



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

State of New Jersey

HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL

100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



CARL J. RICHKO
Chairman

BENJAMIN L. SPINELLI, ESQ.
Executive Director

MEMORANDUM

TO: Walter Lane, AICP/PP, Acting Executive Director
Office of Planning Advocacy

FROM: Ben Spinelli, Esq., Executive Director
NJ Highlands Water Protection and Planning Council

DATE: **DRAFT**

SUBJECT: Highlands and State Plan Cross Acceptance

On April 3, 2024 the State Planning Commission sent notices to all 88 municipalities in the Highlands Region advising them that if they were conforming with the Regional Master Plan (RMP) they would be represented by the Highlands Council as their negotiating entity during the cross acceptance process. Non-conforming municipalities had the option to select alternative negotiating entities. 10 municipalities indicated they did not want to be represented by the Highlands Council, leaving 78 municipalities to be represented by the Highlands Council.

On March 3, 2025 the Highlands Council sent information to the 78 municipalities, including a link to an online Cross Acceptance Report, a link to the Highlands Council's Cross Acceptance Report Inventory, and a copy of the RMP Land Use Capability Zone map for the municipality. Ultimately 46 municipalities responded and completed the Cross Acceptance Report. Below is a summary of those responses.

Included with this summary are the following:

- An excel spreadsheet including the complete set of responses attached electronically for reference purposes, and
- A copy of the LUCZ equivalency table that will allow the Highlands Council's 2024 LUCZ mapping to become the state plan map for the region, while maintaining references to state plan areas in various statewide rules and regulations.

Summary of Responses

The Highlands Council received requests from 20 municipalities to review the RMP Land Use Capability Zone mapping. The LUCZ map was recently updated in 2024 through an RMP Amendment, completed



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through the Highlands Act requirements for 6 public hearings and 60 day public comment period. Given the recent update and opportunity for public and municipal comment on the current LUCZ, it is Highlands Council's intention to utilize the Highlands Council's existing processes for the municipalities to amend the LUCZ map. The processes are through an [RMP Update](#) which is a factual updated based on updated information and a [Map Adjustment](#) which is a policy change that must be approved by the Highlands Council at a public hearing. Municipalities may submit requests through the online form linked above.

Hanover Township, Morris County requested a meeting to review the Land Use Capability Zone Mapping. Hanover Township is a non-conforming Planning Area municipality. The Highlands Council is working to schedule a meeting with the Township.

In addition, the following municipalities submitted comments on the draft State Plan.

Municipality	County	Comment
Alexandria Township	Hunterdon	An extension of the Frenchtown sewer service area into Alexandria Township along CR 513 (Everittstown Road) is designated in the Conservation Zone.
Bloomsbury Borough	Hunterdon	Bloomsbury is a 100% preservation municipality and has completed conformance and defers to the Highlands ordinance and regulations for all major highlands development. Continues to seek wastewater initiatives to remedy septic issues.
Clinton Township	Hunterdon	<p>1. The State Plan map depicts a center that spans areas of Clinton Township and adjacent municipalities. This State Center should be updated to reflect the boundaries of the Township's designated Highlands Center areas, as determined to be necessary. It is noted that areas outside of the Township's Highlands Centers may be located in a regional enterprise zone and therefore may not need to be removed from the existing State Center.</p> <p>2. Any future consideration of permitting accessory dwelling units statewide should not be a blanket proposition but should remain optional and encouraged through incentives. Such implementation should be context sensitive and not a one size fit all approach for all municipalities given the diversity among community types and State objective to minimize sprawl, traffic and community impacts. ADUs without deed restrictions are not necessarily "affordable". (p. 24, 27 and elsewhere)</p> <p>3. Any future consideration of home-based businesses should be limited and not an open ended one size fit all approach to mitigate impacts to surrounding residential uses. (P. 18)</p> <p>4. Language in the State plan seems to suggest that existing single-family zoning in general is discriminatory. The State Plan should not be used as a precursor for forthcoming legislation to prohibit single-family zoning as several other states have done. Such a policy would be inconsistent with many of the State plan objectives including limiting sprawl, limiting vehicle miles traveled, reducing carbon emissions, impacts to municipal services and concentrating new housing in centers with access to employment, services, amenities and public transportation.</p> <p>5. The goal of providing a balance between housing and job opportunities is valid. Yet, housing sprawl is being promoted in areas with insufficient employment</p>

