with most municipalities and has prepared an extensive Data Base for Wanaque which has completed Modules I and 2. Wanaque has aggressively sought to participate in the Plan Conformance process by actively seeking guidance and assistance from the Highlands Council and their staff. They have secured professional consultation in preparing the Initial Assessment Report and subsequent modules.

If the Borough wishes to proceed with Plan Conformance Planning then they will receive a 2009 Plan Conformance Grant. This grant program will consist of specific Plan Conformance Modules, which will be made available over the next several months. Each Module will set forth a specific scope of work, applicable requirements and completion timeframes. These Modules are ordered in such a way as to take applicants through a step-by-step process towards Plan Conformance. The Highlands Plan Conformance Modules are listed below:

Module 1 : Is a data base developed by the Highlands Council which reviews the Borough on a lot by lot basis with regards to availability of utilities, use group and develop ability. In this portion of the process the Municipality reviews the data base parcel by parcel and verifies or changes the parcel information to either developable or undevelopable. The Data given by the Highlands Council as part of Module I is on a lot by lot basis and tied into a data base on which the Borough can make comment. (See Highlands Base Map)

Module 2 : The Data is received from Module One by the Highland Council and it gives the Borough the Data Base with the land use resource capacity applied to show where and how much growth may occur.

Module 3 : This module allows for Grant funding which may be used to prepare the Housing Element and Fair Share Plan in accordance with RMP requirements. After review by the Highlands Council, the Housing Element and Fair Share Plan must be submitted, as required by the RMP, to either the Council on Affordable Housing or the Law Division of the Superior Court consistent with the Fair Housing Act.

Module 4: As part of this Environmental Resource Inventory Module, The Highlands Council will provide a model Highlands Environmental Resource Inventory (Highlands ERI) along with tabular data, which may be used as a stand-alone ERI.

Module 5: As part of the Highlands Master Plan Element Module The Highlands Council will also provide a model “Highlands Element” for Basic Plan Conformance, which municipalities may adopt as a supplement to existing municipal Master Plans.

Module 6: Highlands Regulations Module is completed under Plan Conformance, municipalities must prepare certain Highlands Regulations to conform to the RMP. Municipalities will have the option of referring to existing municipal ordinances where these satisfy RMP conformance standards. Achieving the basic level of Plan Conformance will require preparation of a Board of Health Ordinance and various Land Use and Development Ordinances, including an updated Development Application Checklist Ordinance.

Module 7: The Highlands Council will provide a sample resolution (required for the Preservation Area) and a sample ordinance (required for the Planning Area) for municipal adoption, which, when accompanied by all of the aforementioned Plan Conformance Module components, will constitute a Petition to the Highlands Council for Plan Conformance.

HIGHLANDS ACT PLANNING AND PRESERVATION AREAS

The Highlands Water Protection and Planning Act, signed into law in 2004, created a planning and regulatory framework for protecting a 1,343 square mile area of New Jersey, known as the Highlands region. The intent is to protect and enhance the region's vast and critical resources. The Highlands region is divided into the Preservation and Planning Areas. The Borough of Wanaque has **1,294** acres in the Planning Area and **4,641** acres in the Preservation Area. :

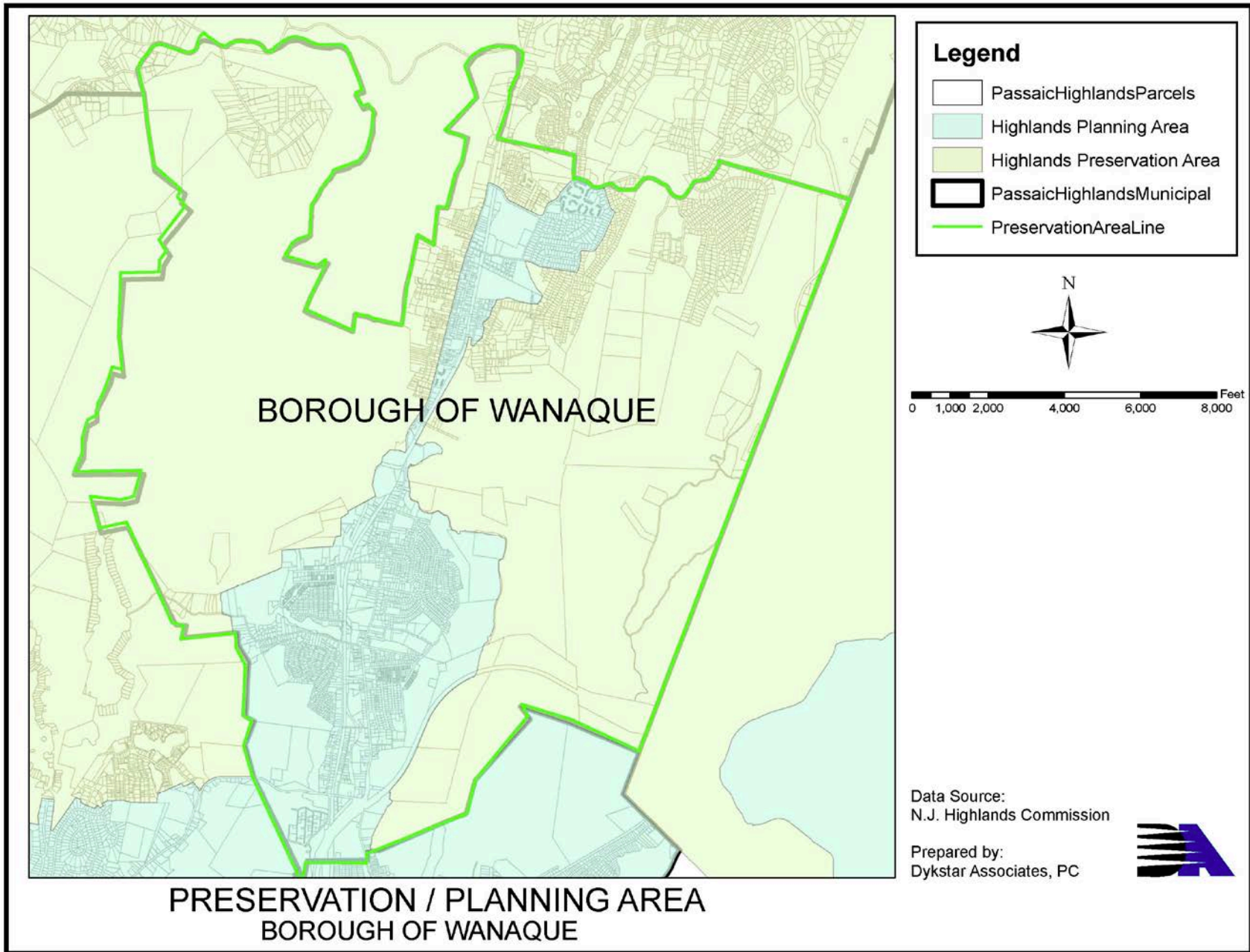
Preservation Area Goals:

- Protect, restore, and enhance the quality and quantity of surface and ground waters therein;
- Preserve extensive and, to the maximum extent possible, contiguous areas of land in its natural state, thereby ensuring the continuation of a Highlands environment which contains the unique and significant natural, scenic, and other resources representative of the Highlands Region;
- Protect the natural, scenic, and other resources of the Highlands Region, including but not limited to contiguous forests, wetlands, vegetated stream corridors, steep slopes, and critical habitat for fauna and flora;
- Preserve farmland and historic sites and other historic resources;
- Preserve outdoor recreation opportunities, including hunting and fishing, on publicly owned land;
- Promote conservation of water resources;
- Promote brownfield remediation and redevelopment;
- Promote compatible agricultural, horticultural, recreational and cultural uses and opportunities to protect the Highlands environment;
- Prohibit or limit to the maximum extent possible construction or development which is incompatible with preservation of this unique area

Planning Area Goals:

- Protect, restore and enhance the quality and quantity of surface and ground waters therein;
- Preserve to the maximum extent possible any environmentally sensitive and other lands needed for recreation and conservation purposes;
- Protect and maintain the essential character of the Highlands environment;
- Preserve farmland and historic sites and other historic resources;
- Promote the continuation and expansion of agricultural, horticultural, recreational and cultural uses and opportunities;
- Preserve outdoor recreation opportunities, including hunting and fishing, on publicly owned land;
- Promote conservation of water resources;
- Promote brownfield remediation and redevelopment;
- Encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from the individual and cumulative adverse impacts thereof; and promote a sound, balanced transportation system that is consistent with smart growth strategies and principles and which preserves mobility in the Highlands Region.

The Act requires the New Jersey Department of Environmental Protection (NJDEP) to establish regulations in the Preservation Area as per the Highlands Water Protection and Planning Rules (N.J.A.C. 7:38). Since the Highlands RMP was adopted, the Highlands Council has the authority to review final municipal action on non-exempt development applications in the Preservation Area and issue approval or rejection of local action. After a municipality is deemed in conformance with the RMP, Highlands Council review of local actions is limited to applications for development providing for disturbance of two or more acres of land or a cumulative increase in impervious surface by one or more acres. Within the Planning Area, in municipalities that voluntarily conform to the Highlands RMP, the Council may review local actions on the same types of development applications as those reviewed in the Preservation Area.



THE HIGHLANDS REGIONAL MASTER PLAN

The legislative goal of the Highlands Regional Master Plan (RMP) is to protect and enhance the significant values of the resources in the New Jersey Highlands. The Highlands RMP establishes both natural and infrastructure-based capacity limitations for future growth based on the region's carrying capacity. It presents a series of goals, policies, and objectives guiding development in the Preservation and Planning Areas, and a set of programs to implement them.

The Preservation Area is subject to very restrictive environmental standards both through the RMP and through the Highlands Water Protection and Planning Act Rules. The Regional Master Plan also sets forth standards for the Planning Area, for municipalities that choose to conform to the RMP within the Planning Area. Development densities and site design in the Planning Area are dictated by such issues as nitrate dilution standards, water supply, limitations on sewerage capacity and expansion, presence of natural resources and environmentally sensitive areas, agricultural resources, and provisions specific to various Land Use Capability Zones.

A series of Land Use Capability Zones creates the RMP framework for growth. Land Use Capability Zones are located throughout the Highlands Region, including the Preservation and Planning Areas. Those relevant to the Borough include the Protection, Existing Community Zone and Wildlife Management Zone.

In an effort to advance “smart growth” solutions, the Plan authorizes the use of Transfer of Development Rights (TDR) and redevelopment in strategic locations. TDR is a program that enables designated “sending zones” to be preserved while transferring development rights from those parcels to designated “receiving zones” elsewhere. Municipalities that elect to designate a receiving zone with a density of at least five residential units per acre are eligible for numerous financial incentives and the ability to impose \$15,000 per unit impact fees for all new development. Those that choose to participate in TDR but prefer to create a receiving zone that is less dense can still do so as well. The Transfer of Development Rights can either occur within an individual municipality or between more than one municipality. TDR is entirely voluntary. No municipality is required to participate.

While redevelopment can occur in both the Preservation and Planning Areas, it is more difficult to accomplish in the Preservation Area, where additional NJDEP requirements are imposed. Only sites that are either designated by the Highlands Council as Highlands Redevelopment Areas or sites with 70% or greater impervious surfaces in accordance with NJDEP Rules are eligible. Planning Area provisions are more flexible, enabling redevelopment to occur on brownfield sites, grayfield sites, and other previously developed areas with adequate infrastructure.

It is important to note that although the RMP encourages redevelopment, mixed use, and other “smart growth” approaches, it states that “growth is not a mandatory aspect of the RMP. Rather, the RMP clearly specifies that growth is at the discretion of municipalities. However, when a municipality chooses growth that is supported by utilities, the RMP provides certain standards to ensure that the growth is well-planned, protective of environmental resources, and cost-efficient” (RMP, p. 273). Thus, to the extent that municipalities choose to accommodate concentrated growth patterns necessitating utilities, they must conform to RMP policies.

The Permit Extension Act of 2008, signed into law by Governor Corzine in September, 2008, extends the approval period for various development applications, permits and projects. Within the Highlands region, it is only applicable to growth areas designated by the Highlands Council. To date, no growth areas have been identified by the Council.

HIGHLANDS WATER PROTECTION AND PLANNING ACT RULES

The Highlands Protection and Planning Act Rules, governing certain actions by the New Jersey Department of Environmental Protection (NJDEP), were adopted in response to the Highlands Act. The Act calls for the creation of environmental standards and procedures to be used by NJDEP in reviewing applications for major Highlands development in the Preservation area, for waivers from any requirement for a Highlands Preservation Area Approval, for exemptions from the Act and for permits and plans reviewed by NJDEP within the entire Highlands region.

The Rules define major Highlands development as all non-residential development; residential development requiring an environmental land use or water permit or disturbs at least one-acre of land or cumulatively increases impervious surface by one quarter acre or more; activities resulting in disturbance of at least one-quarter acre of forested areas or a cumulative increase in impervious surface of at least one-quarter acre on a lot; or certain State or local projects. Agricultural and horticultural activities are not regulated as major Highlands development under the Rules.

The Rules require that any major Highlands development in the Preservation Area receive an approval from NJDEP or a determination that the application is exempt from the Rules before proceeding with an activity regulated under the Highlands Act or Rules. Even if an activity is deemed exempt or does not qualify as a major Highlands development, it cannot receive any Department permits if it is inconsistent with the applicable area wide water quality management plan.

Major Highlands development must comply with a series of very stringent environmental standards governing septic system densities, impervious surfaces, open waters buffers, flood hazard areas, steep slopes, upland forests, historic and archaeological areas, rare, threatened or endangered plant and animal species. In addition to regulating major Highlands developments, the Rules direct NJDEP to deny permits or approvals for proposed activities that are deemed inconsistent with the applicable area wide water quality management plan. This applies to any activities regulated by NJDEP, including but not limited to major Highlands development and exempt activities

The Rules provide a few avenues for relief. As mentioned above, projects that qualify for exemptions are not subject to the Rules. There are 17 exemptions in total. NJDEP may issue a waiver from any provision in the Rules on a case-by-case basis. There are three such waivers, including a waiver to protect public health and safety, to address redevelopment of certain previously developed sites, and to avoid taking of property without just compensation.

NJDEP must give “great consideration and weight” to the Highlands Regional Master Plan in making any decisions in or affecting either the Preservation or Planning Areas. The Rules prohibit NJDEP from issuing any approvals, authorizations or permits in the Planning Area if upon consultation with the Highlands Council, the Department deems such issuance incompatible with the resource protection goals in the RMP. In the Preservation Area, if there are any inconsistencies in standards between the RMP and the Rules, NJDEP is required to apply the RMP standards.

EXECUTIVE ORDER 114

Executive Order 114, issued by Governor Corzine on September 5, 2008, establishes directives affecting affordable housing and NJDEP permitting within the Highlands region. The Order directs the Highlands Council to enter into a Memorandum of Understanding with COAH. One of the critically important issues to be addressed through the MOU is the revision of COAH's Third Round growth projections, which are used to generate projected affordable housing obligations at the local level. The reason for revising the projections is to ensure that they are consistent with the Highlands RMP. *The likely effect of revised projections is a reduction in affordable housing obligations at the local level.*

The Executive Order also directs the Highlands Council and COAH to coordinate deadlines for submission of Third Round housing elements and fair share plans. This is intended to coordinate the timing of affordable housing plan submissions to COAH with the submission of municipal plans and draft ordinances to the Highlands Council for Plan Conformance

For municipalities wholly or partially in the Planning Area to receive the benefit of a potential reduction in affordable housing obligations, they must be in Conformance with the RMP.

The Executive Order institutes a couple of additional requirements that directly impact municipalities in the Highlands region. It requires NJDEP to withhold approvals of any amendments to areawide water quality management plans (including wastewater management plans) or water allocation permits within the Protection Zone, Conservation Zone or Environmentally –constrained Subzones located within a subwatershed (called HUC14 subwatersheds) that is in or expected to be in a deficit of net water availability. Approvals can only be granted once there is in place at the local level a fully implemented municipal water use and conservation management plan, approved by the Highlands Council.

