

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, E
Executive Director

DRAFT CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

FOR PUBLIC COMMENT

PETITION FOR PLAN CONFORMANCE:
BOROUGH OF PEAPACK AND GLADSTONE, SOMERSET COUNTY

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

10/29/2025

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**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
Petition for Plan Conformance – Draft Consistency Review and Recommendations Report**

PETITION SUMMARY

Municipality:	<u>Borough of Peapack and Gladstone</u>
Date of Petition Submission:	<u>September 23, 2025</u>
Conformance Area:	<u>Planning Area</u>
Staff Recommendation:	<u>Approve Petition with Conditions</u>

A. REVIEW OF ADMINISTRATIVE SUBMITTALS

1. Borough of Peapack and Gladstone, Somerset County, NJ – Resolution No. 164-25, Resolution for Submission of Petition for Plan Conformance to the Highlands Water Protection and Planning Council for Land in the Planning Area.
2. Highlands Conformance Assessment Report, August 21, 2025. (Appendix B)

B. SUBSTANTIVE REVIEW

The Borough of Peapack and Gladstone is a small, rural community of about 2,500 residents located in northern Somerset County. The Borough is 5.77 square miles in area and is located entirely in the Highlands Planning Area. The Borough completed a Conformance Assessment Report in August 2025 and adopted a resolution to “Petition for Plan Conformance to the Highlands Water Protection and Planning Council” in September 2025 to bring all lands within the Borough into conformance with the Highlands Regional Master Plan.

Peapack and Gladstone is characterized by rolling hills, farmlands, residential development, and a village center along its Main Street. Neighboring communities include the Townships of Chester and Mendham in Morris County to the north and the Township of Bedminster and the Boroughs of Far Hills and Bernardsville in Somerset County to the west, south and east respectively. The North Branch of the Raritan River forms the boundary to the east and southeast. Other water bodies within the Borough include the Peapack Brook and Raritan River. The majority of Peapack and Gladstone’s preserved lands are in the southeast corner of the Borough. Natirar, a county owned park, is the largest area of preserved land in the Borough.

The Borough has a well-connected transportation network. Major roadways include Route 206 which traverses the Borough from north to south and County Route 512, also known as Main Street, which travels through the center of town. The Borough also has two NJ Transit rail stations, one in Peapack and the other in Gladstone.

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**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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The RMP divides the Highlands Region into Land Use Capability Zones (LUCZ) based on existing conditions and infrastructure. The LUCZs overlay municipal zoning and are divided into three primary zones and four subzones. For a conforming municipality, the LUCZs balance protection of environmental resources with economic development by limiting development in some areas and directing it to more appropriate places.

Land Use Capability Zone	Acres	% of Land	Location	Description
Protection Zone (PZ)	931.6	25.2%	Along the border with Mendham Township and along the North Branch of the Raritan River/ eastern border of the Borough	Consists of high resource value lands to maintain water quality, quantity and sensitive ecological resources. Land acquisition priority; development limited.
Conservation Zone (CZ)	175.1	4.7%	Southwest corner of the Borough	Consists of areas with significant agricultural lands, woodlands, and environmental features. Preservation when possible; limited non-agricultural development.
Conservation-Environmentally Constrained Subzone (CZ-EC)	712.4	19.3%	Mostly in the center of the Borough along Willow Avenue and Branch Road	Consists of significant environmental features that should be preserved and protected from non-agricultural development.
Existing Community Zone (ECZ)	1,383.1	37.4%	Primarily located along the Main Street corridor	Consists of areas with significant concentrated development of existing communities. Limited environmental constraints.
Existing Community-Environmentally Constrained Subzone (ECZ-EC)	312	8.4%	Along Route 206 corridor; between ECZ and CZ-EC in the center of the Borough	Consists of environmental features within the ECZ that should be protected from further fragmentation.
Lake Community Subzone (ECZ-LC)	5.9	0.2%	Area around Ravine Lake	Consists of patterns of community development within 1,000 feet of lakes.

Note: Areas not assigned to a Land Use Capability Zone including road right-of-way account for 4.8% of the Borough.

DRAFT FOR PUBLIC COMMENT

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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The Highlands LUCZ designations largely reflect the Borough's Zoning Map. The Existing Community Zone is primarily located along the Main Street corridor where most of the Borough's higher density residential development and commercial uses are located. The Conservation and Protection Zones mostly correlate with the Borough's Rural Estate Zone and Rural Residential Zone which require 5 and 3 acres respectively. While the Existing Community Zone is the largest LUCZ designation, more than half (58%) of the Borough is designated with a LUCZ where development may be limited by environmental constraints.

The Conformance Assessment reviewed the environmental constraints within Peapack and Gladstone. The Borough is rich in natural resources. Almost 1,500 acres, or 40%, of Peapack and Gladstone is located within a forested area. About a third of the municipality (36%) is located within an Open Water Protection Area and almost half of the Borough contains critical wildlife habitat.

According to NJDEP Land Use/Land Cover (2020) data, almost 600 acres or 16% of the Borough is in agricultural use. In addition, a total of 1,143 acres, or 30.9%, of Peapack-Gladstone Borough contains Important Farmland Soils. While 26% of the Borough is severely constrained with steep slopes, most of the Borough's severest steep slope areas adjoin stream corridors with some bands located along the periphery of the Borough. Peapack and Gladstone is located within four subwatersheds. The net water availability ranges from -0.1 to 0.1 million gallons per day. Most of the Borough is located in a subwatershed with negative net water availability. Maps of Peapack and Gladstone's natural resources can be found in Appendix C.

A total of 1,162.8 acres, or 31.5%, of Peapack-Gladstone Borough is located within the sewer service area. The sewer service area is confined to the central section of the Borough centered along Main Street. There are no plans to expand the Sewer Service Area beyond what has been already approved and/or constructed.

The areas outside the sewer service area rely on septic systems. In the Planning Area, density is restricted by septic density targets (for non-sewered development) for each municipality based on the Land Use Capability Zone. In Peapack and Gladstone those densities are 15 acres for the Protection Zone, 10 acres for the Conservation Zone, and 9 acres for the Existing Community Zone. NJ American Water EDC (formerly Environmental Disposal Corporation) is the wastewater treatment facility for Peapack and Gladstone. The permitted flow is 2.1 MGD and the estimated existing flow is 1.290 MGD or 61.43% of the permitted flow.