		<p>opportunities and convenient access to services, utilities, amenities and transportation.</p> <p>6. The goals and objectives related to the themes of equity and relief to "overburdened communities" warrant better articulation.</p> <p>7. New housing and redevelopment in rural areas should be limited to designated center areas with sufficient utilities. Greater weight should be given to minimizing sprawl and preservation of farmland, open space and recreation areas.</p> <p>8. "Restrictive zoning, exclusionary zoning and discriminatory practices and policies that facilitate displacement are inconsistent with the Plan." (P. 12) What are examples of these practices? Could this be construed to mean that single-family zoning and not permitting ADUs are considered restrictive zoning or exclusionary? Specificity is warranted.</p> <p>9. How do State planning areas No. 1-5 relate to the Highlands LUCZs? If the Highlands LUCZs replace State planning area designations, this should be clearly articulated and that the goals of the Highlands RMP supersede.</p>
Borough of High Bridge	Hunterdon	the online interactive locator map does NOT illustrate the Highlands LUCZ as the State Plan Policy Map for High Bridge. The map should be amended to reflect the Highlands LUCZ.
Holland Township	Hunterdon	the online state mapping does not indicate any planning area for Holland. The map should be amended to reflect the Highlands LUCZ.
Tewksbury Township	Hunterdon	<p>The interactive locator map doesn't show any color coding for Tewksbury. The Highlands colors should be on the map.</p> <p>Related to No. 27 above - the 10 State Plan goals are generic and are one size fits all. The State Plan should instead provide specific goals and policies for each Planning Area and/or Regional Planning Area. Furthermore, Tewksbury submitted comments to the State regarding the plan and recommended changes to certain goals and policies. The Township is optimistic that the State will review and consider these valid concerns and adjust the plan accordingly.</p>
Butler	Morris	<p>1. Any future consideration of permitting accessory dwelling units statewide should not be a blanket proposition but should remain optional and encouraged through incentives. Such implementation should be context sensitive and not a one size fit all approach for all municipalities given the diversity among community types and State objective to minimize sprawl, traffic and community impacts. ADUs without deed restrictions are not necessarily "affordable". (p. 24, 27 and elsewhere)</p> <p>2. Any future consideration of home-based businesses should be limited and not an open ended one size fit all approach to mitigate impacts to surrounding residential uses. (P. 18)</p> <p>3. Language in the State plan seems to suggest that existing single-family zoning in general is discriminatory. The State Plan should not be used as a precursor for forthcoming legislation to prohibit single-family zoning as several other states have done. Such a policy would be inconsistent with many of the State plan objectives including limiting sprawl, limiting vehicle miles traveled, reducing carbon emissions, impacts to municipal services and concentrating new housing in centers with access to employment, services, amenities and public transportation.</p>