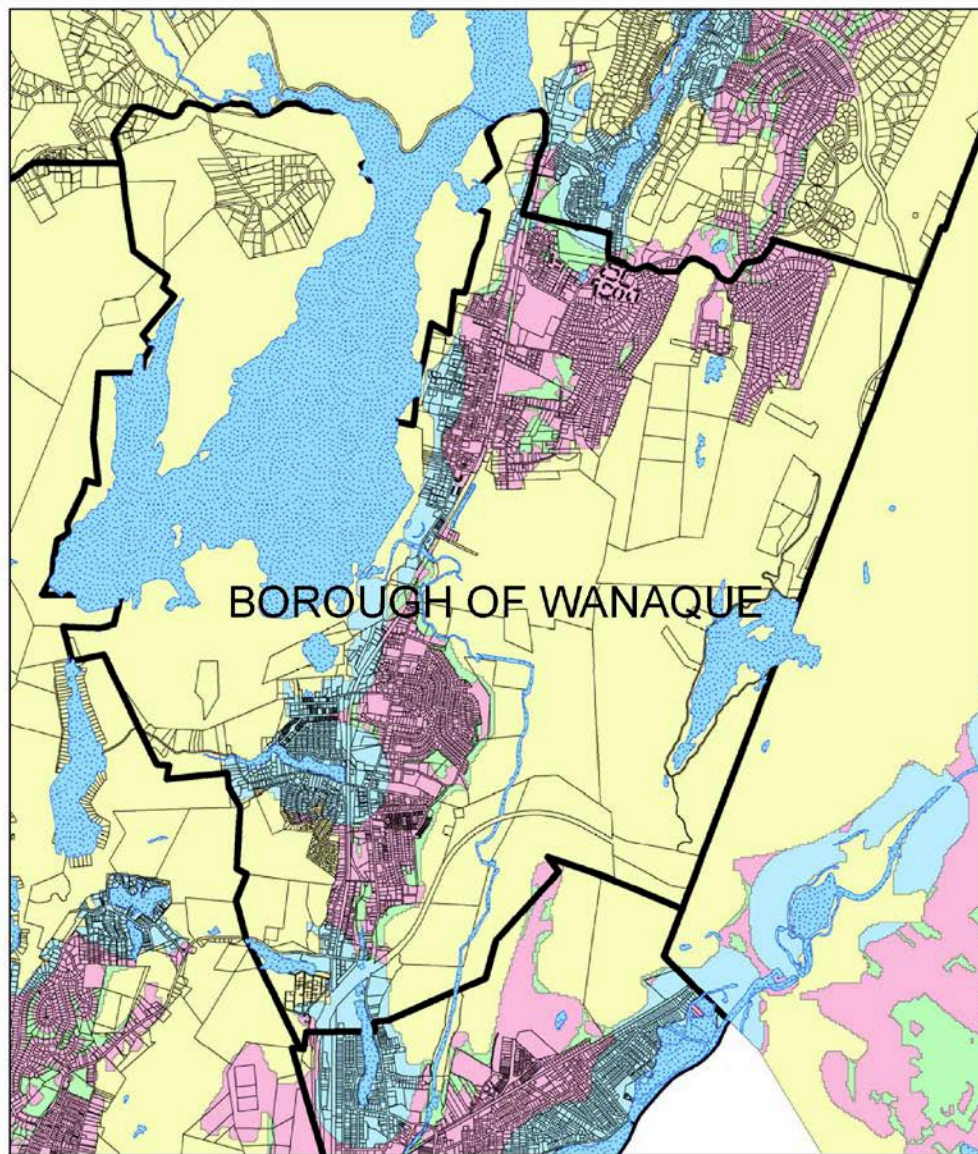
COAH Memorandum of Understanding with the Highlands Council

In response to the Governor's Executive Order, the Highlands Council entered into a Memorandum of Understanding with COAH. Signed on October 30, 2008, the MOU establishes numerous provisions for implementing the Executive Order.

Key to the MOU is the agreement to prepare adjusted growth projections for the Third Round period extending from 2004 to 2018. The adjusted growth projections are to be based on a build-out analysis at a municipal scale and applicable exclusively to municipalities that agree to conform to the RMP. *Municipalities that are wholly or partially in the Planning Area are only entitled to revised projections if they agree to conform to the Highlands RMP.*

Furthermore, the MOU establishes an extension for petitioning COAH for Substantive Certification from December 31, 2008 to December 8, 2009. *To be eligible for the extension for submitting housing elements and fair share plans to COAH for Third Round substantive certification², municipalities in the Highlands region must 1) submit to the Highlands Council a Notice of Intent to conform to the RMP and 2) submit to COAH an adopted resolution indicating the intent to petition COAH no later than December 8, 2009.*

Substantive certification is a determination by COAH that local plans are in conformance with the Fair Housing Act and COAH Rules. Municipalities voluntarily petition for substantive certification according to procedures and time tables established by COAH. Substantive certification protects municipalities from “builders remedy” lawsuit.



LAND USE CAPABILITY MAP
BOROUGH OF WANAQUE

Legend

- CONSERVATION_ENVIRONMENTALLY_CONSTRAINED_SUBZONE
- CONSERVATION_ZONE
- EXISTING_COMMUNITY_ENVIRONMENTALLY_CONSTRAINED_SUBZONE
- EXISTING_COMMUNITY_ZONE
- LAKE_COMMUNITY_SUBZONE
- PROTECTION_ZONE
- WILDLIFE_MANAGEMENT_AREA
- HIGHLANDS WATER BODIES



0 1,200 2,400 4,800 7,200 9,600 Feet

Data Source:
N.J. Highlands Commission

Prepared by:
Dykstra Associates, PC



EXISTING CONDITIONS

BOROUGH OF WANAQUE

BACKGROUND

Wanaque Borough is strategically located north of the I -287 exit which provides direct access to the business area along Ringwood Avenue area. The Borough has a population of 10,266 persons living in an area less than 8 square miles. The population in Wanaque was 4,222 in 1950. Between 1960 and 1980 the Borough grew to 10,025 residents. The 1990 population declined to 9,771 and thereafter increased to 10,266 in 2000. Wanaque exhibits two interesting housing stock characteristics which define Wanaque as a very stable community – low vacancy rate of 1 % and a high ownership rate of 80 %. Wanaque is a stable middle-class community which faces the same socio-economic problems confronting the larger urban cities in Passaic County. The population is predominantly white and non-hispanic. Since there has been a significant increase in senior age housing in Wanaque, the next census may reveal an increase in senior age cohorts. While most of the Borough is located in the Preservation Area (78%), significant portions of the Borough are located in the Planning Area including the Haskell Town Center and redevelopment areas.



Ringwood Ave. near Doty Rd.



Ringwood Ave.



Ringwood Ave.



Haskell Elementary School



Kenwood Commons Townhouses

Neighborhood Housing



Arrow Group/U.S. Aluminum

Neighborhood Housing



Super Stop & Shop



War Memorial & Borough Hall



Ringwood Ave. & Melrose Ave.



Ringwood Ave.



Neighborhood Housing



Wanaque Firehouse No.1



Wanaque Library



Wanaque Reserve Clubhouse



Wanaque Reserve



Wanaque Reserve



N.J. District Water Supply Commission



Wanaque Reservoir



Wanaque Reservoir



Lakeland Regional High School



VFW Post 6765



Neighborhood Housing

BOROUGH OF WANAQUE MASTER PLAN

The 2002 Master Plan Re-examination Report updated the 1992 Master Plan. the 1992 Master Plan provided comprehensive planning through the inclusion of a revised Land Use Plan Element, Housing Element and a Circulation Element.

The 1992 Master Plan revision stated specific goals for land use development and circulation in the Borough. These goals are summarized as follows:

- GOAL # 1 : Encourage residential densities which provide for a variety of housing types.
- GOAL # 2 : Encourage appropriate commercial, industrial, employment and recreational facilities in order to maintain a stable tax base.
- GOAL # 3 : Identify regional commercial sites which avoid significant on surrounding neighborhood communities.
- GOAL # 4 : Promote mixed-use redevelopment in the Haskell area of the Borough to revitalize the neighborhood and strengthen the economic base.
- GOAL # 5 : Alleviate severe traffic congestion throughout the Borough.
- GOAL # 6 : Develop an alternate north-south transportation corridor to alleviate traffic congestion along Ringwood Avenue.
- GOAL # 7 : Obtain assistance from Passaic County to implement alternative # 3 of its Ringwood Avenue Feasibility Study (Dec. 1991).
- GOAL # 8 : Coordinate traffic circulation associated with Route I-287.
- GOAL # 9 : Protect residential neighborhoods from adverse effects of traffic, noise and air pollution.

Since the 2002 Re-examination Report, the County has determined that the proposed alternate north-south transpoprtation corridor is not feasible. Corridor congestion improvements would focus on Ringwood Avenue. The Report also recommended changing the zoning in the R-30 Medium Density Residential District (southwestern corner of the Borough) to R-87 Low Density Residential District. Such a change is consistent with the State Development and Redevelopment Plan (SDRP) and conforms to the development limitations and environmental constraints of the area. Also, it was recommended that the townhouse (TH) designation of one of the undeveloped multi-family zone areas (Block457, Lot 1 and Block 479, Lots 1, 2 and 2.01) be rezoned as part of the adjacent R-40 district. The Borough has constructed and approved numerous multi-family units throughout the Borough. A balance between single and multi-family housing appears to satisfy the goal of achieving a variety of housing types in the borough. This same property, referred to as the Wanaque Manor tract, was purchased as open space. The property was heavily wooded and severely constrained with environmentally sensitive lands – steep slopes.

The 2002 Master Plan included a Recreation and Open Space Inventory (ROSI). The Borough preserved a 120 acre site located in the R-30 zone when the Haskell Center designation was being sought. State Green Acres funds were used with the consultation of the municipality to purchase the property which was adjacent to the Norvin Green State Forest. This effort preserved a naturally wooded area which prevented it from being developed into single family housing. Also, the Borough preserved a 25 acre site which was steeply sloped in the Haskell Town Center area. That site had been approved for 86 townhouses. The Borough took the initiative to purchase the property to preserve the environmentally sensitive land while transferring the sewage capacity of the site to a redeveloper of the Candle Factory site nearby. Thus, one site was preserved and another was redeveloped where a dilapidated area was improved.

The Borough prepared and submitted a COAH Round III Housing Element and Fair Share Plan in January 2007. Subsequently, COAH has revised its rules and a revised Round III plan will be prepared for submission to COAH by the December 8, 2009 deadline through the Highlands Plan Conformance Program.

The Borough of Wanaque applied for and received Town Center designation by the State Planning Commission on February 25, 1998. The Haskell Town Center is the main commercial business area and focal point for commerce in Wanaque. The design incorporated smart growth principles – mixed use and pedestrian-oriented environment. The Borough did prepare a Municipal Self – Assessment Report dated July 2008 with the intent of pursuing State Plan Endorsement from the State Planning Commission and the Office of Smart Growth.

The Borough has prepared three redevelopment studies for the Ringwood Avenue, Doty Road/Ringwood Avenue and the Midvale and Haskell Area. The first study (Ringwood Ave.) identified eleven properties meeting the criteria for “an area in need of redevelopment” pursuant to N.J.S.A. 40:12A-5. A redevelopment plan was approved and a redeveloper selected to construct a 48,000 sq. ft. commercial retail and office building with off-street parking. This redevelopment project revitalized the Haskell business district into a viable commercial center serving the Wanaque/Ringwood communities. A second redevelopment study (Doty Rd./Ringwood Ave.) was completed in January 2008. The study confirmed that 31 properties were identified and eligible to meet the criteria for “an area in need of redevelopment”. The third study was completed in October, 2008 and involved twenty properties located along Ringwood Avenue in the Midvale section, along Ringwood Avenue in the Haskell section and the US Aluminum Factory site. The properties in the Midvale area are located to the north of Cross Street on the west side of Ringwood Avenue and includes properties in the vicinity of Furnace Avenue and Rhinesmith Avenue. The Haskell section includes properties along the east side of Ringwood Avenue between Second Avenue and Third Avenue. The closed US Aluminum Factory site and an adjacent parcel located along Fourth Avenue at Boulevard East are also included. The study confirmed that the 20 properties identified would qualify as an “Area in need of Redevelopment”. An additional 5 properties may be included in the redevelopment area with the consent of property owners.

Since the 1992 Master Plan and 2002 Re-examination Report, several significant development projects have been completed or near completion. They have shaped how the Borough has responded to center growth development and they are:

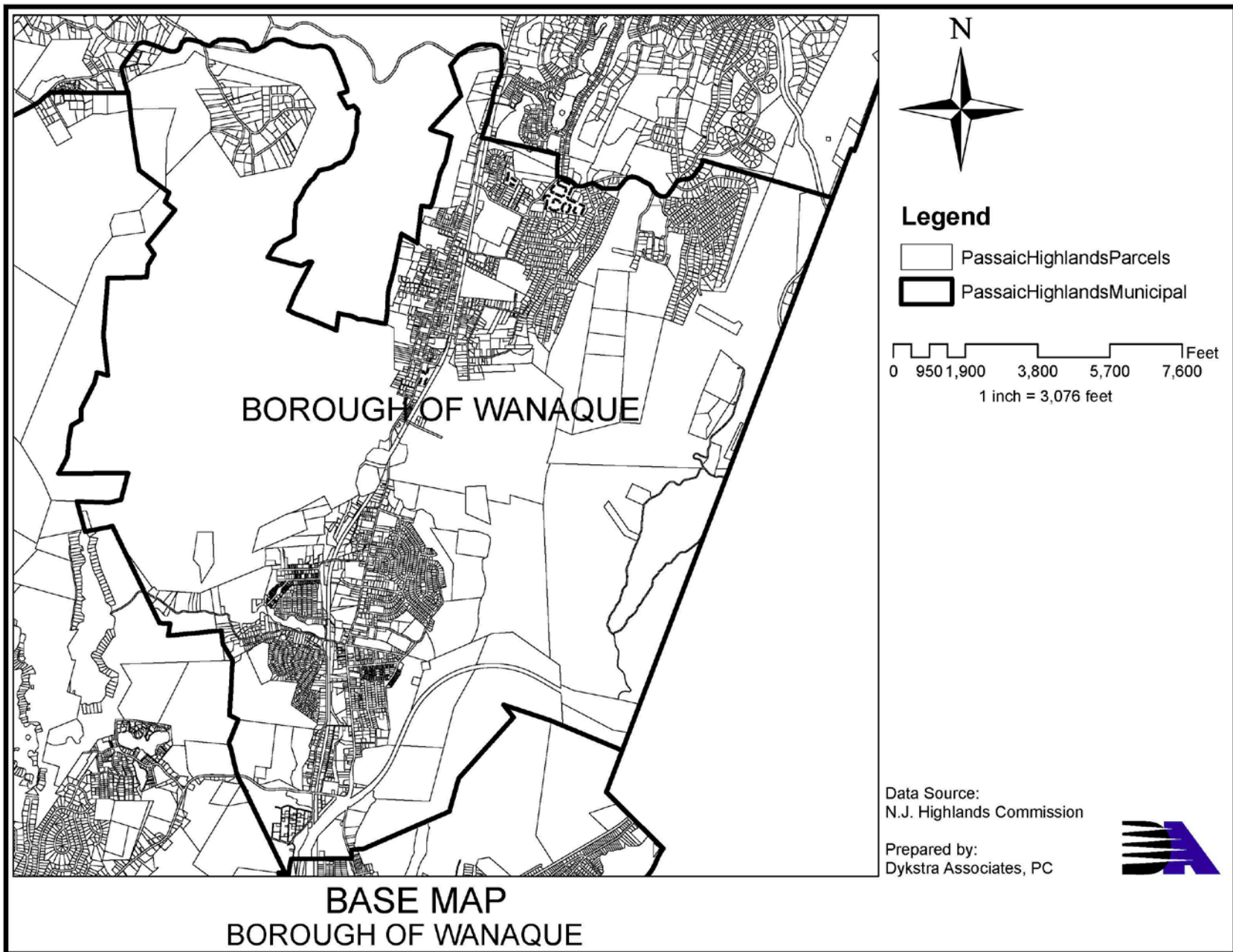
- Ringwood Avenue commercial retail and office complex (48,000 sq.ft.) in the heart of the Haskell Town Center Redevelopment Zone has been completed.
- Wanaque reserve by Del Webb (former Powder Hollow/Pulte Homes) is a 755 unit age-restricted housing development. The project contains ten affordable units and is 60 % complete.
- Valley View at Wanaque is located at the Candle Factory redevelopment site. The project contains 114 units of age-restricted housing where

14 units of affordable housing are provided.