The water purveyor for the Borough is NJ American Water – Short Hills Division (PWSID NJ0712001). The entire water system serves 217,230 people and consists of 25 wells, 4 surface water intakes, 12 purchased ground water sources, and 3 purchased surface water sources. The system buys water from East Hanover Twp. Water Dept., Montclair Water Bureau, Morris County MUA, NJ American Water – Raritan, Passaic Valley Water Commission, and Southeast Morris County MUA. As the water is sourced from outside the Highlands region there is no negative impact on water availability.

The Conformance Assessment notes that there has been very little development in the Borough over the past decade, and that environmental constraints have limited development in Peapack and

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL Petition for Plan Conformance – Draft Consistency Review and Recommendations Report

Gladstone. According to the Conformance Assessment, there are presently no undeveloped parcels available for significant new projects nor vacant lots suitable for infill development within the sewer service area. However, the Borough has pursued redevelopment opportunities to provide for its affordable housing obligations under the Fair Housing Act and to respond to changing property circumstances. Current redevelopment within the Borough includes:

1. *Pfizer Campus*. Redevelopment of this 148-acre campus into over 200 senior housing units, with senior services, and a limited occupancy hotel will occur within the existing developed areas of the site leaving much of the complex in its natural site.
2. *Lackawanna Avenue*. The Borough designated an area along Lackawanna Avenue as an area in need of rehabilitation. The redevelopment will result in residential development with an inclusionary component supplemented by retail commercial development.
3. *158 Route 206*. The Borough recently approved the redevelopment of the former Peapack Bank property located at 158 Route 206, which was converted into an office building for Fin Pro, into a self-storage facility supplemented by a 100 percent affordable housing development containing five affordable units.

The Borough identified two additional redevelopment opportunities in the Fourth Round Housing Element and Fair Share Plan adopted in June 2025. They are:

1. *28-32 Route 206/Trimmer Lane*. This site includes two parcels (Block 31, Lot 1 and Lot 6) for a total of 7.67 acres. A gasoline service station and contractor's yard currently occupy the properties. The Plan proposes a 94-unit inclusionary multifamily development with a 25% set aside for low- and moderate-income housing.
2. *Komline-Sanderson*. Komline-Sanderson is a business manufacturing and supply company located at 12 Holland Avenue that occupies 23 acres. Any redevelopment will be limited to the existing developed areas as a significant portion of the property is constrained by the presence of the Peapack Brook, which is categorized as a C-1 stream, its associated riparian buffer and wetlands.

These developments occur mostly within the westerly portion of the Borough centered around Route 206 and fall within the Existing Community Zone. In addition, redevelopment of these sites will be limited to areas already disturbed. The Borough does not intend to pursue a Center Designation for the Borough.

DRAFT FOR PUBLIC COMMENT

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL Petition for Plan Conformance – Draft Consistency Review and Recommendations Report

RMP Updates and Map Adjustment

The Conformance Assessment identified three areas for potential LUCZ map changes. LUCZ boundaries may be changed either through an RMP Update (a factual update processed at a staff level), or through a Map Adjustment (a policy-based change requiring Highlands Council action). Based on a review of existing conditions, two of the areas within Natirar Park can be changed through an RMP Update. Area 3 – Preserved Farmland requires a Map Adjustment and approval by the Highlands Council as part of this Petition. The three areas are described below and shown in Figure 1.

Area 1: Natirar Park – Great Meadow and Upper Field

Parcel: Block 28, Lot 24.01

Area: 139.68 acres

Current LUCZ

The western and southern area of the parcel is classified as Existing Community Zone (ECZ) and Existing Environmentally Constrained Subzone (ECZ-EC).

Requested LUCZ:

The municipality requests that the area be changed to Protection Zone (PZ) for the following reasons:

- The area is preserved open space and is part of Somerset County's Natirar Park.
- The other parts of the parcel are designated as Protection Zone.

Notes regarding request:

- The area was previously classified as Conservation Zone and Conservation Environmentally Constrained Subzone in the RMP version (2008) of the LUCZ.
- In the current LUCZ, the area is classified as ECZ because the data identified the area as developed due to the access road and parking areas associated with park use.

Highlands Council response: The Highlands Council staff finds that most of the area requested should be changed to Protection Zone based on existing conditions. However, the house and surrounding area along Main Street should remain Existing Community Zone.

Area 2: Natirar Park - Pendry

Parcel: Block 28, Lot 24.02

Area: 6.27 acres

Current LUCZ: A portion of the center of the parcel is classified as Protection Zone (PZ).

Requested LUCZ: The municipality requests that the area change to Existing Community Zone (ECZ) for the following reasons:

- The area includes a parking lot and roads associated with a hotel, restaurant, and spa.
- The area is surrounded by the Pendry Natirar development which is designated ECZ.

DRAFT FOR PUBLIC COMMENT

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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Notes regarding request:

- The area was previously classified as Conservation Zone and Conservation Environmentally Constrained Subzone in the RMP version (2008) of the LUCZ.
- In the current LUCZ, the area is classified as PZ because the Land Use Land Cover data does not identify this area as developed.

Highlands Council response: The Highlands Council staff finds that the requested LUCZ change can occur as an RMP update based on the existing conditions. Marking this area as developed due to the presence of the road changes the area to ECZ.

Area 3: Preserved Farmland

Parcels: Block 26, Lots 16, 16.05, 16.09, 42

Area: 23.49 acres

Current LUCZ: The area is classified as Existing Community Zone (ECZ).

Requested LUCZ: The municipality requests that the area change to Conservation Environmentally Constrained Subzone (CZ-EC) for the following reasons:

- Request is to maintain consistency with the area immediately east of the area.

Notes regarding request:

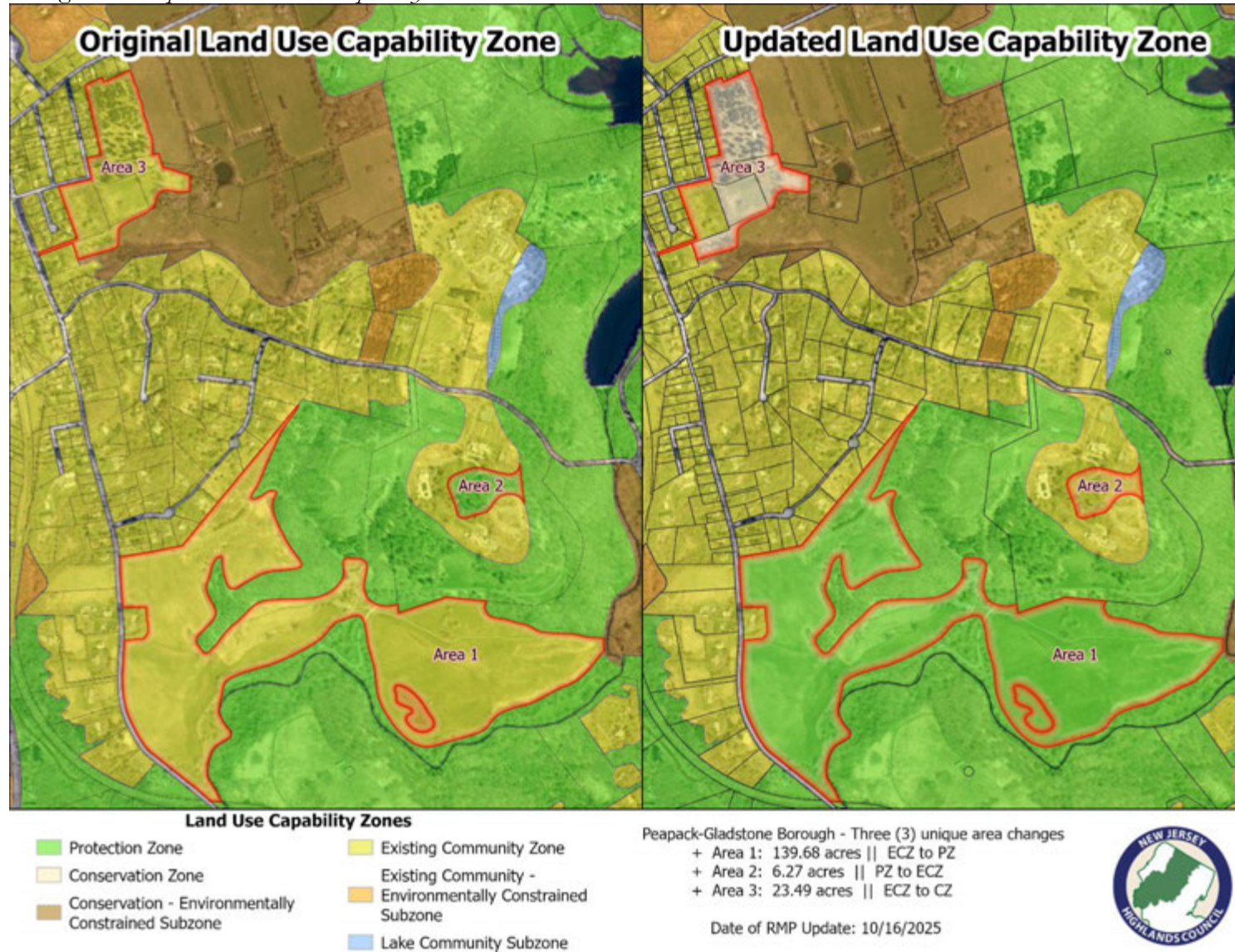
- Lots 16, 16.05, and 16.09 were previously classified as Conservation Zone in the RMP version (2008) of the LUCZ. All three lots have been preserved as farmland through conservation easements.
- Although the area is preserved farmland, the area does not change to Conservation Zone due to the minimum area thresholds required in the LUCZ model. However, as the area is preserved farmland a change to Conservation Zone better reflects the planned use of the property and complies with the intent of the RMP.
- Lot 42 did not change zones between the RMP version (2008) and the updated version of the LUCZ. It has always been designated ECZ.

Highlands response: The Highlands Council staff recommends approval as a Map Adjustment included as a component of the Petition for Plan Conformance for Peapack and Gladstone Borough. The Map Adjustment should be restricted to the areas identified by the municipality on Lots 16, 16.06, and 16.09. Lot 42 should remain as ECZ since the parcel is not in agricultural use and is developed with a single-family house. The LUCZ of the adjusted Map Adjustment area can be changed to Conservation Zone due to the conflict of ECZ/CZ and the Borough's goal of land preservation. Since the area is adjacent to ECZ, it is not appropriate to change the zone to CZ-EC as per the Land Use Capability Zone Map Technical Report: 2024 Update, page 16.

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**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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Figure 1. Original and Updated Land Use Capability Zones



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Conclusion

Plan conformance impacts to development potential and existing land uses will likely be minimal due to existing environmental constraints and limited infrastructure capacity. The Borough's zoning is mostly comprised of single-family residential zones. Existing single-family homes in the Planning Area are exempt from regulations/standards adopted by the Borough as part of plan conformance implementation. Residential development of less than three dwelling units will not be impacted by conformance with the RMP. For non-residential development, the Highlands Conformance Ordinance only applies if it results in the ultimate disturbance of one acre or more of land or produces a cumulative increase of impervious surface of one-quarter acre.

Development on public water and sewer infrastructure is generally permitted in the Existing Community Zone. Most anticipated development, including sites identified in the Borough's Fourth Round Housing Element and Fair Share Plan, would occur in the form of redevelopment in the Existing Community Zone and any impacts from conforming with the RMP would be limited.

It is recommended that the Township adopt the Highlands Conformance Ordinance and the supporting Master Plan Highlands Element and Re-Examination report. Based on the Conformance Assessment, it is recommended that the Borough update the ERI utilizing the Highlands Council interactive map and update the Borough's Stormwater Management Plan. In addition, conforming municipalities are required to develop a Water Use and Conservation Management Plan.

C. STAFF RECOMMENDATION AND CONDITIONS

Based on the components of the Conformance Assessment, outlined above, Highlands Council Staff recommends that the Petition for Plan Conformance including the Map Adjustment for the Borough of Peapack and Gladstone be approved with conditions as outlined below. Other conformance tasks may arise in future years, such as specific resource management ordinance and planning documents. The mandatory conditions will bring the Borough into conformance with the Highlands Plan Conformance Procedures, the Highlands Regional Master Plan (RMP), and the Highlands Act. The Highlands Council is available to provide technical assistance and guidance through the adoption of any of the below listed plans. The Highlands Council is committed to providing financial support for all Plan Conformance activities.

- 1. Adoption of Approved Master Plan Highlands Element and Re-examination Report.** The municipality shall prepare the Highlands Master Plan Re-examination Report and the Master Plan Highlands Element and submit it to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the municipal Planning Board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the documents by the municipal Planning Board. At the conclusion of the process, certified copies of the adopted documents shall be provided to the Highlands Council.
- 2. Adoption of Highlands Conformance Ordinance.** The municipality shall adopt the Highlands Conformance Ordinance, implementing the Land Use Capability Zones of the Highlands Regional Master Plan along with other Highlands Resource protections. Adoption

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL Petition for Plan Conformance – Draft Consistency Review and Recommendations Report

of the Conformance Ordinance also meets the requirement for the adoption of a Planning Area Petition Ordinance as required under Section 15 of the Highlands Act. The Highlands Resource Maps are attached as Appendix C.