		4. Consideration should be given to reactivating existing rail corridors and historic centers which have experienced disinvestment due to the inactivation of such service.
Chester Borough	Morris	<p>Chester Borough is a fully conforming Highlands Planning Area municipality. Chester Borough is a designated Highlands Center.</p> <p>Chester Borough seeks to refine land use and economic development policies to best reinforce the existing predominantly residential character of stable neighborhoods and to encourage innovative economic development opportunities at an appropriate scale to, and with minimal disruption of, the Borough's historic main street character. For Chester Borough's state highway oriented commercial districts, the Borough will seek to allow for redevelopment with pedestrian friendly mixed use residential, commercial, and employment uses at a scale and in a manner that respects the capacities of the environment and the existing roadway infrastructure.</p>
Chester Township	Morris	Township encourages that a one-size-fits-all approach to accessory apartments and home businesses are not adopted by the state but rather allow municipalities to regulate these items based upon their own individual unique needs.
Township of Hanover	Morris	<p>The difficulty we have with the State Plan and the Highlands Plan is not with the broad goals and objectives, but with a lack of clarity in understanding their application and implementation in specific locations and circumstances. Many of the goals compete with each other and compromises are typically necessary. The working out of those compromises, if better understood, might result in different responses.</p> <p>We have found a number of substantial errors in the Highlands interactive mapping for the Township of Hanover and would like to meet to discuss how these might be corrected.</p>
Harding Township	Morris	As we work through our Mt Laurel 4th Round, there may be mapping changes (to both the State Planning Areas and the Highlands LUCZ) that would be appropriate. We have already had a conversation with Highlands representatives and would like to continue that discussion.
Township of Mine Hill	Morris	Mine Hill is a substantially built-out community with limited available vacant land for future development. The Township is focusing on redevelopment of the Route 46 corridor to foster economic development and improve the quality of development and provide additional housing opportunities.
Netcong Borough	Morris	The LUCZ Existing Community-Environmentally Constrained Subzone does not align with the State Plan's PA-5 Environmentally Sensitive area. Consider realignment via State Plan Policy Map change.
Rockaway Township	Morris	<p>Township encourages that the regulation of accessory dwelling units and home businesses rely with the municipalities, as opposed to a one-size fits all approach from the state.</p> <p>Township encourages a more efficient NJDEP review process.</p>
Washington Township	Morris	Washington Township is in the process of completing a mapping update with the Highlands Council staff for a site (Block 19, Lot 8) that is expected to be designated a Round Four site. The site was previously developed for industrial development with infrastructure improvements in place, but the development was never completed. In the Highlands Council's 2024 updates to the LUCZ Map, the site had a Protection Zone designation that was found to be inconsistent with the development history and existing land use characteristics of the site.

Pompton Lakes	Passaic	<p>Consistency with the goals is hard to definitively affirm as the “goals” in the new State Plan appear to be more “focus areas” than actual goals. Without clear and numbered goals, there is a lot of gray area around this exercise which will continue to be vague in other planning and redevelopment projects where consistency needs to be demonstrated.</p> <p>As an example, the Infrastructure goal subsection has 7 sentences, the first three of which are statements setting the background, then two implying the need for transit investment and road maintenance. The second paragraph again starts with a sentence setting the background, followed by one sentence implying a need to build more infrastructure. Consequently, while infrastructure is identified as a priority, it remains unclear what exactly the goals are.</p>
Byram Township	Sussex	Byram has not yet adopted a Climate Hazard Vulnerability Assessment (Master Plan Land Use Element). Otherwise, the Township's plans are generally consistent with the State Plan.
Allamuchy Township	Warren	The Township encourages that any future regulations pertaining to accessory dwelling units and home businesses do not take a one-size-fits-all approach to the State. In addition, the Township encourages a more expeditious NJDEP review process.
Borough of Alpha	Warren	Existing Community Zone mapping is currently split between State Planning Area 1 (most of the Borough), 2 (southern half of industrial district), and 4 (western quarry site/potential redevelopment area). Future Planning Area Mapping should consider a single planning area classification of appropriate scale of development for all non-farm existing community in the Borough, and Center designations delineated appropriately.
Washington Borough	Warren	<p>a) Supplement to question 7: The Borough is in the process of preparing an updated Land Use Element which includes the Climate Change Related Hazard Vulnerability Assessment, pursuant with the MLUL. It is anticipated that this updated LUE will be adopted by the summer (2025).</p> <p>b) Supplement to question 28: The Borough petitioned the Highlands Council for Plan Conformance as a Highlands Center on October 26, 2020. This petition was approved by the Highlands Council at its February 18, 2021 meeting. Because the Borough is a designated Highlands Center and is therefore equated to a SDRP Center, the Planning Area mapping and LUCZ boundaries are not relevant to the Borough.</p>
Township of Washington	Warren	Beyond the Washington South Redevelopment Area and possibly an infill project (between Rt 57 & Pleasant Val Rd) (looking for Center Designations), the Township foresees development consistent with the Highlands RMP.