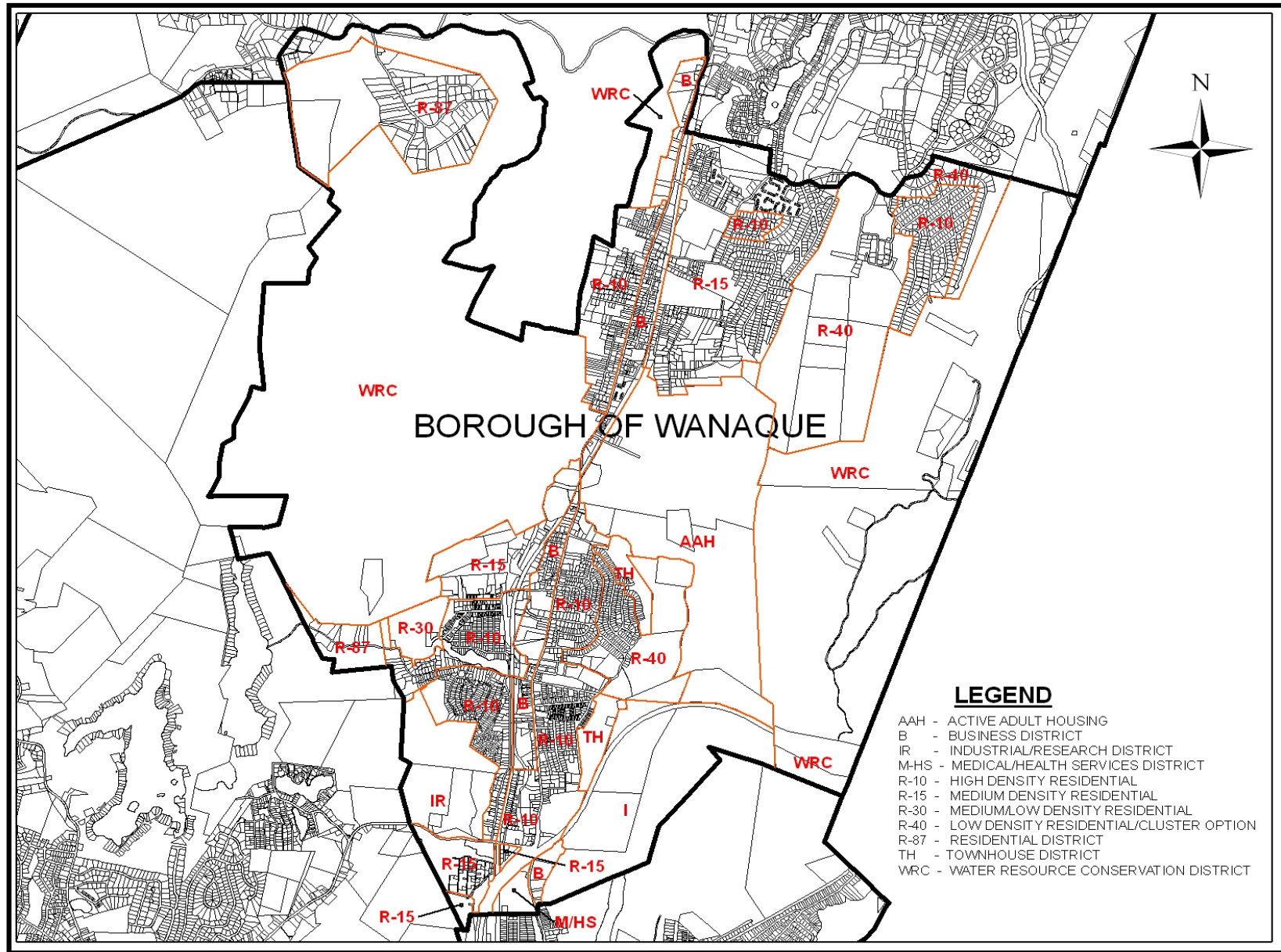
- **Holiday Inn Express Hotel which includes 86 rooms near the I-287 Interchange has been completed.**
- **RSK site consists of a variety of townhouse and single family home uses along Mountain Avenue. The project includes four affordable units of housing. Since this project is located in the Highlands Preservation Area, NJDEP water and wastewater approvals are in jeopardy due to location in the Highlands.**

The 2002 Re-examination Report recommended the following specific actions:

- A. Rezone the existing R-30 Medium Density District to R-87 Low Density Residential District**
- B. Townhouse (TH) District (Block 457, Lot 1 and Block 479, Lots 1, 2 and 2.01) be incorporated into adjacent R-40 District.**
- C. Remove the Borough's Environmental Protection Standards from the Subdivision and Land Development Ordinance to the Zoning Ordinance to effectuate the adherence of site plan and subdivision applications to the ordinance requirements.**



WANAQUE ZONING DISTRICTS



CONSISTENCY REVIEW

What follows is a discussion of some of the most critical elements of the Highlands Regional Master Plan that demand significant changes to Borough of Wanaque plans and regulations in order to achieve consistency. This chapter does not address other topic areas covered in the RMP such as historic, cultural, archaeological and scenic resources, air quality or transportation. These provisions will certainly be addressed at the time Wanaque pursues Plan Conformance.

Each topic begins with a general discussion of RMP requirements and is followed by anticipated impacts to the Borough of Wanaque. It includes a discussion of the type of technical assistance the Highlands Council is expected to make in support of required changes to local documents. The Highlands Council has established 7 modules to take the Borough through Plan Conformance each of these have repopulated data on the Wanaque Base Map (See Base Map) which will be reviewed and modified during the Plan Conformance Process. Each section concludes with a list of actions that would need to be taken locally to achieve consistency with the RMP.

The areas covered in the consistency review as required by the Highlands Council Grant are:

- 1. Forested Areas**
- 2. Open Waters and Riparian Areas**
- 3. Steep Slopes**
- 4. Critical Habitat**
- 5. Land Preservation and Stewardship**
- 6. Carbonate Rock Topography**
- 7. Water Supply and Quality**
- 8. Public Water, Wastewater and On-site Septic Systems**
- 9. Agriculture**
- 10. Redevelopment, Smart Growth, Sustainable Economic Development**
- 11. Transfer of Development Rights**

FORESTED AREAS

Forest resource are comprise of high ecological value which exhibit the least fragmentation and are necessary for maintaining ecological processes (see Forest Area Map). These are contiguous forests of at least 500 acres; areas of more than 250 acres of core forest that are more than 300 feet from an altered edge; or areas with over 45% mean total forest cover and mean distance to the nearest forest patch.

Conformance requires that within the Preservation Area, municipal master plans and regulations limit permitted uses within the forest resource area to maintenance of pre-existing uses and restoration of impaired forests. Relief can only be granted upon approval of a forest mitigation plan. For projects qualifying as major Highlands developments, relief is contingent upon NJDEP approval (Objective

Within the Preservation Area, deforestation in the forest resource area for development purposes is prohibited unless the project is exempt from the Highlands Act; an agricultural/horticultural development; or a major Highlands development in conformance with the NJDEP Preservation Area Rules (Objective 1A2c).

Within the Existing Community Zone, irrespective of Preservation and Planning Areas, deforestation within high integrity forest subwatersheds must be limited. Tree clearing for development must not diminish the integrity of forest resources. Implementation of low impact development best management practices and/or mitigation and restoration is required as well (Policy 1B3).

Within the Protection and Conservation Zones of the Planning Area, local provisions must limit permitted uses within forested areas in high and moderate integrity forest subwatersheds, if development is involved, to low impact residential development (Objective 1B2a).

Within the Highlands Planning Area, local regulations must also prohibit expansion or creation of public water supply systems and public or community wastewater systems into forested portions of the forest resource areas where located in the Protection and Conservation Zones or the Environmentally-Constrained Sub-zones. Relief can only be granted if applicable waivers are obtained to address a public health and safety threat, a taking of private property without just compensation, address a Highlands Redevelopment Area, or serve a cluster development meeting all relevant RMP policies and objectives (Objective 1A2d). In the Preservation Area, they are only permitted with the appropriate NJDEP waiver to address threats to public health and safety, redevelopment, or a taking of private property without just compensation (Policy 2I1).

Municipalities must address protection of forested portions of forest resource areas and high integrity forest subwatersheds in their master plans and development regulations. They are required to adopt a tree clearing ordinance consistent with an approved community forestry plan that is adopted into the municipal master plan.

To assist municipalities in implementing these provisions, the Highlands RMP directs the Council to provide a model municipal tree ordinance and forest conservation and mitigation plan guidance. The Council will also provide guidance on low impact development best management practices and community forestry plans, and is expected to release model resource protection standards governing forested areas. Low impact development best

management practices are intended to reduce or prevent negative effects of development and redevelopment. They include such techniques as solar orientation of buildings, energy efficiency techniques, re-use and recycling of building materials, open space set-asides, natural landscaping, water conservation strategies, de-centralized stormwater management, pervious pavements, green roofs, narrower roads, rain gardens, natural landscaping, rain barrels, re-use basins, curbless roads, swale blocks and reverse soil compaction. Low impact development involves a prescribed site planning process that result in “green” and energy efficient site design and layout, and use of low impact

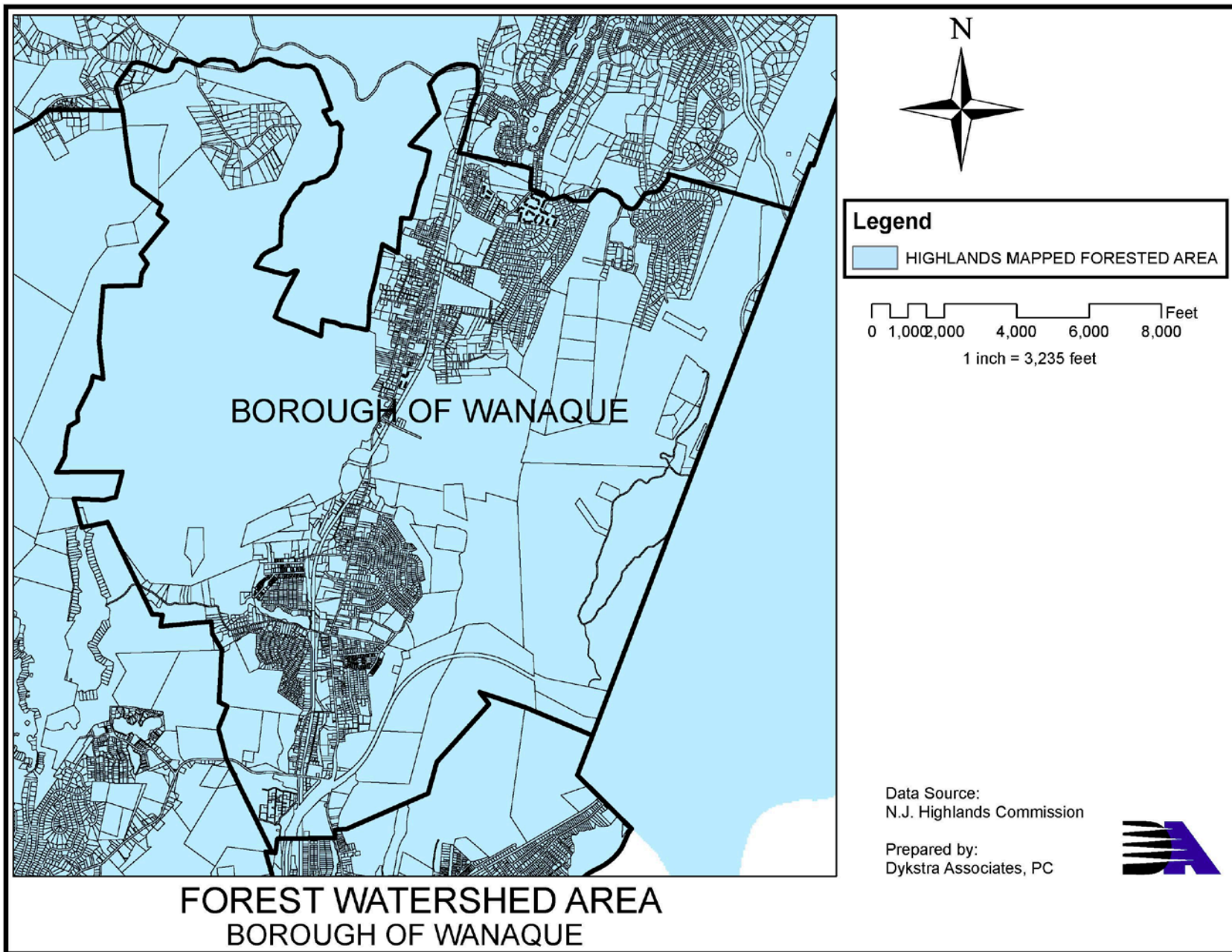
CONTIGUOUS FORESTED AREA IN THE BOROUGH OF WANAQUE

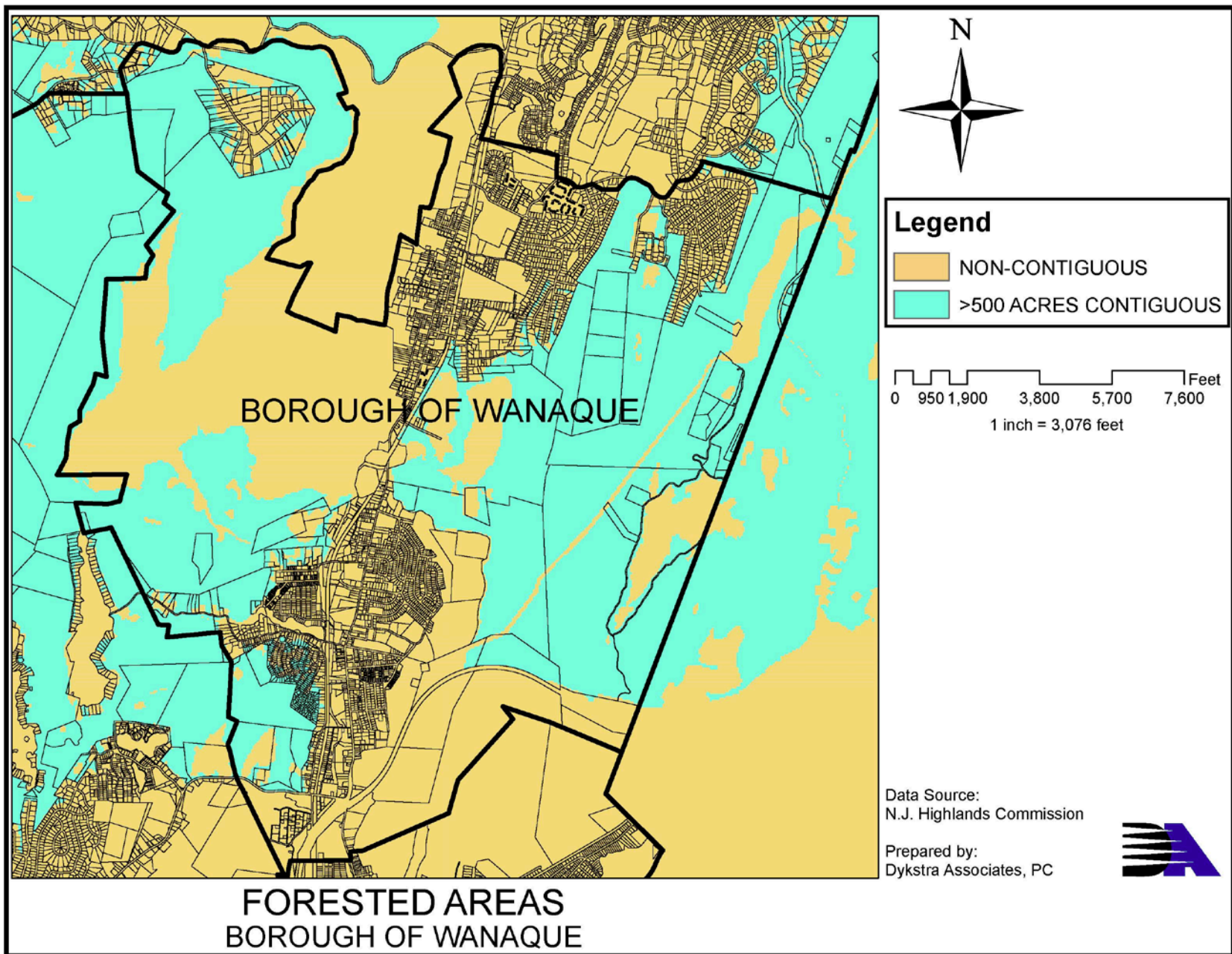
The forest resource area of contiguous forest over 500 acres as mapped by the Highlands Council generally encompasses the eastern half of the Borough partially in the Planning Area and partially in the Preservation Area. These areas are not in the developed portion of the Borough and are zoned PC, R100 and R50. The protections of these areas through the implementation of the highlands recommendations is consistent with the Borough Master Plan. The properties shown on the forested area map are in either the protection zone or wildlife management zones on the Highlands Land Use Capability Map. Implementation of the Highlands recommendations on the greater then 5000 acre contiguous forest areas will not impact on the developed portions of the Borough.