3. **Approval of Highlands ERI.** The Township shall review the Highlands Interactive Environmental Resource Inventory (ERI) as it relates to municipal resources and notify the Council of any necessary updates. Upon conclusion that the ERI is accurate, the municipal Environmental Commission shall provide for and complete the required process of formal approval of the ERI. At the conclusion of the process, a copy of the minutes of the meeting(s) or resolution shall be provided to the Highlands Council.
4. **Stormwater Management Plan** – Revise and adopt a municipal Stormwater Management Plan that includes: a) Highlands-specific amendments; b) revisions required by the Stormwater Management Rules at N.J.A.C. 7:8; and c) Stormwater Mitigation Plan. Additional work under the Program to include requirements of the current Municipal Separate Storm Sewer System (MS4) permit. This may include ordinance(s) revision and adoption; stormwater facilities mapping; new/updated storage and maintenance plans; training activities; and development of a Watershed Improvement Plan.
5. **Water Use and Conservation Management Plan.** Completion and adoption of a municipal wide Water Use and Conservation management Plan (subject to future Highlands Council funding).
6. **Grant Approval for FY2026** – The approval of the petition shall include approval of grant funding in the total amount of \$64,500 for FY2026 for the purposes outlined above and in the Implementation Plan and Schedule found at Appendix A.

D. Interagency Coordination

In accordance with the Memorandum of Understanding with the Office of Planning Advocacy (OPA), the Highlands Council provided a copy of the Peapack and Gladstone Borough Petition of Plan Conformance to the OPA for comment. OPA, in a formal response,....[*details to be added*].

E. Comments from the Public

The Draft Consistency Review and Recommendations Report was posted to the Highlands Council website and made available at the Highlands Council offices in Chester, NJ, for review by the general public between October 29 and November 29, 2025. The comment/response document is attached to this document, at Appendix D.

APPENDIX A

Implementation Plan and Schedule (IPS) Borough of Peapack and Gladstone, Somerset County

Peapack and Gladstone, Somerset County, New Jersey

Highlands Implementation Plan and Schedule

PLAN CONFORMANCE TASK	Proposed Cost Fiscal Year 2026	Future Projects (requires future HC Approval)	Status and Comments
Highlands Element of Municipal Master Plan and Reexamination Report	\$ 6,000.00		Adoption of updated Highlands element and reexamination report.
Highlands Interactive Environmental Resource Inventory (ERI)	\$ 3,000.00		Review Highlands Interactive ERI, propose amendments as necessary, and adopt.
Municipal Master Plan Elements (as applicable)			
Land Use Plan Element		TBD	
Climate Change Related Hazard Vulnerability Assessment		TBD	To be conducted in accordance with the the MLUL requirements of NJSA 40:55D-28(b)(2)(h)
Housing Element and Fair Share Plan			4th Round Plan adopted June 2025
Circulation Plan Element		TBD	Municipal Priority - To coordinate transportation and development
Economic Development Plan Element		TBD	Municipal Priority - To provide strategies for achieving sustainable and appropriate economic development
Open Space and Recreation Plan Element			Updated in 2022
Farmland Preservation Plan			Updated in 2022; Amended in 2023
Historic Preservation Plan Element		TBD	
Highlands Land Use Ordinances			
Adoption of Highlands Plan Conformance Ordinance	\$ 5,000.00		Adoption of Highlands Conformance Ordinance serves to protect municipal resources; future land use ordinance amendments may follow to update existing municipal ordinances.
Adopt Exemption Ordinance	\$ 500.00		Sets forth the requirements by which the municipality may issue Highlands Act Exemption Determinations
Zoning Map Update		TBD	Update municipal zoning map and text as needed for consistency
Resource Management Plans and Programs			
Municipal Stormwater Management Plan	\$ 50,000.00		Preparation of Stormwater Management Plan including MS4 requirements
Water Use and Conservation Management Plan		TBD	To set priorities for use of available water and establish provisions to reduce/manage use
Lake Management Plan		TBD	For area around Lake Ravine
Wastewater Management Plan		TBD	
Estimated Subtotal	\$ 64,500.00		

APPENDIX B

**Conformance Assessment Report
Petition for Plan Conformance
Borough of Peapack and Gladstone, Somerset County**

Borough of Peapack & Gladstone Highlands Conformance Assessment Report



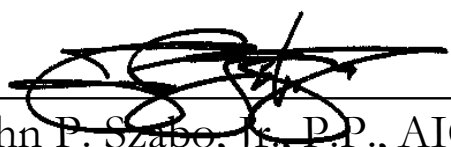
Highlands Conformance Assessment Report

BOROUGH OF PEAPACK & GLADSTONE
SOMERSET COUNTY, NEW JERSEY

PREPARED FOR:

BOROUGH OF PEAPACK & GLADSTONE
BA#: 4017.10

JULY 31, 2025
REVISED AUGUST 21, 2025



John P. Szabo, Jr., P.P., AICP
Professional Planner #3445



BOROUGH OF PEAPACK AND GLADSTONE MAYOR & COUNCIL

Mark Corigliano, Mayor
John Sweeney, Council President
Jamie Murphy
Eric L. Quartello
Jill Weible
Servio Silva