The State Development and Redevelopment Plan and Highlands Region Land Use Capability Zones

The statewide policies in the State Development and Redevelopment Plan (State Plan) are applied to the natural and built environments through the designation of seven general Planning Areas on the State Plan Policy Map (SPPM). The seven general Planning Areas in the State Plan are: Metropolitan Planning Area (PA1), Suburban Planning Area (PA2), Fringe Planning Area (PA3), Rural Planning Area (PA4), Rural/Environmentally Sensitive Planning Area (PA4B), Environmentally Sensitive Planning Area (PA5), and Environmentally Sensitive/Barrier Islands Planning Area (PA5B). These Planning Areas reflect distinct geographic and economic areas and serve as an organizing framework for the application of Statewide Policies. Many state rules, regulations and statutes refer to these state planning areas. This document provides an equivalency between state planning areas and the Highlands Regional Master Plan (RMP) Land Use Capability Zones for use in applying the Land Use Capability Zones (LUCZ) Map against these rules, regulations and statutes.

In the Highlands region, the State Plan utilizes the RMP LUCZ Map as the State Plan Policy Map. The LUCZ map is the primary indicator for development of land in the Highlands. LUCZ designations identify areas within the Highlands Region that can best support appropriate and varying levels of economic and development activity by identifying environmental constraints and capacity limitations. The LUCZ map subdivides the region into three Primary Zones within which are four Sub-Zones. The three Primary Zones are Existing Community Zone (ECZ), Conservation Zone (CZ), and Protection Zone (PZ). The ECZ has two Sub-Zones: Existing Community Environmentally Constrained Sub-Zone (ECZ-EC) and Lake Community Sub-Zone (LCZ) and the CZ and PZ each have one, the Conservation Environmentally Constrained Sub-Zone (CZ-EC) and the Wildlife Management Sub-Zone (WM).

The State Planning Commission relies on the adopted plans and regulations of the Highlands Water Protection and Planning Council in developing the State Development and Redevelopment Plan. The Highlands Act required that the RMP include a resource assessment (N.J.S.A 13:20-11.a(1)(a)) that would determine the amount and type of human development and activity the ecosystem of the Highlands Region can sustain while still maintaining its overall ecological values. The resource assessment is used to establish land use policies. The Highlands Act also required that the Council prepare a Land Use Capability Map (N.J.S.A 13:20-11 and 12). To address this requirement, the Council developed a Land Use Capability Map Series.

The Highlands LUCZ designations are interspersed throughout the entire Highlands region. There is no direct correlation between the LUCZ and the State Planning Areas. However, the intent of the seven LUCZ designations is similar to the intent of the seven SPPM Planning Areas. The following table displays the SPPM Planning Areas and the equivalent LUCZ designations. An equivalent

LUCZ designation will replace the SPPM Planning Area designations for Highlands Region communities when referenced in various statewide rules such as the wastewater management planning rules. The intent and guiding criteria of the Land Use Capability Zones are described after the summary table. The intent and guiding criteria of the Planning Areas on the State Plan Policy Map are described in the [State Development and Redevelopment Plan](#).