Action Needed from the Borough of Wanaque to Achieve RMP Consistency.

- **New Environmental Resource Inventory to discuss and map forested areas in terms of forest resource areas and forest integrity by subwatershed.**
- **Conservation Plan element of the Master Plan that addresses goals, policies and objectives of the RMP.**
- **Amended Master Plan to include a Community Forest Plan element.**
- **Amended regulations to restrict uses in the forest resource area within the Preservation Area to maintenance of pre-existing uses and restoration of impaired forests and allow relief to be granted only via procedures specified in the RMP.**
- **Amended regulations requiring implementation of low impact development best management practices and/or mitigation and restoration for development activities within high integrity forest subwatersheds that overlap with the Existing Community Zone.**
- **Amended regulations requiring that development in forested areas in high and moderate integrity forest subwatersheds within the Protection and Conservation Zones of the Planning Area utilize low impact residential development best management practices.**

- **Amended regulations that limit creation or expansion of water and sewer systems consistent with the RMP policies governing the forested areas in the Preservation and Planning Areas respectively.**
- **Low impact development best management practices.**
- **Tree clearing ordinance.**





OPEN WATERS AND RIPARIAN AREAS

Highlands open waters are defined as all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial (excluding swimming pools), located wholly or partially within the boundaries of the Highlands Region. Riparian areas are lands associated with and bordering Highlands open waters that provide critical hydrologic, ecologic, and pollutant attenuation functions for open waters. They include areas that exhibit periodic inundation or saturation of soils, areas subject to periodic flooding and wildlife corridors within 300 feet of a surface water feature. Riparian areas sometimes extend beyond the width of open waters buffers, which are discussed below (See Highlands Open Waters Map and Riparian Buffers Map)

The RMP calls for municipal stream corridor protection/restoration plans. Stream corridor protection/restoration plans identify existing disturbed areas within open waters buffers, identify and require opportunities for restoration of such areas, and identify the extent of stream corridor features needed to support the functions of a healthy Highlands open waters buffer. It is possible that the 300 foot buffer needs to be expanded to be more protective of such features as critical habitats, steep slopes, among other features.

Local development applications must identify and map Highlands open waters and riparian areas (Objectives 1D4a and 1D5a). Open waters throughout the Highlands region must include a protection buffer of 300 feet. Buffers in the Planning Area along Category 2 streams may be modified through a stream corridor protection/restoration plan, if able to still protect Highlands open waters and riparian areas. Furthermore, buffer modification can occur in redevelopment areas if approved by the Highlands Council (Objective 1D4i). In no instance can the buffers be reduced below State regulations (e.g. wetlands, stormwater and flood hazard).

In the Preservation Area, local development applications must comply with Preservation Area buffers along open waters as required under the Highlands Preservation Area Rules (Objective 1D4b). Within open waters and associated buffers, these Rules restrict major Highlands development to linear development and then only if there is no feasible alternative outside of the buffers. Disturbance to buffers along Highlands open waters within the Protection, Conservation and Existing Community Zones of the Planning Area can only occur in previously disturbed areas, with a waiver from the Highlands Council (Objectives 1D4e and 1D4f). A waiver may be granted on a case-by-case basis if deemed needed to protect public health and safety; for redevelopment; or to avoid a taking of property without just compensation.

In the Existing Community Zone of the Planning Area, authorized disturbances must use low impact development practices to mitigate adverse impacts. In the Protection and Conservation Zones, specific performance standards must be followed. The RMP classifies subwatersheds by the quality of their riparian areas, that is, the ability of riparian areas to protect water resources and ecological functions such as water quality protection, nutrient and sediment filtration, streambank stabilization, flood storage among other functions. Subwatersheds classified as high integrity subwatersheds have a predominance of natural vegetation, and low incidence of impervious cover, agricultural uses and/or road crossings. Within high and moderate integrity riparian areas of the Preservation and Planning Areas, local development regulations must limit disturbance of existing natural vegetation or increased impervious areas in riparian areas to the minimum feasible in areas beyond open waters buffer requirements (Objective 1D5b).

Within the Protection Zone, modifications to riparian areas must be prohibited except with a waiver from NJDEP or Highlands Council (Objective 1D5c). Modifications within the Existing Community Zone must be restricted if they would alter water quality and habitat values of riparian areas (Objective 1D5d). Low impact development techniques must be implemented for development within a riparian area to minimize alterations of natural vegetation and increases in impervious area and to provide for mitigation by restoring impaired riparian areas within the same subwatershed (Objective 1D5e). A waiver from the Highlands Council is granted under the same conditions as described above for waivers from disturbance to open waters buffers. A waiver from NJDEP is granted on a case-by-case basis for major Highlands development based on the same criteria as used by the

Highlands Council. Additionally, local regulations must require restoration and enhancement of previously impaired riparian areas where feasible, as mitigation to any permitted modification to riparian area requirements.

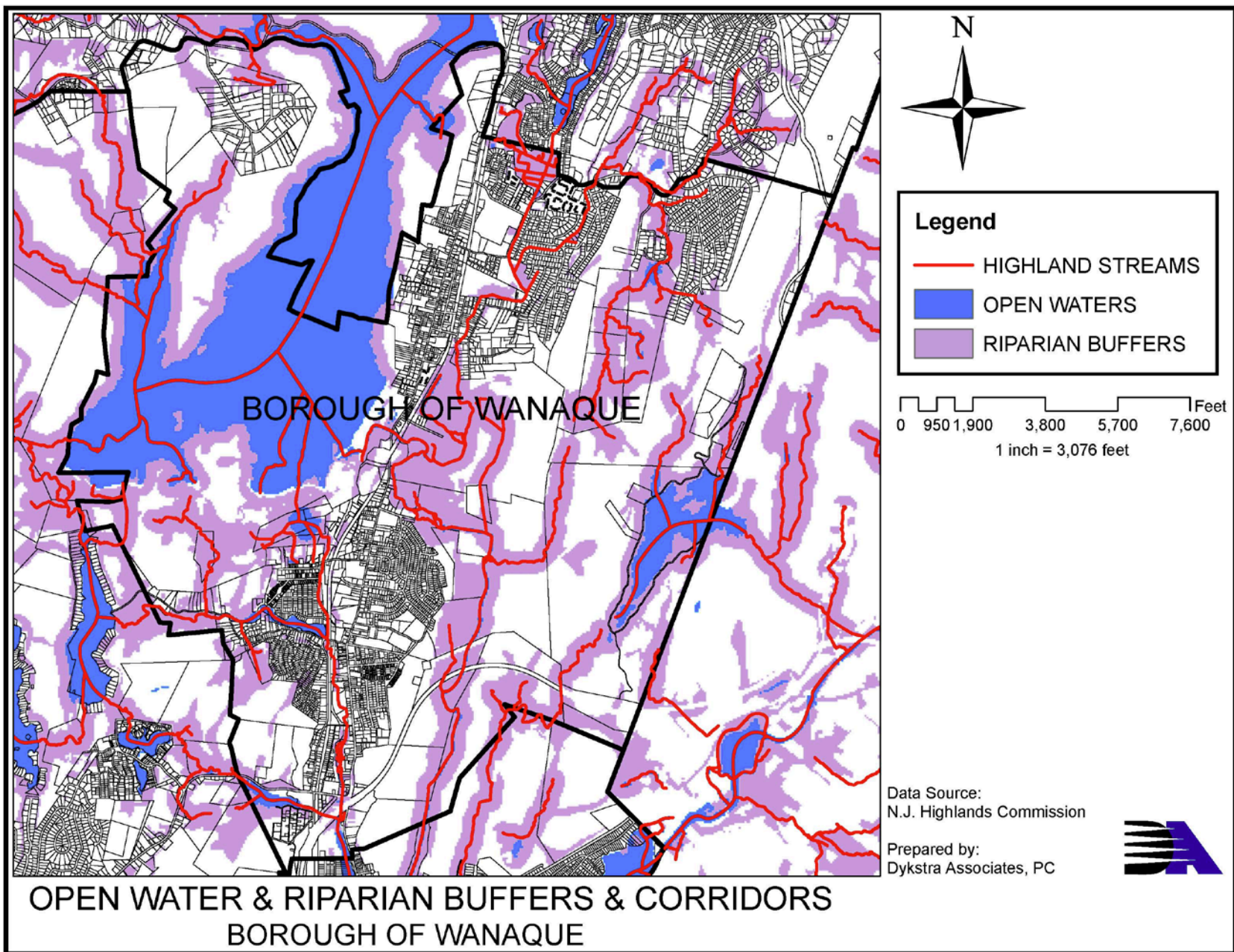
BOROUGH OF WANAQUE OPEN WATERS AND RIPARIAN BUFFERS

Highlands open waters and associated buffers run along the Wanaque River and the Meadow Brook stream areas. Some of the Borough is within high integrity riparian subwatersheds. Development in Wanaque has generally avoided the Mapped Highland Streams and Riparian Buffers. These features and the buffers are already protected by the NJDEP wetlands and Flood Hazard Area rules.

Action needed from the Borough of Wanaque to Achieve RMP Consistency

- The Borough has adopted stormwater management regulations to comply with State requirements but these regulations do not specifically incorporate the Highlands RMP provisions governing open waters and riparian areas. The Borough must adopt a version of the model ordinance prepared by the Highland Council which would increase buffer widths to the minimum required riparian buffer width of 300 feet.
- Update Municipal Wastewater Management Plan. However, local regulations do not specifically include low impact development best management practices where disturbances to Highlands resources are proposed. What is Needed to Achieve RMP Consistency to achieve consistency with RMP goals, policies and objectives, the Borough of Wanaque will need to prepare/adopt these regulations:
- Updated Environmental Resource Inventory with mapped and written discussion of open waters, associated riparian areas and buffers, and subwatershed riparian integrity.
- Conservation Plan Element relating information from the ERI to RMP goals, policies and objectives.
- Stream corridor protection/conservation plan.
- Revised land use regulations requiring development applicants to identify and map Highlands open waters and riparian areas; limit disturbances to open waters buffers in the Protection and Conservation Zones of the Planning Area to previously disturbed areas unless permitted by waiver from the Highlands Council and satisfactorily implements specific performance standards that are designed to avoid, minimize and mitigate adverse impacts to open waters buffers in that order; limit disturbance of existing natural vegetation or increased impervious cover within high and moderate integrity riparian areas to the minimum feasible in areas beyond open waters buffer requirements; prohibit modifications to riparian areas in the Protection Zone except by waiver from NJDEP and/or Highlands Council; restrict modifications to riparian area in the Existing Community Zone (other than disturbances of existing natural vegetation or increased impervious cover within high and moderate integrity riparian areas that are the minimum feasible in areas beyond open water buffer requirements) which would negatively impact water quality or habitat value of a riparian area; identify and implement ways to restore and enhance previously impaired riparian areas when feasible as mitigation to any allowable modification to riparian area requirements; and use low impact development best management practices for development in riparian areas.

- **Revised land use regulations to include low impact development best management practices for development activity proposed within open waters buffers and riparian areas**



STEEP SLOPES

Municipal master plans and development regulations must protect steep slopes as defined in the RMP (Policy 1E10). The RMP defines steep slope protection areas as having at least 5,000 square feet with any combination of slopes of 10% to less than 15%; 15% to less than 20% and 20% or greater. The RMP goes on to define constrained areas in terms of slopes. Slopes of 20% or greater and lands within riparian areas with slopes of 10% or greater are severely constrained. Non-riparian area lands with a slope of 15% to less than 20% and are forested are moderately constrained. Non-riparian areas having a slope of 15% to less than 20%, are non-forested, and are either highly susceptible to erosion, or exhibit shallow depth to bedrock or a soil capability class indicative of wet or stony soils are constrained slopes. Non-riparian areas with a slope of 15% to less than 20% that do not meet the definition of constrained are considered limited constrained slopes.