BOROUGH OF PEAPACK AND GLADSTONE ATTORNEY

Steven K. Warner, Esq., Salve, Schalk

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David Holleb, Alternate #4

Planning Board Secretary / Land Use Administrator

Sarah Jane Noll

Planning Board Attorney

Roger Thomas, Esq.
Dolan & Dolan

Borough Engineer

William D. Ryden, P.E.
Anderson & Denzler

Borough Planning Consultant

John P. Szabo, Jr., PP, AICP
Burgis Associates

Table of Contents

I. INTRODUCTION1

II. OVERVIEW OF HIGHLANDS REGIONAL MASTER PLAN3

A. THE HIGHLANDS ACT 3

B. HIGHLANDS REGIONAL MASTER PLAN..... 4

III. SUMMARY OF BOROUGH OF PEAPACK AND GLADSTONE’S PLANNING REPORTS & LAND USE REGULATIONS7

A. BOROUGH OF PEAPACK AND GLADSTONE’S MASTER PLAN DOCUMENTS 7

B. BOROUGH OF PEAPACK AND GLADSTONE LAND USE REGULATIONS AND DEVELOPMENT ASSESSMENT..... 8

C. LAND USE CAPABILITY ZONES..... 8

D. POTENTIAL FUTURE DEVELOPMENT ASSESSMENT 9

E. AREAS OF POTENTIAL MAP CHANGES..... 11

F. HIGHLANDS CENTER DESIGNATION 12

IV. CONFORMANCE ASSESSMENT13

A. FORESTED AREAS. 13

B. OPEN WATERS AND RIPARIAN AREAS 14

C. STEEP SLOPES 16

D. CRITICAL HABITATS 17

F. CARBONATE ROCK (KARST) TOPOGRAPHY 19

G. LAKE MANAGEMENT 20

H. WATER RESOURCES AVAILABILITY 21

I. PRIME GROUNDWATER RECHARGE 23

J. WATER QUALITY 24

K. PUBLIC WATER/WASTEWATER UTILITIES AND PRIVATE SEPTIC SYSTEMS 26

L. AGRICULTURAL RESOURCES 28

M. HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES 29

N. TRANSPORTATION 29

O. REDEVELOPMENT, SMART GROWTH, HOUSING AND COMMUNITY FACILITIES..... 31

VI. DRAFT IMPLEMENTATION PLAN 34

APPENDICES 35

APPENDIX A-1:..... 36

BOROUGH OF PEAPACK AND GLADSTONE INITIAL ASSESSMENT GRANT REPORT ADDENDUM 36

APPENDIX A-2:..... 39

HIGHLANDS PLAN CONFORMANCE PROCEDURES 39

APPENDIX A-3:..... 13

DRAFT MODEL HIGHLANDS CONFORMANCE ORDINANCE 13

MAPS..... 29

LIST OF MAPS

Land Use Capability Zone Map
Forest Resource Area Map
Forest Cover Integrity Map
Important Farmland Soils
Highlands Open Waters Map
Highlands Open Waters Protection Map
Riparian Areas Map
Wellhead Protection Map
Steep Slopes Protection Areas Map
Critical Wildlife Habitat Map
Preserved Lands Map
Conservation Priority Area Map
Lake Management Area Map
Net Water Availability by Subwatershed Map
Prime Ground Water Recharge Areas Map
Watershed Values Map
Wellhead Protection Areas Map
Surface Water Quality Classifications Map
Public Water Service Area Map
Sewerage Service Area Map
Geology: Carbonate Map
Historic Preservation Map
Transportation Network Map
Borough of Peapack Gladstone Zoning Map

I. Introduction

As part of the municipal process towards Plan Conformance, this assessment provides the Borough of Peapack and Gladstone with an analysis of the effort needed to align its planning program with the Highlands Regional Master Plan (RMP).

The Borough contains a land area of 3,696 acres corresponding to 5.77 square miles of which all are designated within the Highlands Planning Area.

In preparing this report, we have consulted the following Peapack and Gladstone planning documents:

- 1996 Master Plan
- 2013 Environmental Resource Inventory
- 2024 Environmental Resource Update
- 2015 Periodic Reexamination Report and Land Use Element
- 2018 Housing Element and Fair Share Plan
- 2020 Housing Element and Fair Share Plan amendment
- 2022 Housing Element and Fair Share Plan amendment
- 2025 Housing Element and Fair Share Plan
- 2020 Master Plan Land Use Element amendment
- 2022 Farmland Preservation Plan Element
- 2022 Open Space and Recreation Plan Element
- 2021 Lackawanna Avenue Area in Need Analysis
- 2024 Land Use Element Amendment (Pfizer Campus)
- Borough of Peapack and Gladstone Land Use Regulations
- 2008 Highlands Regional Master Plan with amendments
- RMP Addendum 2019-2 Plan Conformance Procedures

This report provides an overview of the Borough's planning documents as they relate to the Highland's RMP. It is recognized that specific changes will be needed for the Borough's planning programs to fully comply with the RMP, as determined by the Highlands Council and the Borough.

The Borough of Peapack and Gladstone has a long history of community planning, demonstrated by the reviewed planning documents listed in this report. As detailed further within this report, it is anticipated that the Borough will need to prepare the following items to achieve Full Plan Conformance with the RMP:

- An updated Master Plan document, which will include revised goals, policies, objectives, and amendments to existing master plan documents. Specifically, the Borough will need to adopt a Master Plan Highlands Element and Re-examination Report. The Highlands Element will include a Land Use Plan, Conservation Plan and Utility Services Plan.
- Water Use and Conservation Management Plan
- Stormwater Management Plan

- Wastewater Management Plan
- Environmental Resource Inventory
- Updated land use regulations, which amend or incorporate definitions, zone districts and district regulations, regulations pertaining to water and wastewater and all Highlands resources, exemptions, and prohibited uses. Adopting the Highlands Conformance Ordinance implements the Land Use Capability Zones along with other resource protections. Adoption of the Conformance Ordinance will also meet the requirement for the adoption of a Planning Area Petition Ordinance.

II. Overview of Highlands Regional Master Plan

a. The Highlands Act

On August 10, 2004, the New Jersey Legislature enacted the Highlands Water Protection and Planning Act in an effort to protect water and other critical natural resources in the Highlands region. The Highlands region is located in the northwest part of New Jersey, encompassing 88 municipalities in seven counties. It includes 859,358 acres and is divided into two areas: Preservation Area and Planning Area. The Borough of Peapack and Gladstone has land only in the Planning Areas. The Highlands Act sets forth a number of goals for these Areas, as well as for the Highlands region as a whole. These are as follows:

Region-Wide Goals:

- Protect, restore and enhance the quality and quantity of surface and ground waters.
- Preserve farmland and historic sites and other historic resources.
- Preserve outdoor recreation opportunities, including hunting and fishing on publicly owned lands.
- Promote conservation of water resources.
- Promote brownfield remediation and redevelopment.

Preservation Area Goals:

- Preserve extensive and, to the maximum extent possible, contiguous areas of land in its natural state, thereby ensuring the continuation of 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.
- Promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities within the framework of protecting 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:

- Preserve to the maximum extent possible any environmentally sensitive lands and other lands needed for recreation and conservation purposes.
- Protect and maintain the essential character of the Highlands environment.
- Promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities.
- Encourage, consistent with 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; 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.
- Promote a sound, balanced transportation system that is consistent with smart growth strategies and principles and which preserves mobility in the Highlands Region.