Table 1. Summary of Equivalent Designations State Plan Planning Areas to Highlands RMP Land Use Capability Zones

	Metropolitan Planning Area	Suburban Planning Area	Fringe Planning Area	Rural Planning Area Rural/ Environmentally Sensitive Planning Area	Environmentally Sensitive Planning Area / Environmentally Sensitive Planning Area	Critical Environmental Sites	Center Designation
	PA1	PA2	PA3	PA4 / PA4B	PA5 / PA5B	CES	Centers
Existing Community Zone (ECZ)	X	X	X				
Lake Community Sub-Zone (LCZ)		X	X				
Existing Community Environmentally Constrained Sub-Zone (EC-ECZ)			X			X	
Conservation Zone (CZ)				X			
Conservation Environmentally Constrained Sub-Zone (CZ-ECZ)				X			
Protection Zone (PZ)					X		
Wildlife Management Sub-Zone					X		
Highlands Centers							X

Intent and Guiding Criteria of the Highlands Regional Master Plan Land Use Capability Zones

Existing Community Zone (ECZ)	
Intent	Guiding Criteria
<ul style="list-style-type: none"> Support development and redevelopment provided that such development is compatible with the protection and character of the Highlands environment, at levels that are appropriate to maintain the character of established communities. 	<ul style="list-style-type: none"> Contiguous areas of existing development. Area served by existing sewerage facilities and public water supply. Multi modal transportation opportunities Limited environmental constraints. Minimum land area of 75 acres.
Existing Community- Environmentally Constrained Subzone (EC-ECZ)	
Intent	Guiding Criteria
<ul style="list-style-type: none"> Protect significant environmental features from further fragmentation by land preservation and protection and by constraining development. Serve as regional habitat “stepping stones” to larger contiguous critical habitat and forested areas. 	<ul style="list-style-type: none"> Significant environmental features present. Restrictions on the extension of existing or the creation of new water supply and wastewater services. Minimum land area of 2 acres.
Lake Community Subzone	
<ul style="list-style-type: none"> Prevent degradation of water quality and watershed pollution, harm to lake ecosystems, and promote natural aesthetic values within the Existing Community zone. 	<ul style="list-style-type: none"> Development around lakes that are within the Existing Community Zone and within 1,000 feet of lakes that are 10 acres or greater. Protect the Existing Lake Community as well as resources that extend within 1,000 feet of the shore line.
Conservation Zone	
Intent	Guiding Criteria
<ul style="list-style-type: none"> Protect significant agricultural lands that are interspersed with associated woodlands and environmental features while promoting agricultural based development and similar activities. 	<ul style="list-style-type: none"> High concentration of agricultural lands and associated woodlands, and environmental features.

<ul style="list-style-type: none"> • Protect agricultural resources. • Traditional development should be constrained. 	<ul style="list-style-type: none"> • Development potential may exist to extent it is not limited by available infrastructure to support development. • Limitations of non-agricultural development in overall area and intensity. • 75 acre minimum mapping threshold.
Conservation Zone- Environmentally Constrained Subzone	
Intent	Guiding Criteria
<ul style="list-style-type: none"> • Promotes the preservation and protection of lands with significant environmental features from non-agricultural development. 	<ul style="list-style-type: none"> • Constrained environmental lands, limit traditional based development. • Restrictions on extension or creation of water supply and wastewater services. • 10 acre minimum mapping threshold.

Protection Zone	
Intent	Guiding Criteria
<ul style="list-style-type: none"> • Supports limitation of development and promotes the protection/preservation of properties due to the presence of special and important environmental and ecological features. The protection zone emphasizes the need for protecting and preserving existing water quality, quantity, and ecological resources. 	<ul style="list-style-type: none"> • Constrained lands, development is extremely limited. Development subject to stringent limitations on consumptive and depletive water use, degradation to water quality, and impact on environmental resources. • Prioritize land acquisition of property. • Presence of high resource value lands. • Model utilizes a 75-acre mapping threshold for delineation.
Wildlife Management Subzone	
Intent	Guiding Criteria
<ul style="list-style-type: none"> • Protect specially managed lands that are part of a network of lands and waters for conservation and management, yet also permit various ecological 	<ul style="list-style-type: none"> • All lands designated as a National Wildlife Refuges that are managed by the United States Fish and Wildlife Service (USFWS), and Wildlife Management Areas

restoration activities, and permit compatible recreational uses.	administered by the NJDEP Division of Fish & Wildlife's Bureau of Land Management. <ul style="list-style-type: none">• No minimum mapping threshold.
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