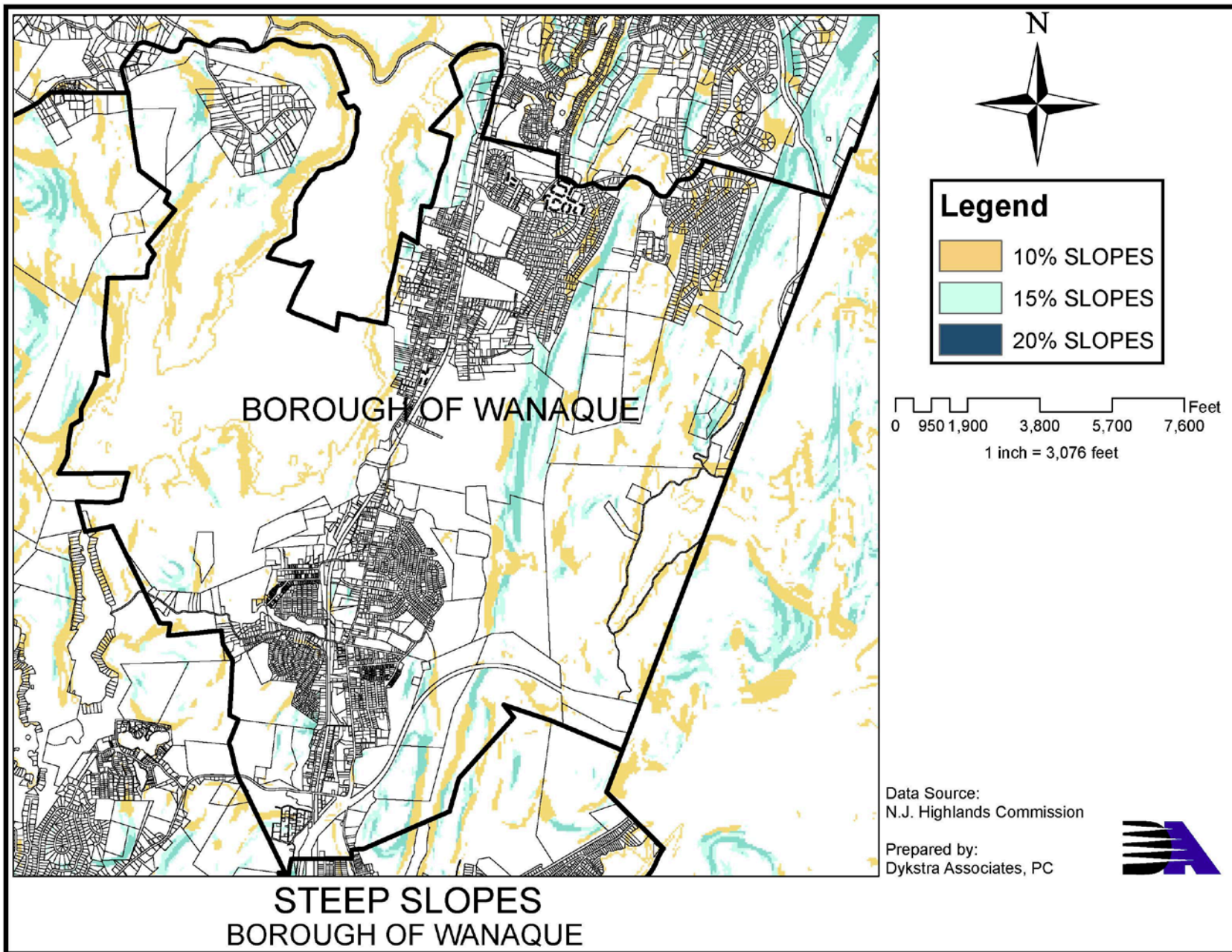
Municipalities must adopt regulations that require applicants to identify steep slope protection areas. Land use regulations must prohibit land disturbance in both Preservation and Planning Areas within locations that have severely and moderately constrained slopes (except for linear development that meets the requirements for linear development on steep slopes in the Water Protection and Planning Act Rules). Also, they must require low impact development practices for land disturbance or development within areas of constrained or limited constrained slopes or that involve an approved disturbance of a severely constrained or moderately constrained slope (Policies 1E6 – 1E9).

Borough of Wanaque Steep Slopes

The Borough of Wanaque does address a steep slope ordinance. The steep slope areas as mapped by the Highlands Commission are generally out side of the developed portions of the Borough (See Wanaque Steep Slopes Map).

Action needed from the Borough of Wanaque to Achieve RMP Consistency

- Environmental Resource Inventory acknowledging steep slope protection areas and constrained slope categories as defined in the RMP.
- Conservation Plan that adopts goals, policies and objectives for steep slope protection consistent with the RMP.
- Revised land use regulations requiring applicants to identify steep slope protection areas as defined in the RMP; prohibiting land disturbance within severely and moderately constrained slopes except for linear development in both the Preservation and Planning Areas that meet the requirements for linear development on steep slopes dictated in the Water Protection and Planning Act Rules; and requiring use of low impact development best management practices for land disturbance or development in constrained or limited constrained slopes or that involves an approved disturbance of a severely constrained or moderately constrained slope.



CRITICAL HABITATS

Protection of critical habitats is key to RMP conformance. The RMP maps critical wildlife habitats, significant natural areas, and vernal pools with associated buffers (Critical Habitats Map). Critical habitats are identified as follows:

Critical wildlife habitat defined as NJDEP's Landscape Project Version 3 mapping of Threatened, Endangered Species and Rare Species Habitats Ranks 3 (habitat supporting a State threatened species), 4 (habitat supporting a State endangered species) and 5 (habitat supporting a Federally listed threatened or endangered species) and Landscapes Project Version 3 Rank 2 (habitat supporting a species of special concern) with Highlands Conservation Rank of Critically Significant or Significant⁷; Significant natural areas defined as the NJDEP Natural Heritage Priority Sites; Vernal pools defined as NJDEP-certified plus a 1,000 foot protection buffer around them. The RMP relies on municipalities to adopt and implement a Highlands Council-approved critical habitat conservation and management plan to achieve a number of standards and criteria delineated in the RMP. Conforming master plans and development regulations must include these habitat areas and associated management programs and habitat conservation management plans (Policies 1G1, 1G2). The critical habitat conservation and management plan implements a habitat conservation and management program, and includes performance standards and criteria for protecting, enhancing and restoring critical habitats (Objective 1F5a). Performance standards address prohibition of direct or indirect adverse impacts to critical habitats, buffer area reductions for vernal pools, modifications to critical wildlife habitat areas or significant natural areas and waiver applications from requirements in the critical habitat conservation and management plan.

Performance standards also establish low impact development practices to avoid, minimize and mitigate impacts to critical habitats and address mitigation of disturbed habitat, as well as enhancement or restoration of disturbed habitat (Objective 1F5b). The critical habitat conservation and management plan must include a mapped depiction of a critical habitat overlay district (1F5e). It also must include guidelines for a municipal habitat stewardship program to prevent habitat fragmentation through open space preservation and community efforts to create, protect and restore habitats (1F5f). ⁷ Critically Significant – If habitats in the Highlands region were lost, that species would not exist in NJ. Significant – Highlands Region habitats play a significant role for that species existence in NJ. Local development applications must conform to minimum standards and criteria in the critical habitat conservation and management plan (1F5a). Local regulations must prohibit direct impacts from new development or expansion of existing development that jeopardizes critical habitats unless permitted through a waiver issued by NJDEP in the Preservation Area or the Highlands Council. Regulations must also prohibit indirect impacts from offsite activities or those adjacent to or within critical habitats. Waivers for both direct and indirect impacts described above are issued on a case-by-case basis, if necessary, to protect public health and safety; for redevelopment; or to avoid a taking of property without just compensation. Any projects issued waivers must nonetheless address the minimum standards and criteria for waivers set forth in the critical habitat conservation and management plan.

The buffer around vernal pools (1,000 feet) may be reduced if an applicant for local development review demonstrates it is the minimum feasible reduction and that either vernal pool wildlife require a smaller buffer or that existing land uses present a barrier to wildlife or their migration which is infeasible to mitigate. Criteria for demonstrating this must be included in the critical habitat conservation and management plan. The applicant must receive Highlands Council approval on reduced buffers. Local regulations in the Preservation Area must reference NJDEP Preservation Area Rules

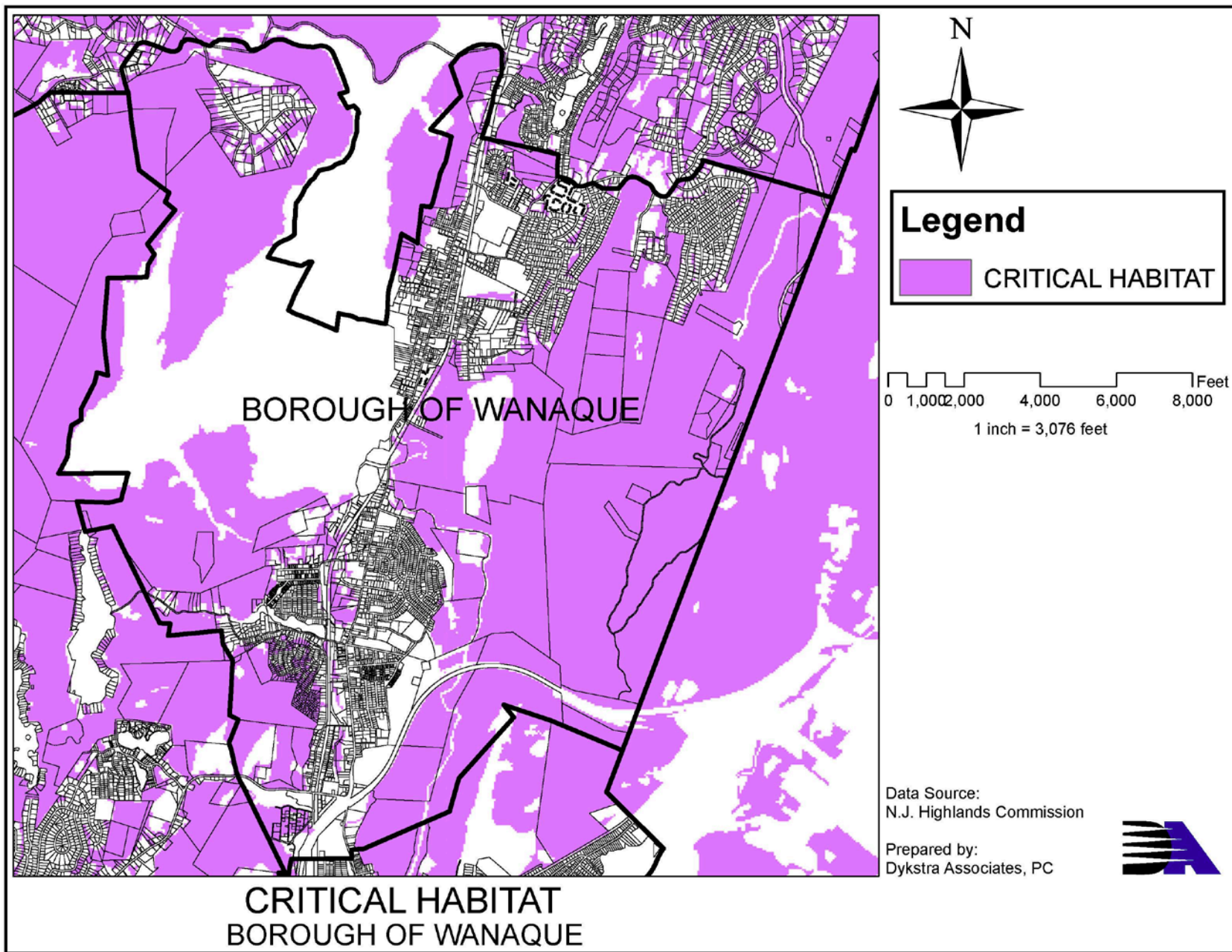
governing critical habitats in relation to major Highlands developments. However, Preservation Area projects that are not considered major Highlands developments are still subject to RMP policies (Policy 1F7).

BOROUGH OF WANAQUE CRITICAL HABITAT

Highlands Council mapping of critical habitat in the Borough of Wanaque shows that relatively few undeveloped parcels in the Borough have potential critical habitat. Projects should be reviewed to assure no critical habitats exist (See attached Wanaque Critical Habitat Map).

Actions needed from the Borough of Wanaque to Achieve RMP Consistency

- Mapping and written description of critical habitat areas based on Highlands RMP definitions in an updated ERI.
- Conservation plan element that includes goals, policies and objectives consistent with RMP.
- Critical habitat conservation and management plan (perhaps included within the conservation plan element) that includes all necessary components outlined in the RMP.
- Critical habitat overlay district ordinance with standards and regulations consistent with RMP policies and objectives. These include performance standards requiring use of low impact development best management practices, criteria for mitigation of disturbed critical habitat and enhancement or restoration of historically disturbed habitat; prohibiting direct impacts from new or expanded development and indirect impacts from off-site, adjacent or on-site activities that adversely impact critical habitat unless via waiver; requirement that development applicants comply with the minimum standards and criteria in the municipal habitat conservation and management plan; and regulations governing reduction of vernal pool buffers consistent with the RMP.
- Revised land use regulations requiring that major Highlands developments comply with the Highlands Rules governing critical Habitat



LAND PRESERVATION AND STEWARDSHIP

The Highlands RMP calls for the identification of a Special Environmental Zone within the Preservation Area. Development may not occur in the Special Environmental Zone in order to protect water resources and environmentally sensitive lands (Policy 1H7). Designated lands are to be protected through acquisition, Transfer of Development Rights and development regulations. The RMP also calls for the development and maintenance of a confidential inventory of open space and farmland, within conservation priority areas and agricultural priority areas (see Conservation Priority Area and Agricultural Priority Area Maps). Those areas contained on the confidential list are targeted for preservation (Policy 1H3). Conservation priority areas reflect the Highlands Council prioritization system for identifying areas of moderate and high priority based on ecological and water supply value for land preservation. Agricultural priority areas are identified according to other criteria such as the presence of farmland soils, contiguity of agricultural lands, and proximity to existing preserved farmland. Plan Conformance requires the inclusion of an open space preservation and land stewardship element in local master plans (Policy 1I1). Municipalities must identify and delineate existing open space and lands subject to stewardship programs, and provide that information to the Highlands Council (Policy 1I2). On parcels proposed for development and identified for preservation on a development application, municipalities must mandate conservation or land stewardship easements that are enforceable by the Highlands Council along with the municipality, County Agriculture Development Board, State Agriculture Development Committee, Green Acres or qualifying non-profit organization (Policy 1I3). Additionally, municipalities must establish monitoring programs for preserved lands or easements thereon owned by the municipality. To assist municipalities, the RMP directs the Highlands Council to aid in the development of stewardship plans and model development standards that utilize such techniques as clustering and lot-size averaging to preserve open space.

Wanaque and Land Preservation and Stewardship

Wanaque does have an Open Space Plan and should address stewardship strategies.

Action needed to achieve consistency with RMP

- . Update Open Space Plan to address stewardship strategies.
- Revised land use regulations requiring that on parcels proposed for development and identified for preservation on a development application, conservation or land stewardship easements must be in place that are enforceable by the Highlands Council along with the municipality, County Agriculture Development Board, State Agriculture Development Committee, Green Acres or qualifying non-profit organization.
- Revised land use regulations ensuring that cluster provisions governing mandatory buffers, percentage of area to be set aside and preserved, easement enforcement provisions, and situations when clustering is required (in agricultural resource areas at a minimum) are incorporated. See further discussion of these specific issues under Water Resources and Utilities and under Agriculture.

CARBONATE ROCK TOPOGRAPHY

Municipalities underlain by carbonate rock (e.g. limestone and dolomite) are faced with unusual development challenges. Natural processes of dissolution can create sinkholes, bedrock fractures and other “karst” features. Improper development and site design practices can lead to sinkhole collapse, groundwater contamination, structural collapse of roads and buildings, and related public health and safety issues.

The Highlands RMP requires as a condition of Conformance, that municipalities in subwatersheds that drain directly to carbonate rock areas take appropriate steps to protect public health and safety. Municipal regulations must require multi-phased geotechnical site investigations to locate potential karst features and hazards as part of the application process (Objective 1K4b). Furthermore, they must require that any potential hazard be addressed and mitigated in the construction plans and approval process, with an emphasis on nonstructural measures (Objective 1K4c). Finally, local regulations must prohibit new land uses and facilities that present unacceptable risks of discharge due to karst topography including underground storage tanks, solid waste landfills, hazardous waste storage/disposal and hazardous materials storage and handling (Objective 1K4e).

Borough of Wanaque Carbonate Rock

There are no mapped areas of carbonate rock in Wanaque Borough.