The Preservation Area, as the name suggests, is the area with the highest resource value that was subject to the immediately effective standards in the Highlands Act, governed by rules and regulations adopted by the New Jersey Department of Environmental Protection (NJDEP). The Planning Area, however, was not subject to the immediately effective standards. Instead, the Highlands Council created a framework for Planning Area municipalities who choose to conform to the RMP.

b. Highlands Regional Master Plan.

On July 17, 2008, the Highlands Council adopted the Highlands Regional Master Plan (RMP). This plan is a requirement of the Highlands Act approved in 2004 and endorsed by Governor Corzine on September 5, 2008, with the issuance of Executive Order 114 to further protect the Highlands Region. The RMP provides an outlook on the Region's capacity to provide appropriate economic growth while still sustaining the area's valuable natural and cultural resources. It further establishes capacity limitations, related to both natural systems and the built environment, for municipalities and counties located within this region to use as a tool for directing future development. Since 2008, the RMP has undergone a series of amendments adopted by the Highlands Council to address evolving land use policies issues.

The Regional Master Plan offers municipalities and counties a set of guidelines and frameworks to ensure that the Highlands' significant natural and cultural resources are maintained and enhanced. While the majority of land use decisions are typically made with only local considerations, the RMP provides municipalities and counties the opportunity to look at planning and policy issues in a broader, more regional context.

As noted previously, the Preservation Area is subject to detailed and stringent standards through the RMP as well as the Highlands Water Protection and Planning Act Rules. The RMP additionally sets forth goals specific to the Planning Area. It contemplates that development and redevelopment within the Planning Area could incorporate development rights transferred from lands in the Preservation Area in order to mitigate any disproportionate burden imposed on Preservation Area landowners and to protect the most critically sensitive natural and agricultural resources. The RMP also promotes organic development in the Planning Area which respects and reflects historical development practices in individual communities balanced by the preservation of core environmentally sensitive lands.

In order to guide the implementation of the policies contained in the RMP, the Highlands Council developed the Land Use Capability Zone Map. The Land Use Capability Zone Map divides the region into three primary overlay zones and four sub-zones, each of which is based upon a determination of overall carrying capacity for development. The underlying municipal zoning establishes permitted land uses, while the overlay zones may detail more site specific requirements aimed at a certain goal, with the stricter standard applying. In the Highlands Region, overlay zones indicate areas where special consideration is required to protect regionally significant resources.

The three primary overlay zones include the Protection Zone, Conservation Zone, and Existing Community Zone. The four Sub-Zones include the Wildlife Management Sub-Zone, Conservation Zone – Environmentally Constrained Zone, Existing Community Zone – Environmentally Constrained Sub-Zone, and Lake Community Sub-Zone. Those relevant to Peapack and Gladstone include the Protection Zone, Existing Community Zone, Existing Community Zone – Environmentally Constrained Sub-Zone, and Lake Community Sub-Zone. These overlay zones and Sub-Zones are described in the table below:

**Applicable Land Use Capability Zones
Borough of Peapack and Gladstone**

Overlay Zone	Description
Protection Zone	Consists of areas with high natural resource value that are important to maintain water quality and quantity, and sensitive ecological resources and processes. Land acquisition is a high priority in the Protection Zone and development activities will be extremely limited. Any development will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.
Existing Community Zone	Consists of areas with regionally significant concentrated development signifying existing communities. These areas tend to have limited environmental constraints due to previous development patterns, and may have existing infrastructure that can support development and redevelopment, if 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.
Existing Community Zone – Environmentally Constrained Sub-Zone	Consists of significant contiguous Critical Habitat, steep slopes and forested lands within the Existing Community Zone that should be protected from further fragmentation. They serve as regional habitat “stepping stones” to larger contiguous Critical Habitat and forested areas. As such, they are not appropriate for significant development, and are best served by land preservation and protection. Development is subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.
Lake Community Sub-Zone	Consists of patterns of community development that are within the Existing Community Zone within 1,000 feet of lakes. The Highlands Council focused on lakes that are 10 acres or greater and delineated lake management areas consisting of an area of up to 1,000 feet (depending on the protection focus) from the lake shoreline in order to protect water quality, resource features, shoreline development recreation, scenic quality and community character. A future management area is planned, encompassing the full lake watershed, for protection of the lake water quality. This sub-zone has unique policies to prevent degradation of water quality and watershed pollution, harm to lake ecosystems, and promote natural aesthetic values within the Existing Community Zone.

Another key program developed by the Highlands Council to implement the policies of the RMP is the Highlands Transfer of Development (TDR) Program. This program is intended to preserve lands containing sensitive resources by permitting the transfer of development potential from areas identified for preservation, called Sending Zones, to areas that are more appropriate to accommodate increased growth, called Receiving Zones. Landowners in the Sending Zones receive compensation for the transferable development potential of their property that has been restricted in support of preservation. Payment for this lost development potential comes from purchasers who buy credits (terms HDCs within the RMP) representing the lost development potential of parcels in the Sending Zones. The credits then entitle the purchaser to build in a Receiving Zone at a density greater than that permitted in the existing zoning.

Lands that are eligible to apply for HDCs as a Sending Zone include those located within a Protection or Conservation overlay zone, whether in a Preservation Area or Planning Area. Lands that are eligible as Receiving Zones must be within the Planning Area and located within an Existing Community overlay zone, a Highlands Redevelopment Area, or a Conservation overlay zone (so long as the development does not conflict with viable agriculture). It is important to emphasize the fact that any Receiving Zones in the TDR Program are strictly voluntary and not a requirement of Plan Conformance. It should be noted that the HDC program currently has no funding and is not operating.

Conformance with the RMP is mandatory for municipalities wholly or partially located in the Preservation Area, whereas it is voluntary for those municipalities in the Planning Area. The Borough of Peapack and Gladstone is wholly located in the Planning area and therefore Plan Conformance is a voluntary process. Because conformance is voluntary the Borough may submit its petition for Plan Conformance to the Highlands Council at any time.

The RMP encourages Plan Conformance through a variety of benefits and incentives, as detailed below:

(a) Planning Grants and Technical Assistance:

1. The Highlands Council will make grant funds and other financial and technical assistance available to Highlands municipalities and counties for the reasonable costs of any revision of their master plans, development regulations, or other regulations or plans which are designed to further the Goals, Policies and Objectives of the RMP or for the implementation of a Transfer of Development Rights program pursuant to the Highlands Act.
2. Plan Conformance grants are awarded to municipalities and counties through the approval of a resolution by the Highlands Council. The Council will provide grant funds for all mandatory aspects of Plan Conformance and may also provide grant funds for discretionary aspects of Plan Conformance as determined by the Council.