Action needed to achieve consistency with RMP

NONE

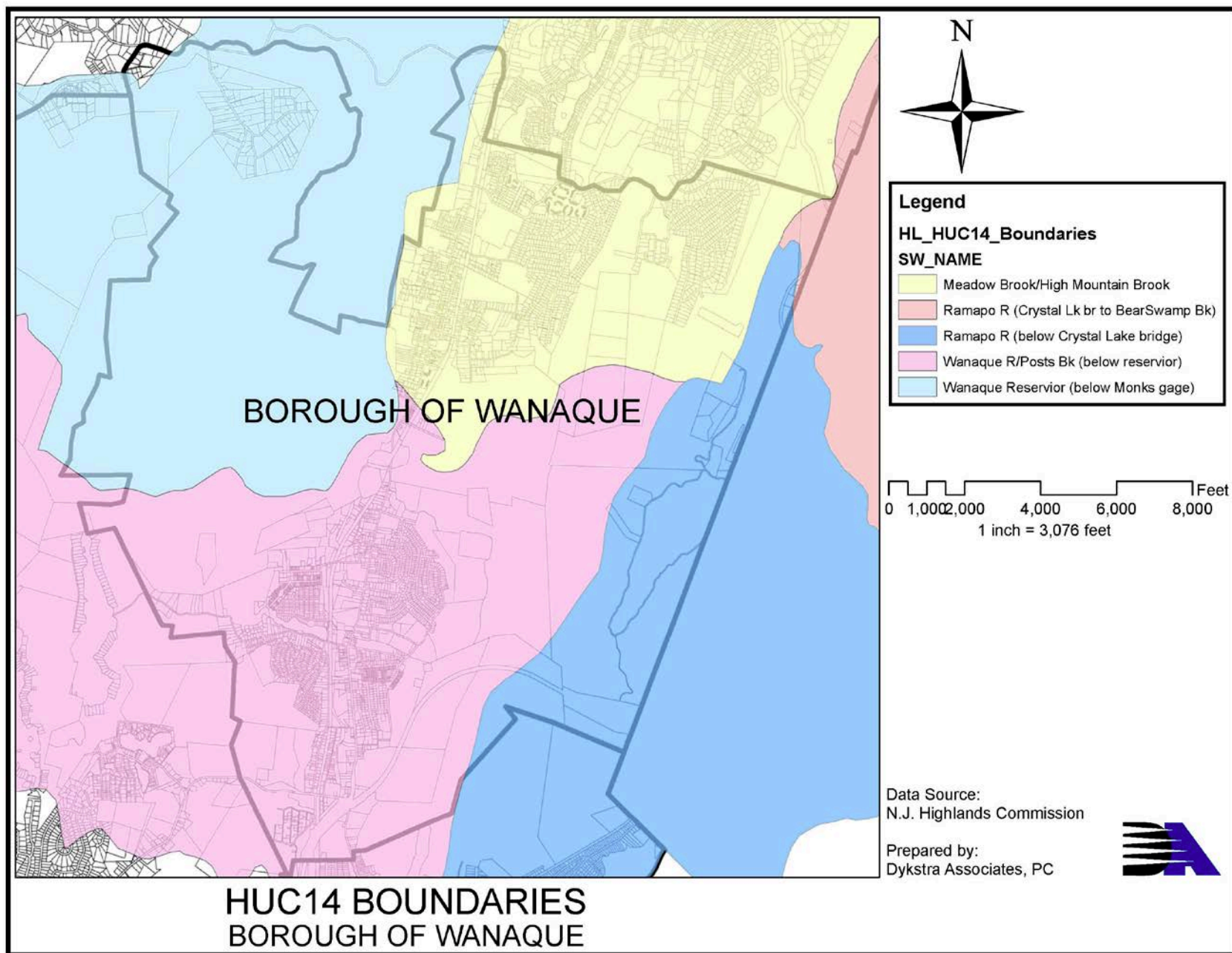
WATER SUPPLY AND QUALITY

The Highlands RMP establishes parameters for growth based on water availability both for human use and aquatic ecosystems. The RMP creates a method for identifying the quantity of available water to support these two functions. Where there is sufficient water available, water resources are allocated among future human uses according to the Land Use Capability Zone Map. Where water supply is in deficit, conditional water availability is granted. The Highlands Council determined water availability by HUC14 subwatershed in the following manner. First it estimated ground water capacity by HUC14 subwatershed. Ground water capacity is the natural ability of a subwatershed to support stream flow over time during dry weather conditions. A HUC14 subwatershed is an area within which water drains to a surface water body. It is the smallest geographic unit in a watershed classification system created by the US Geological Survey. The Highlands Council established certain percentages for each Land Use Capability Zone which reflect how much ground water should be made available for human uses such that its use would not compromise other users and aquatic ecosystems. From that, the Council estimated net water availability for each subwatershed. This was done by subtracting out from ground water availability the various consumptive and depletive water uses identified within each subwatershed. Where the resulting net water availability is less than zero, then the subwatershed is designated as being a current deficit area. Consumptive water use means water that is evaporated, transpired, incorporated into products or crops, consumed by people or animals or otherwise removed from a watershed or subwatershed other than by conveyances as potable water or wastewater. Depletive water use means In subwatersheds with conditional water availability, proposed uses that consume or deplete water must implement additional planning and mitigation before they can be approved. In most case, mitigation must be successfully completed before the water use can be initiated (Objective 2B8b).

Within subwatersheds primarily in the Protection and Conservation Zones, conditional water availability cannot exceed an aggregate of 1% of ground water capacity. In the Existing Community Zone, it cannot exceed an aggregate of 2% of ground water capacity (see Objectives 2B3a and 2B3b and Land Use Capability Water Availability Map). Within conditional water availability subwatersheds dominated by the Protection or Conservation Zones, highest priority for use of nonagricultural conditional water availability must be accorded to address documented public health and safety threats, or to serve designated Highlands redevelopment areas, cluster developments served by public water and meeting all RMP requirements (in the Planning Area), and affordable housing projects (Objective 2B4a).

Communities within deficit areas must demonstrate how they will reduce or manage consumptive and depletive uses of ground and surface waters to reduce or eliminate deficits. Furthermore, they must demonstrate how and when the deficit will be resolved within each subwatershed before they can approve new water uses within subwatersheds that demonstrate deficits in excess of .25 million gallons per day. All of this must be contained in a water use and conservation management plan.

Public water and sewer systems and community wastewater systems cannot be expanded or built in prime ground water recharge areas within the Preservation Area. Within the Protection and Conservation Zones and Environmentally-constrained Sub-zones of the Planning Area, public water and sewer systems and community wastewater systems can only be built or expanded in prime ground water recharge areas under the following circumstances: 1) to address a waiver on a case-by-case basis to protect public health and safety; 2) for redevelopment; 3) to avoid a taking of private property without just compensation; or 4) to serve cluster developments that meet all other RMP policies and objectives. In the Existing Community Zone, creation or expansion of these systems is subject to the same criteria as in the Protection and Conservation Zones. In addition, they can be expanded or built to accommodate designated Transfer of Development Receiving Zones, infill projects, new areas for development meeting all other requirements of the RMP.

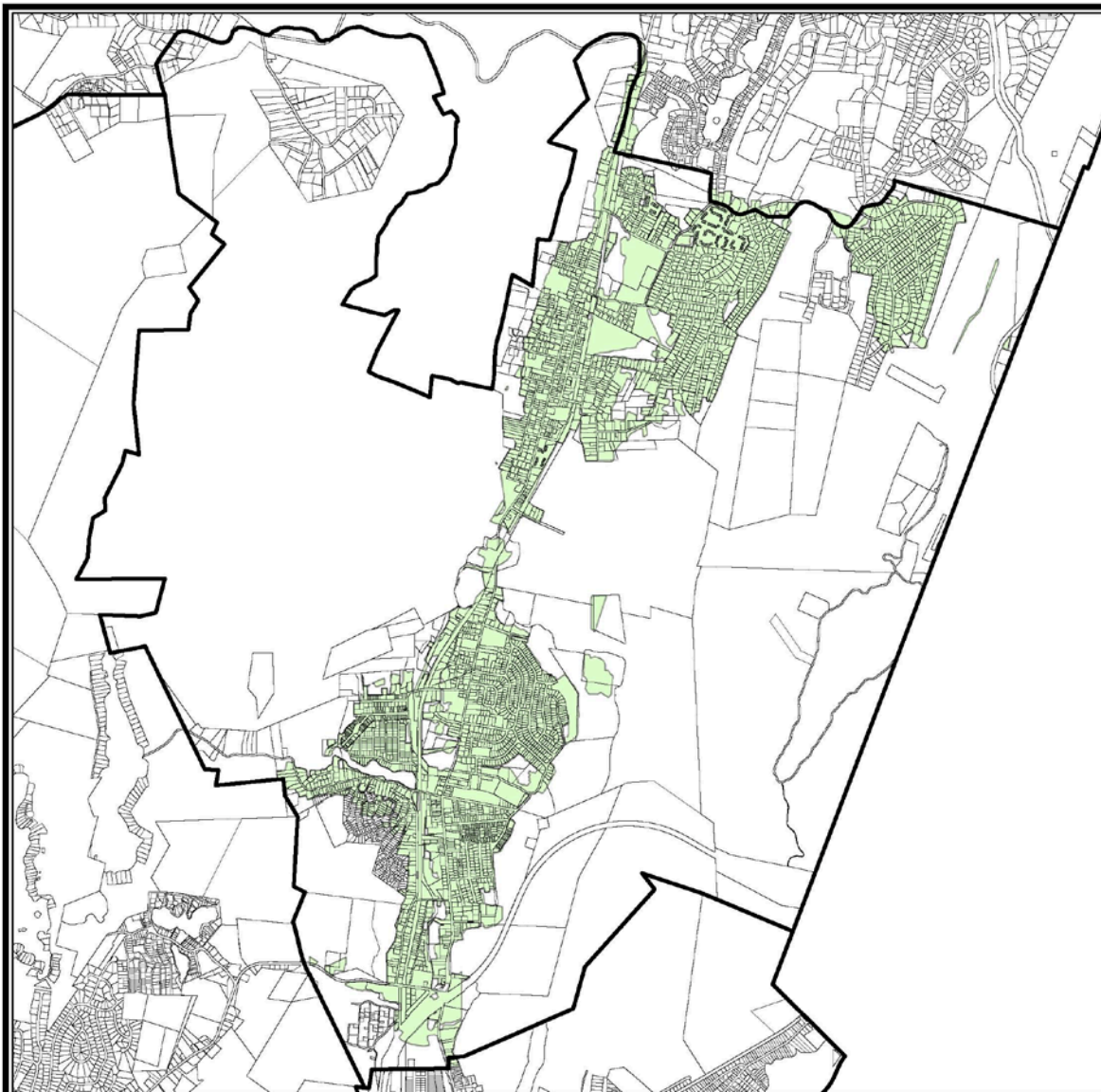


BOROUGH OF WANAQUE WATER SUPPLY

According to Highlands RMP mapping and data, The Borough of Wanaque in its entirety suffers from a current water deficit (see Net Water Availability – Deficit Areas Map). The Borough includes partially or in its entire eight HUC 14 subwatersheds which have been assigned conditional water availability (see Land Use Capability – Net Water Availability Map).

Action needed from the Borough of Wanaque to Achieve RMP Consistency

- Environmental Resource Inventory to include mapping of water deficit areas and net water availability by subwatershed and mapping of prime ground water recharge areas.
- Water use and conservation management plan that identifies water sources and uses, validates or modifies the Highlands Council's estimated net water availability, and identifies and prioritizes mitigation strategies and implementation schedule to reduce or eliminate deficits.
- Amended land use regulations and/or stormwater management regulations that are consistent with RMP policies and objectives governing wellhead protection.
- Amended land use and/or stormwater management regulations requiring low impact development best management practices to minimize disruption to prime ground water recharge areas and limiting disruption to no more than 15% of the prime ground water recharge area on the site.
- Amended land use regulations restricting future creation or extension of public water and sewer or community systems in prime ground water recharge areas consistent with RMP policies and objectives.
- Amended land use regulations reflecting provisions in the municipal water use and conservation management plan, including prioritization criteria for assigning conditional water availability.
- Review existing wellhead protection ordinance for compliance with Highlands recommendations.



Legend

AVAILABLE CAPACITY_MGM

21.7

0 900 1,800 3,600 5,400 7,200 Feet
1 inch = 3,083 feet

Data Source:
N.J. Highlands Commission

Prepared by:
Dykstra Associates, PC



NET WATER AVAILABILITY MAP BOROUGH OF WANAQUE

PUBLIC WATER, PUBLIC/COMMUNITY WASTEWATER, AND PRIVATE, INDIVIDUAL ON-SITE SEPTIC SYSTEMS

The RMP prohibits new or expanded public water supply and wastewater systems and community on-site wastewater treatment systems in the Preservation Area unless deemed exempt by NJDEP or through waivers from NJDEP, and providing that sensitive environmental features are protected (Policy 2I1).⁹ The “typical” exemption that would be considered under these provisions would be for a previously approved development that meets the exemption criteria in the RMP (see Exemption 3 in Appendix C). Another example is a single family home that is on a lot adjacent to an existing area served by sewers but currently without a pipe in the ground.¹⁰ ⁹ Sensitive environmental resources such as Highlands open water buffers, riparian areas, forested portion of the forest resource area, agricultural lands of agricultural resource areas, steep slopes, prime groundwater recharge areas, and critical habitats.

Highlands redevelopment areas are also among those situations that may be granted an NJDEP waiver from this prohibition. Municipalities are required to identify lands in the Preservation Area that may be appropriate for said systems specifically for redevelopment purposes (Policy 2I2). The Highlands RMP seeks to minimize creation or extension of public water and wastewater systems in the Protection and Conservation Zones and Environmentally-constrained Sub-zones of the Planning Area. Policies and objectives are more permissive in the Existing Community Zone.

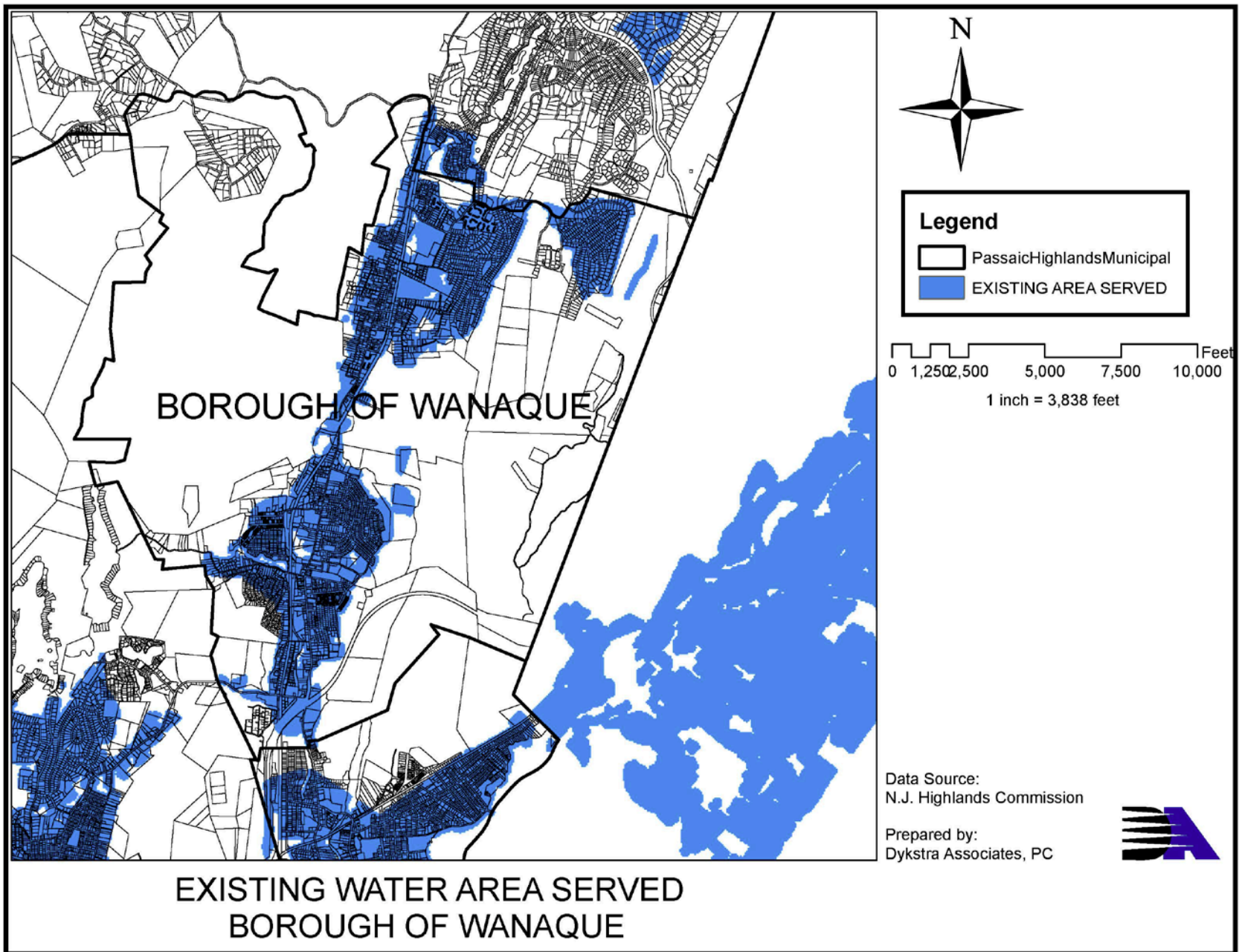
Local regulations must prohibit new or expanded public water and sewer systems or on-site systems within the Protection and Conservation Zones and the Environmentally-constrained Sub-zones unless 1) through a waiver from the Highlands Council to address a documented health and safety threat, avoid a taking of private property without just compensation or serve a Highlands redevelopment area; or 2) serve a cluster development that satisfies all applicable cluster requirements. In all cases, developments must maximize protection of sensitive environmental resources (Objectives 2J4a and 2K3c).

In the Existing Community Zone of the Planning Area, water and sewer infrastructure is allowed to serve designated Transfer of Development Rights receiving zones, infill development, new development meeting all other requirements of the RMP, or to address the same waiver provisions as apply in the Protection and Conservation Zones and Environmentally-constrained Sub-zones noted above. Highest priority for allocation of excess or additional sewerage treatment capacity is assigned to areas with clusters of failed septic systems within or adjacent to existing areas served (Objectives 2J4c, 2K3e).

Within the Preservation Area and Planning Area, Executive Order 114 prohibits amendments to area wide water quality management plans within the Protection or Conservation Zone or Environmentally-constrained Sub-zones of a subwatershed that has a deficit of net water availability until a municipal water use and conservation management plan is approved by the Highlands Council and is fully implemented. In effect, this means that NJDEP cannot accept any wastewater management plans for new systems or expansion of existing systems until this condition is met.

For planning purposes, the Highlands Council Water Resources Technical Report (2008) estimates total additional septic systems that would be permitted by HUC14 subwatershed for the Protection, Conservation and Existing Community Zones in the Planning Area (see Septic System Yield Map and Table, which show Protection and Conservation Zones only). Septic yield is based on permitted nitrate concentrations in the ground water, which vary according to Land Use Capability Zone (Objective 2L2a, 2L2b and 2L2c). Municipalities will conduct a build-out analysis as part of Plan Conformance to confirm the maximum yield by Land Use Capability Zone and base appropriate zoning densities on these yields. They must also decide

whether to factor in development resulting from Highlands exemptions into the total yield. In cluster developments served by septic systems, gross density must be based on the nitrate target for the applicable Land Use Capability Zone for the tract, but based on a maximum of 10 mg/liter of nitrates for the developed portion of the site (Objective 2L2e). Properties in the Existing Community Zone that are reliant on septic systems must be reviewed on a project-by-project basis, using a nitrate target of 2 mg/liter (Objective 2L2d).



BOROUGH OF WANAQUE PLANS & REGULATIONS

The entirety of the Borough within eight HUC14 subwatersheds are in net water supply deficit and are thus assigned conditional water availability. Detailed review is required during the consistency process to determine if the Highlands Council's water supply deficit projections reflect local conditions. The Borough must adopt a water use and conservation management plan, a requirement for Plan Conformance. Under Executive Order 114, the water use and conservation management plan is required before NJDEP can authorize an amendment to an area wide water quality management plan which could allow the extension of sewer lines only where existing development and future higher density growth is warranted.

Action needed to achieve consistency with RMP

- Prepare municipal wastewater management plan to respond to Highlands Council consistency review and NJDEP requirements.
- Utility services plan addressing water and wastewater and results of the build-out analysis.
- Revised land use regulations specifying the conditions when new or expanded water and wastewater facilities can be provided, including conditions when clustered development can have public water and public or community wastewater, based on RMP policies and objectives.
- Revised land use plan element with the basis and supporting documentation for revised zoning district densities based on utility capacity and maximum septic system yield determined through the build-out analysis to be conducted during Plan Conformance.
- Revised permitted densities and intensities for zoning districts to be consistent with RMP policies and objectives for future possible sewerred and non-sewerred areas.
- Septic system management/maintenance plan and ordinance addressing long term maintenance needs of new residential development relying on septic systems and requiring sufficient area on new lots on which to locate a replacement disposal field.

AGRICULTURE

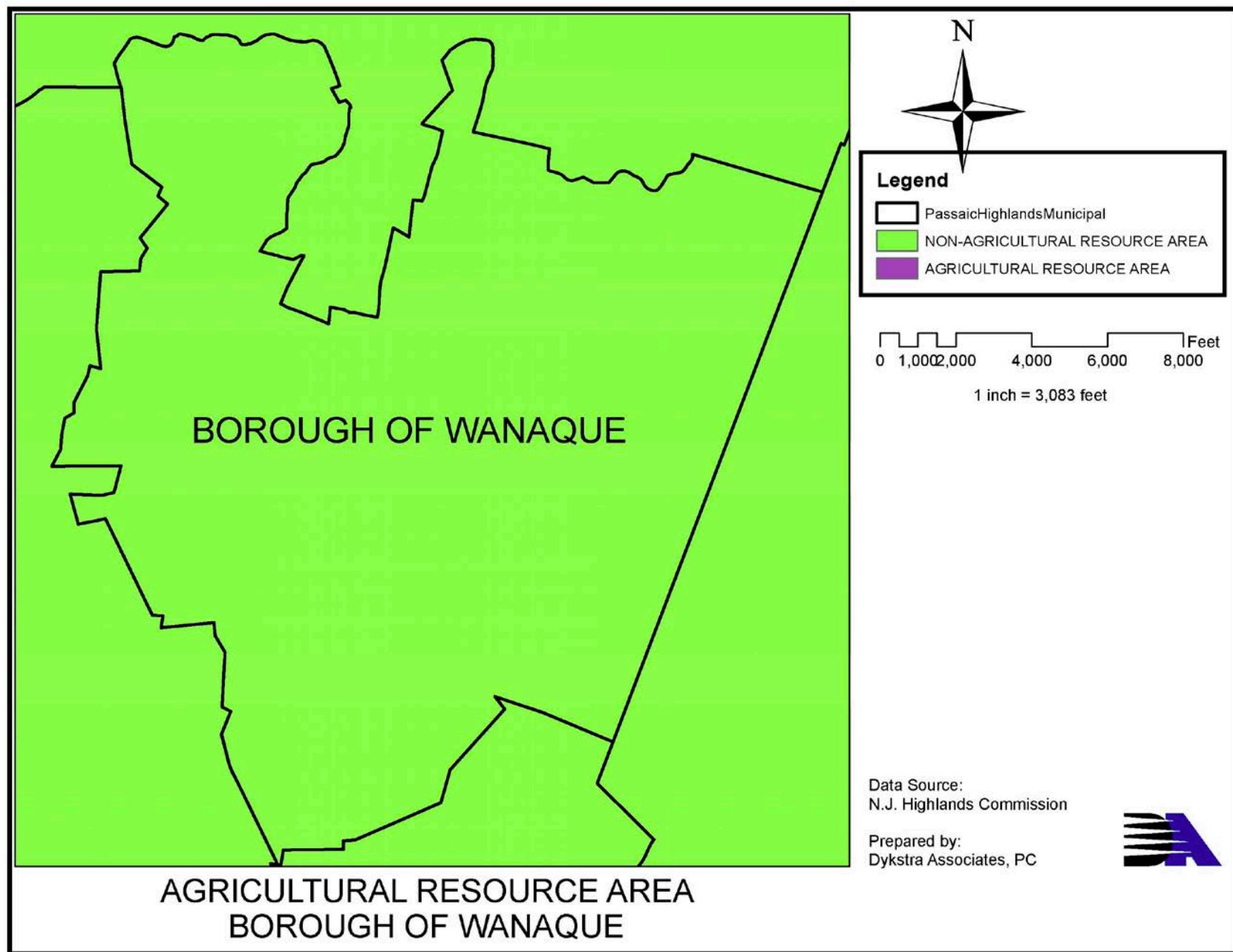
RMP Goals, Policies & Objectives Under the RMP, municipalities must develop agriculture retention/farmland preservation plan elements. They also must enact development regulations promoting preservation in the agricultural resource areas (ARAs) and limiting non agricultural uses within the ARA to those supportive of farmland preservation, agricultural sustainability, protection of important farmland soils and resources (see Objective 3A4b and Agricultural Resource Area Map).

Wanaque Agriculture

The Highlands Council has mapped Wanaque as Non-Agricultural Resource Area (See Agricultural Resource Area Map)

Action needed from the Borough of Wanaque to Achieve RMP Consistency

- Revised land use regulations governing clustered development to address RMP minimum land preservation requirements, buffering requirements, easement enforcement requirements, and implementation of best management practices for agricultural lands specifically. RMP policies and objectives governing access to public water and sewers also must be incorporated into the land use regulations.



REDEVELOPMENT, SMART GROWTH, SUSTAINABLE ECONOMIC DEVELOPMENT AND TRANSFER OR DEVELOPMENT RIGHTS

RMP Goals, Policies & Objectives As a condition of Highlands RMP Conformance, municipalities must identify any opportunities for development, redevelopment and brownfield redevelopment in local land use plans (Policy 6L1). Redevelopment, in Highlands RMP terminology, takes on broader Definition than that designated as areas in need of redevelopment under the LRHL For previously developed properties with at least 70% impervious coverage, the Highlands Council must first approve designation of the site through an approval process called the Highlands Redevelopment Area Designation process. Next NJDEP must review the proposed project and issue a Highlands Preservation Area Approval with waiver if all requirements are addressed. If the site in the Preservation Area is a brownfield site, it must first be designated as a Highlands brownfield site by NJDEP. Next, the Highlands Council must designate the site as appropriate for redevelopment through the Highlands Redevelopment Area Designation process. Then NJDEP must review the proposed redevelopment project and grant a Highlands Preservation Area Approval with waiver once all requirements are met.

In the Existing Community Zone of the Planning Area, the RMP encourages redevelopment of brownfields, grayfields and other previously developed areas with infrastructure capacity. In the Conservation and Protection Zones of the Planning Area, it encourages redevelopment of brownfields and grayfields with infrastructure capacity (Policies 6J2 and 3). Highlands Council approval is required in the Conservation and Protection Zones. Approval can be granted either through the Plan Conformance process or else through the Highlands Redevelopment Area Designation process. Highlands Council approval is not required for redevelopment in the Existing Community Zone of a conforming municipality, although projects can be reviewed by the Council if they conflict with RMP policies.

If any portion of the Existing Community Zone is outside of an existing sewer service area and is not planned for future sewer service, then densities and design must respect the constraints to center-based design posed by septic systems. Municipalities are required to adopt low impact development best management practices where disturbance to environmentally sensitive resources are proposed. Such resources include, for example, steep slopes, forest resources, critical habitat, Highlands open waters and riparian areas, and prime ground water recharge areas (Policy 6N4). Key to low impact development best management practices is a site analysis and planning process for development projects to ensure that appropriate natural and energy resources are conserved.

Borough of Wanaque and Smart Growth

The Borough has promoted and utilized successfully the principles of redevelopment throughout the Haskell Town Center area. Wanaque is a shining example of smart growth and how to facilitate revitalization through appropriate redevelopment and infill development.

Action needed from the Borough of Wanaque to Achieve RMP Consistency

- An inventory of additional redevelopment areas and exploration of providing sewer service for areas served by septic systems.

- Center-based design standards for future development and infill within the Existing Community Zone to be served by public sewer.
- Exploration of Development Options and Revitalization Efforts for the Haskell Town Center and proposed Midvale Center areas.

LAND OWNERS IMPACTS OF OPTING IN TO THE HIGHLANDS MASTER PLAN

Landowners affected by the strict density provisions of the RMP have a few avenues for protecting equity. This they can do if they are able to obtain a waiver, qualify as an exemption, or participate in a municipally-sponsored Transfer of Development Rights program. Within the Preservation Area, development is severely constrained under provisions of the Highlands RMP and Highland Water Protection and Planning Rules, as noted earlier. This presents an interesting equity challenge to property owners. New or expanded sewer service areas in the Preservation Area can only occur through a waiver. Waivers from NJDEP are granted on a case by case basis through a successful demonstration of the need to protect public health and safety; for certain redevelopment projects; or to avoid the taking of property without just compensation (N.J.A.C. 7:38-6.4). Given the stringency of the waiver provisions, more likely than not, any new development that does occur in the Preservation Area will be reliant upon septic systems. As such, it will be subject to very strict limitations based not only on natural resource protection standards in the Highlands Water Protection and Planning Act Rules and Highlands RMP, but also on septic limitations in the Rules.

Within the Planning Area, development outside of sewer service areas is constrained, particularly in the Protection Zone. Waivers from the RMP provisions may be granted by the Highlands Council in the Preservation and Planning Areas, but only on an individual project basis. Such waivers are based on a public health and safety threat; to permit Highlands redevelopment; to address takings; or to serve cluster development that meets all RMP provisions.

Properties that qualify for exemptions under the Highlands Rules and Act are able to circumvent the strict development standards governing the Preservation and Planning Areas. It will be important for the Borough to analyze parcels to determine those which will likely qualify for exemptions. Furthermore, when the Borough conducts a build-out analysis, it will need to decide whether to include or exclude exempt properties from calculations of total permitted septic yield by Land Use Capability Zone in the Planning Area.

It may be possible to cooperate with another municipality interested in designating a TDR receiving area; or to create a limited TDR program exclusively within the Borough. Finally, the Highlands Council targets properties for preservation in agricultural and conservation priority areas (Policy 1H3). The Borough may want to aggressively pursue preservation opportunities with the Council. Transfer of Development Rights. TDR is supported in the Open Space and Farmland Preservation Plan Elements. But it is not specifically discussed in light of the program elements associated with the Highlands Water Protection and Planning Act and the Highlands RMP. This is something that the Borough should study at greater length during the Plan Conformance process.

MANDATORY COMPONENTS OF BASIC PLAN CONFORMANCE

- 1. Notice of Intent to Conform** – A formal resolution of the governing body indicating its intent to petition the Highlands Council for Plan Conformance. For municipalities that are in both the Preservation and Planning Areas, the notice must indicate whether the municipality intends to include the Planning Area in the petition. A Notice of Intent to petition in the Planning Area does not commit a municipality to Planning Area Conformance in the end. The Borough of Wanaque has filed a notice of intent to conform and this provides for an extension for Third Round submissions to COAH and to revised growth projections, providing the municipality carries through with conformance.
- 2. Preservation Area Resolution** – A certified resolution from the local governing body endorsing the proposed planning program revisions and petitioning the Highlands Council for a determination of Plan Conformance at the time the Borough is prepared to submit for Basic Plan Conformance.
- 3. Planning Area Ordinance** – A copy of the ordinance petitioning the Highlands Council for a determination of Plan Conformance, at the time that the Borough is ready to submit documentation for Basic Plan Conformance.
- 4. Regional Master Plan Updates** – Municipalities seeking to make factual corrections and changes to any mapped or tabular data contained in the RMP must submit them in the form of RMP Updates. A web-based program will be available for submitting these requests. Alternatively, municipalities can submit requisite documentation in hard copy. It is recommended that as a first step for the Borough of Wanaque is to submit detailed information on existing areas served by public water and proposed sewer service areas as well as preserved farms and open space. Data supplied by the Highlands Council appears to be in conflict with local information and should be resolved as soon as possible, this should be done in Module I and II. Corrected data will be critical in one of the earliest steps of the planning process toward achieving Basic Plan Conformance and revised COAH growth projections, namely the Highlands build-out analysis.
- 5. The Planning Program Documents** required include proposed substantive revisions, updates and/or supplements to the master plan, land use regulations, management plans, redevelopment plans and other assorted planning documents that must be completed as a condition of Plan Conformance. Note that for Basic Plan Conformance, the Highlands Council recommends adoption of relevant RMP provisions and Land Use Capability Zone Map and regulations as a Highlands Master Plan Element and a Zoning Overlay District. More comprehensive revisions to the existing master plan and ordinances can be done later on for Full Plan Conformance.
- 6. A Highlands Master Plan Element** which adopts broad-based goal statements consistent with the Highlands RMP - Most likely, these will be drawn directly from language contained in the Highlands Water Protection and Planning Act (see pp. 12 and 13 of this document). As such, one set of goals would relate to the Preservation Area, and the other set to the Planning Area.