(b) State Aid and Assistance for Smart Growth:

1. Highlands municipalities and counties approved by the Highlands Council as being in conformance with the RMP will qualify for all State aid, planning assistance, technical assistance, and other State-provided benefits and incentives that may be awarded or provided to municipalities and counties which have received Plan Endorsement from the State Planning Commission or have otherwise been acknowledged by the State as practicing or implementing smart growth strategies and principles. These benefits apply to any conforming municipality in the Preservation Area, and subsequent to Plan Endorsement for the Planning Area of the Regional Master Plan by the State Planning Commission (see part (e) below), to any conforming municipality in the Planning Area. Any such municipality or county will also qualify for any State aid that may be provided for smart growth projects.
2. Any municipality or county may include in its Petition for Plan Conformance a listing of priority projects or other matters that are fundamental to the provision, improvement, enhancement, or restoration of infrastructure, public facilities, or other matters that may require the funding, implementation, or active participation of a State agency. The Highlands Council may act to coordinate such matters with the appropriate State agency, where such action is consistent with the RMP, to gain agreements with the appropriate State agency to facilitate, approve, fund, or take other actions necessary to implement the matter of local priority.

- (c) **Strong Presumption of Validity, Extraordinary Deference, and Burden of Proof.** The master plan and development regulations of any municipality and the county master plan and associated regulations of any county which have been approved by the Highlands Council as in conformance with the RMP will be entitled to a strong presumption of validity. In any cause of action filed against such a local government unit and contesting an action or decision of the local government unit taken or made under authority granted pursuant to the Municipal Land Use Law, the State Uniform Construction Code Act, or the Highlands Act, the Highlands Act requires that the court shall give extraordinary deference to the local government unit, provided that the municipal or county master plan and associated regulations have been approved by the Highlands Council as being in conformance with the RMP. The plaintiff shall have the burden of proof to demonstrate by clear and convincing evidence that the act or decision of any such local government unit was arbitrary, capricious, or unreasonable or in patent abuse of discretion.
- (d) **Legal Representation.** The Highlands Council will provide legal representation to any requesting local government unit located in the Highlands Region in any cause of action filed against the local government unit and contesting an action or decision of the local government unit taken or made under authority granted pursuant to the Municipal Land Use Law, the State Uniform Construction Code Act, or the Highlands Act, provided that:
1. The municipal or county master plan and associated regulations that have been adopted by the municipality or county, approved by the Highlands Council as being in conformance with the RMP, and the master plan or associated regulations are the subject of the cause of action filed against the local government.
 2. The Highlands Council determines that the act or decision of the local government unit which is the subject of the cause of action is consistent with the RMP;
 3. The act or decision of the local government unit that is the subject of the cause of action involves an Application for Development that provides for the ultimate disturbance of two acres or more of land or a cumulative increase in impervious surface by one acre or more; and
 4. In the case of a Planning Area municipality, the municipality shall have adopted a Planning Area Petition Ordinance.
- (e) **Plan Conformance deemed equivalent to State Plan Endorsement.** Any municipality or county or portion thereof located in the Preservation Area shall be exempt from the plan endorsement process established in the rules and regulations adopted by the State Planning Commission. Upon State Planning Commission endorsement of the RMP adopted by the Highlands Council, Highlands Council approval of any municipal master plan and development regulations or county master plan and associated regulations through the Plan Conformance process, for lands in the Planning Area, shall be deemed the equivalent

III. Summary of Borough of Peapack and Gladstone's Planning Reports & Land Use Regulations

A. Borough of Peapack and Gladstone's Master Plan Documents

The Borough of Peapack and Gladstone has a long tradition of community planning. Peapack and Gladstone adopted its most recent comprehensive master plan document, including land use plan element on December 18, 1996. Since that time, Borough has prepared and adopted periodic reexamination reports that were adopted in 2005 and 2015. There were also several amendments made to the Borough's Land Use Plan Element adopted in

2020 and 2022 to acknowledge changes in land use policy related to affordable housing and redevelopment. The Borough updated its Open Space and Recreation Plan and Farmland Preservation Elements in 2022, and adopted an updated Environmental Resource Inventory in 2024. In accordance with the Fair Housing Act, the Borough adopted its Housing Element and Fair Share Plan (HE&FSP) in 2018 and received an order of compliance and repose from the Superior Court after a Fairness Hearing held on June 14, 2018. The HE&FSP was subsequently amended in 2020 and 2022 to address changing circumstances which required adjustments to the plan. The Borough’s most recently adopted its fourth round HE&FSP to comply with the amended Fair Housing Act on June 4, 2025 which was subsequently filed with the state for a certification of compliance as required by statute.

Finally, the Borough has engaged in substantive redevelopment efforts related to Lackawanna Avenue and the Pfizer Campus, both of which are intended to repurpose existing and underutilized properties to promote mixed use and affordable housing development.

B. Borough of Peapack and Gladstone Land Use Regulations and Development Assessment

The Borough is primarily a bedroom community divided into ten (10) districts. The following table provides an overview of the conventional requirements of Borough’s zoning districts.

	Lot Requirements		Principal Building Minimum Setbacks				Accessory Buildings Minimum Setbacks		Maximum % Building Coverage		Maximum Height			Minimum Gross Floor Area				
District	Lot Area	Lot Width	Front Yard	Side Yards		Rear Yard	Side Yard	Rear Yard	Principal Bldg.	Accessory Bldg(s).	Stories	Feet	Maximum % Lot Coverage	1-Story Bldgs.	Multiple Story Bldgs.	Maximum Floor/Area Ratio		
				One	Both													
RE	25 ac		See subsections 23-39.1 and 23-39.10								6%	3%	—	35'	12%[4]	—	—	0.06
RR-5	15 ac		See subsection 23-39.1								6%	3%	—	35'	12%[4]	—	—	0.06
RR-3	125,000 sf	250'	50'	30'	75'	50'	30'	25'	5%	3%	—	35'	12%[4]	—	—	0.06		
RR-2	80,000 sf	200'	50'	30'	60'	50'	30'	25'	5%	2%	—	35'	15%[4]	—	—	0.075		
RR-1	45,000 sf	125'	50'	25'	50'	50'	25'	25'	7%	2.5%	—	35'	17.5%[4]	—	—	0.1		
R-18	18,000 sf	100'	50'	15'	35'	50'	10'	10'	10%	4%	—	35'	27.5%[4]	—	—	0.175		
R-11	11,000 sf	75'	35'	10'	20'	35'	10'	10'	12%	5%	—	35'	35%[4]	—	—	0.2		
VN	11,000 sf	75'	35'	10'	20'	35'	10'	10'	15%		—	35'[1]	65%	1,500 sf	1,500 sf	0.185		
LI	20 ac	100'	100'	50'	100'	50'	50'	25'	10%[2]		3[3]	45'	50%[2]	5,000 sf	5,000 sf	0.125[2]		
ORL	40 ac	500'	200'	100'	200'	100'	100'	100'	10%[2]		3[3]	45'	50%[2]	5,000 sf	5,000 sf	0.125[2]		
Residential ^[5] Health Care Facility (Ord. No. 2017-1047)	80 ac		Minimum Setback New Structures 100' From Property Line 50' From ROW Line 200'						4%			40'	12%			0.045		

The Borough zoning map is included in the appendices.