7. A Conservation Plan which adopts all applicable Resource Area Maps contained in the RMP and is consistent with the maps to be added to or amended in the ERI. The Plan must also contain applicable goals, policies and objectives contained in the RMP, modified as needed to local conditions. Finally, it must incorporate the basis for requiring low impact development best management practices throughout the resource areas. The Borough of Wanaque does not currently have an adopted Conservation Plan Element. Therefore, this is entirely new information that must be added to the existing Master Plan.

8. Utilities Plan – The borough of Wanaque needs to prepare a Utility Plan which incorporates all applicable RMP goals, policies and objectives, modified to reflect local conditions. The Plan needs to emphasize that existing water and sewer service areas will not be extended in the Preservation Area, except by NJDEP approval or exempt uses and activities. Likewise, it needs to state that existing water and sewer service areas will not be extended in the Protection or Conservation Zones within the Planning Area unless in conformance with RMP requirements. The Borough and the Highlands Council must assess if there can be a sewer service area established in the Borough to service existing developed areas such as the Main Street Center in order to eliminate some of the existing septic systems.

9. Environmental Resource Inventory and Wastewater Management Plan. Proposed sewer service areas will have to be modified, depending upon NJDEP review of the current Sussex County WMP. The Utilities Plan must include the basis for the preparation and adoption of a water use and conservation management plan, wellhead protection plan, septic system management/maintenance plan and stormwater management plan which are consistent with the RMP. The Borough of Wanaque has a stormwater management plan, though this must be reviewed for consistency with the RMP. All other plans will have to be newly created and adopted to achieve Full Plan Conformance. The basis for each will need to be spelled out in the Highlands Master Plan Element to achieve Basic Plan Conformance. Finally, the Utilities Plan will have to recognize adherence to adopted Highlands water and wastewater technical guidance documents.

10. Circulation Plan – Municipalities must adopt all applicable RMP goals, policies and objectives, modified to local conditions. In turn, these must be coordinated with the Land Use Plan and smart growth principles included therein. The Borough does not have a current Circulation Plan. A Circulation Plan in the Borough will likely need to promote such policies as connectivity, and land use patterns that promote walking and bicycling. It will need to address strategies that support movement of goods within the agricultural sector. And it will need to create the basis for local regulations that prohibit growth-inducing roadway infrastructure which are detrimental to resource protection and smart growth principles.

11. Open Space Plan - Basic Plan Conformance requires adoption of all applicable RMP goals, policies and objectives related to open space planning, as well a mapped recreation and open space inventory. The Borough of Ogdensburg's Open Space Plan needs minor modification. The inventory of existing preserved farmland and open space may need to be updated and to reflect any additional properties that are included in the Recreation and Open Space Inventory required by the NJDEP Green Acres Program. It also must incorporate language addressing stewardship and monitoring programs for preserved lands owned by the Borough. Mapping of preserved open space should be reconciled with Highlands maps to ensure consistent and current data at both levels.

12. Agriculture Retention/Farmland Preservation Plan – All applicable RMP goals, policies and objectives must be adopted and modified as appropriate to local conditions. The Plan must incorporate a commitment to the Right to Farm Act and, if desired, promotion and protection of farm labor housing. It also needs to include a current, mapped inventory of any farmland or agricultural activity in the Borough. The Plan should incorporate goals, policies and objectives concerning RMP agricultural resource areas and agricultural priority areas. The Plan already includes reference to a right-to-farm ordinance that is in place and the purpose of such ordinance..

13. Community Facilities Plan – A Community Facilities Plan must include not only all applicable RMP goals, policies and objectives, modified to reflect local conditions; it must also contain energy efficiency goals and consideration of shared services. This will have to include policies addressing the location of community facilities and services that support compact development patterns, consider the feasibility of shared services, and adopt energy efficiency goals.

15. Sustainable Economic Development Plan – The RMP contains a variety of goals, policies and objectives that relate to economic development and sustainability. Of particular relevance to the Borough of Wanaque will be consideration of the potential redevelopment opportunities associated with the Main Street District and the further development of the Sterling Hill Mine District. Thus, this will require preparing a Historic Preservation Plan – The RMP contains goals, policies and objectives related to historic preservation. This plan must include a list and discussion of any historic, cultural and archeological resources listed in the Highlands Historic and Cultural Resources Inventory.

DOCUMENTS REQUIRED FOR PLAN CONFORMANCE

Among the key plans and regulations that Borough of Wanaque must prepare or update for Basic Plan Conformance are the following:

- 1. Highlands initial assessment and review with the Highlands Council regarding amendment to proposed land use capability map, Haskell Town Center area and**
- 2. A new Highlands Master Plan Element**
- 3. Third Round housing element and fair share plan**
- 4. Environmental Resource Inventory**
- 5. Revised zoning districts and densities**
- 6. Adoption of Regional Master Plan Land Use Capability Zones**
- 7. Revised cluster development regulations**
- 8. Forest resource protection regulations**
- 9. Open waters and riparian area regulations**
- 10. Steep slope regulations**
- 11. Carbonate rock area regulations**
- 12. Critical habitat regulations**
- 13. Additional regulations governing groundwater recharge areas**
- 14. Updated stormwater management regulations**
- 15. Wellhead protection area regulations**

- 16. Low impact development regulations**
- 17. Historic, cultural and scenic resource regulations**

ISSUES AND IMPLICATION OF PLAN CONFORMANCE

The Highlands Act requires municipalities to bring their master plans and regulations into conformance with the Highlands Regional Master Plan (RMP) for those areas that fall within the Highlands Preservation Area. For lands in the Planning Area, municipalities can choose whether or not to conform to the RMP. Municipalities have 15 months from the date of the Governor’s approval of the Plan, to submit the necessary documents to the Council for Plan Conformance within the Preservation Area. The Governor took action on September 5, 2008, making the RMP effective as of September 8, 2008. Thus, *municipalities have until December 8, 2009 to submit their Petition for Plan Conformance to the Highlands Council.*

There are no statutory deadlines for Plan Conformance in the Planning Area, nor is it mandatory. However, there are strong incentives to do so, created as a result of Executive Order 114. The net effect of the Highlands Regional Master Plan is to place the most severe limitations on growth in the Preservation Area, particularly when combined with the stringent environmental standards associated with the Highlands Water Protection and Planning Act Rules. Voluntary conformance in the Planning Area also creates a set of restrictive development policies and requirements, though generally not as restrictive as in the Preservation Area. The establishment of a more accurate exiting community zone will apply these severe limitations on growth to areas which are not currently developed or approved for development. (See Proposed Land Use Capability Map)

The most limiting factor to future development will be the ability to extend public water and sewer service and the strict standards governing septic system density outside of sewer service areas. This will have a significant effect on zoning densities that will be permitted in the Highlands region. In general, the prohibition of new or expanded water and sewer systems is greatest in the Preservation Area. Within the Planning Area, policies are more restrictive in the Protection and Conservation Zones and Environmentally-constrained Sub-

zones and more liberal in the Existing Community Zone. The possibility of extending sewer for the Existing Community Zone should be explored during the Plan Conformance Process.

The Highlands Act does provide for some innovative approaches to mitigating landowner equity impacts of restricting development. It includes a series of exempt activities that are not subject to the Highlands RMP or Rules or any aspect of the Act. Additionally, waivers from specific standards may be granted on a case-by-case basis by NJDEP and/or the Highlands Council. Also, the RMP establishes a voluntary Transfer of Development Rights program for interested municipalities.

POLICY DIRECTION OPTIONS FOR THE BOROUGH OF WANAQUE

Policy Action A : Seek Plan Endorsement from the Office of Smart Growth. Plan Endorsement is a voluntary process of obtaining official recognition by the State Planning Commission that local plans and ordinances are consistent with the New Jersey Development and Redevelopment Plan.

Issues:

- 1. During the State Plan Endorsement process the Borough must change their Master Plan and Local Ordinances to be consistent with the State Plan. This process could take a number of years to complete based on the length of time that it have taken other municipalities to receive plan endorsement.**
- 2. The State plan anticipates center-based growth as a principle vehicle for accommodating future development. The plan states that “Centers are the State Plan’s preferred vehicle for accommodating growth... As Centers are planned to be the location for much of the growth in New Jersey, it is critical that they be located and designed with the capacity to accommodate desired growth.” In order to seek center designation for the Midvale area of the Borough, substantial documentation will be needed to justify a second center designation in close proximity to another center.**
- 3. Plan endorsement is no longer a requirement of receiving COAH protection because third round obligation removed the requirement for State Plan Endorsement.**
- 4. The entire Borough is currently in Planning Areas 1, 2 and 5 with very few vacant parcels left for any major development.**
- 5. There is no funding for COAH Plans except in the Highlands and severely limited grant funds for Plan Endorsement.**

Policy Action B: Proceed voluntary plan conformance in the Planning Area with the Highlands RPM.

Issues:

- 1. The Highlands Land Use Capability Map will have to be changed to reflect local conditions which will be the results of completing Modules 1 and 2. This information can effectuate a revised affordable housing allocation based on adjusted growth projections.**
- 2. The Borough can receive the benefits of Plan Endorsement in the Highlands Area. Financial and technical resources through Plan Endorsement become available to conforming communities once the Highlands Regional Plan is endorsed by the NJ State Planning Commission.**
- 3. Legal representation is granted to a conforming community where the disturbance of two or more acres of land or a cumulative increase in impervious surface of at least one acre is involved. Also, communities are awarded legal protection through a strong presumption of validity of municipal master plans and development ordinances.**
- 4. Funding is available from the Highlands Municipal Property Tax Stabilization Fund to communities where the true value of vacant land is affected by the implementation of the Highlands Act in the Preservation Area.**
- 5. Funding is available for planning assistance to participate in the conformance process. The Highlands Council provides grants to participate in the process with the intent to file a petition seeking Plan Conformance. There is no legal obligation to sign an agreement on the terms of conformance. The community decides when and how it would commit to any conditions of conformance.**
- 6. The Borough can and has taken advantage of being eligible to extend the deadline for petitioning COAH for Third Round certification of its Housing Element and Fair Share Plan.**
- 7. The Borough can assist property owners who are affected by the Highlands Act in the Preservation Area by supporting exemptions and waivers to address the landowner equity impacts imposed by the implementation of the Regional Master Plan. The Borough could promote the use of transfer of development rights where applicable and beneficial to both the landowner and community.**
- 8. Conformance premised upon a sustainable resource-based approach to planning for future growth is consistent with the Borough Master Plan and redevelopment efforts.**

Consultant Recommendation: Adopt Policy Action B to determine if the Borough should pursue its objectives and obtain necessary support from the Highlands Council. There can be no doubt that the Borough of Wanaque can benefit from Plan Conformance so long as they accept the

conditions of Plan Conformance. Those conditions will be revealed when Module 7 is undertaken. The Borough has every right to express its concerns and to negotiate a strategy which benefits its citizens and the region as a whole.

2009 Highlands RMP Conformance Grant Program Requests

In order to pursue plan conformance the Borough of Wanaque has applied to the Highlands Council for the following grant. *

Module 1	Base Amount	\$15,000.00
Module 2	Base Amount	\$10,000.00
Module 3	Housing Element and Fair Share Plan Module will require additional	

	Work to revise Round III Plan	\$15,000.00
Module 4	Environmental Inventory Analysis will require more work then the base amount allows since Borough has no Natural Resource Inventory	\$10,000.00
Module 5	Master Plan Element will be revised to reflect redevelopment areas and sustainability issues	\$30,000.00
Module 6	Highlands Regulations will require municipal ordinances and review by legal counsel to coordinate with current comprehensive ordinance revisions	\$10,000.00
Module 7	Base Amount	\$ 8,000.00
Total :	\$98,000.00 *	

INITIAL ASSESSMENT GRANT REPORT ADDENDUM

Instructions: Complete chart below, indicating for each subject area, whether current municipal planning documents include language concerning the applicable topic (insert "yes," "no," or "N/A," for not applicable), whether or not existing language covers and includes all RMP provisions (insert "yes," "no," or "N/A," for not applicable), and what actions are needed for Plan Conformance (i.e., "revise applicable ordinance to include RMP provisions," "develop new ordinance to address topic," "supplement ERI, Master Plan and Ordinances to include topic and RMP provisions," or "none").

	EXISTING ERI/NRI	EXISTING MASTER PLAN	EXISTING LAND USE ORDINANCES	
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	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?	Action(s) Required*
Forest Resources	NO	NO	NO	NO	YES	NO	Amend Master Plan
Highlands Open Waters & Riparian Areas	NO	NO	NO	NO	NO	NO	Amend Master Plan and Update Municipal Wasterwater Management Plan
Steep Slopes	NO	NO	NO	NO	YES	NO	Address further in ERI
Critical Habitat	NO	NO	NO	NO	NO	NO	Conservation Plan Element
Carbonate Rock	NO	NO	NO	NO	NO	NO	NA
Lake Management	NO	NO	NO	NO	NO	NO	Amend Master Plan and include BMP's
Water Resources Availability	NO	NO	YES	NO	NO	NO	Supplement ERI
Prime Groundwater Recharge	NO	NO	NO	NO	NO	NO	Supplement ERI
Water Quality	NO	NO	NO	NO	NO	NO	Establish BMP's
Wellhead Protection	NO	NO	NO	NO	YES	NO	NA
Stormwater Management	NO	NO	YES	NO	YES	NO	NA
Water/Wastewater Utilities	NO	NO	YES	NO	NO	NO	Update Utilities Element
Septic Densities	NO	NO	NO	NO	NO	NO	Adjust Zoning Ordinance
Low Impact Development	NO	NO	NO	NO	NO	NO	Update Master Plan
Transportation	NO	NO	YES	NO	YES	NO	Update Master Plan/Circulation Element
Land Pres/Stewardship	NO	NO	NO	NO	NO	NO	Update Open Space Element
Agricultural Resources	NO	NO	NO	NO	NO	NO	NA

	EXISTING ERI/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?	Action(s) Required*
Cluster Development	NO	NO	NO	NO	NO	NO	Address clustering in development design
Community Facilities	NO	NO	YES	NO	YES	NO	Revise Master Plan to reflect additional facilities
Sustainable Economic Development	NO	NO	NO	NO	NO	NO	Develop amendments to Land Use Plan on sustainable economic dev.
Historic, Cultural, Archaeological Resources	NO	NO	NO	NO	NO	NO	Develop Mater Plan Element

* SEE ACTION REQUIRED ITEMS IN REPORT.

Glossary

ARA – Agricultural Resource Area

COAH – Council on Affordable Housing

ERI – Environmental Resource Inventory

LRHL – Local Redevelopment Housing Law

MOU – Memorandum of Understanding

NJDEP – New Jersey Department of Environmental Protection

RMP – Regional Master Plan

TDR – Transfer of Development Protection Rights