C. Land Use Capability Zones

As detailed previously, within the Highlands Planning Area, there are three land use capability zones: Protection Zone, Conservation Zone, and Existing Community Zone. Each of these zones includes subzones, such as the Wildlife Management Subzone (within the Protection Zone), the Conservation Zone-Environmentally Constrained Subzone, the Existing Community Zone-Environmentally Constrained Subzone, and the Lake Community Subzone (within the Existing Community Zone). These zones categorize land in the Highlands Region based on factors including geography, natural resources, and the land’s carrying capacity for development. Land use capability zones function as overlay zones that supplement underlying municipal zoning designations, introducing additional standards to address issues like critical habitat, prime groundwater recharge, and forest resources.

The following table highlights the land use capability zones for the Borough of Peapack and Gladstone pursuant to the RMP:

<i>Highlands Land Use Capability Zones Within the Borough of Peapack & Gladstone</i>		
<i>Land Use Capability Zone and Subzones</i>	<i>Acreage</i>	<i>Percentage of Township Land Area</i>
<i>Protection Zone</i>	<i>936.6</i>	<i>25.2</i>
<i>Wildlife Management Subzone</i>	<i>0</i>	<i>0</i>
<i>Conservation Zone</i>	<i>175.1</i>	<i>4.7</i>
<i>Conservation-Environmentally Constrained Subzone</i>	<i>712.4</i>	<i>19.3</i>
<i>Existing Community Zone</i>	<i>1,383.1</i>	<i>37.4</i>
<i>Existing Community Environmentally Constrained Subzone</i>	<i>312.0</i>	<i>8.4</i>
<i>Lake Community Subzone</i>	<i>5.9</i>	<i>0.2</i>
<i>Road Right of Way</i>	<i>1,70.9</i>	<i>4.6</i>
<i>Total</i>	<i>3,696.0</i>	<i>100%</i>

It is notable from the table above that a majority of the community (58%) is contained within LUCZ categories regulated as environmentally sensitive areas.

D. Potential Future Development Assessment

The Borough of Peapack and Gladstone has remained a stable community, exhibiting minimal development and population growth over the decades. As outlined in this analysis, the Borough’s environmental conditions impose significant constraints on further development, resulting in its predominantly rural character and limited growth prospects. The sewer service area is confined to the central section of the Borough centered along Main Street, which is fully developed and features a mix of low-density single-family and two-family residences, complemented by neighborhood-scale commercial uses, retail establishments, restaurants, parkland, and municipal facilities. There are presently no undeveloped parcels available for significant new projects nor vacant lots suitable for infill development, as evidenced by the consistently low levels of building activity over the past several decades.

The two most consequential developments recently approved by the Borough arose as a result of the Borough’s Third Round affordable housing obligation where SJP Properties is presently constructing an inclusionary development of 72 units inclusive of 14 affordable units on property located at 125 Route 206 and the Borough’s municipally sponsored 100% affordable development of 20 units and 8 group homes on property located at 15 Apgar Road also referred to as the “Smith Property” has been approved by the Borough Land Use Board for construction. Prior to this, the Borough approved a 19-unit residential development located at 156 Main Street next to Borough Hall and across from Liberty Park. This development was approved by the Land Use Board by resolution adopted August 6, 2014.

Consequently, the Borough has successfully preserved its rural character and is predicted to do so into the future. The areas outside the sewer service boundary rely on septic systems and continue to consist primarily of active farms and large estates which have characterized the Borough for decades. As discussed previously, much of the Borough is impacted by environmental constraints that restrict development. Based upon development trends experienced by the Borough there continues to be no apparent development pressures within the Borough that would otherwise generate significant development. There have been a few applications for minor subdivision of properties and no applications for major subdivisions on the farm and estate properties in town over the past decade providing further indication of how limited the expectation for future development is.

Despite the lack of developable land, the Borough has actively pursued redevelopment opportunities impacting certain properties driven primarily by the need for the Borough to provide for its affordable housing obligations under the Fair Housing Act and to respond to changing property circumstances. Current redevelopment within the Borough include:

1. Pfizer Campus. Located at 100 Route 206, Pfizer Pharmaceutical occupied a 148 acre campus for its complex since 2003 when it acquired Pharmacia and Upjohn who purchased the facility in 1998 from Beneficial Finance. The office complex was originally constructed in 1979. In 2023, Pfizer announced it was vacating the campus. In response, the Borough collaborated with a local developer to develop a plan to repurpose the campus utilizing the existing buildings for senior housing, associated senior services and a limited occupancy hotel. The site is impacted by the presence of the Peapack Brook which is categorized as a C-1 stream and its associated riparian buffers and wetland areas. Consequently, redevelopment will occur solely within the existing developed areas of the site leaving much of the complex in its natural state. The redevelopment of the property is intended to provide for senior housing and a minimal 20% of the site will include units affordable to low and moderate income seniors as well as adult special needs group home housing resulting in over 200 senior units and a maximum of 15 adult special needs housing units.
2. Lackawanna Avenue. In response to its Third Round affordable housing obligation, the Borough designated an area along Lackawanna Avenue as an area in need of rehabilitation in accordance with the Local Redevelopment and Housing Law. The intention here is to develop a mixed use, commercial with residential development to repurpose an existing block that is underutilized and in need of redevelopment. Redevelopment of Lackawanna Avenue will result in residential development with an inclusionary component supplemented by retail commercial development.
3. 158 Route 206. The Borough recently approved the redevelopment of the former Peapack Bank property located at 158 Route 206, which was converted into an office building for Fin Pro, into a self-storage facility supplemented by a 100 percent affordable housing development containing five affordable units.

Future redevelopment opportunities remain limited but include:

1. 28-32 Route 206/Trimmer Lane. The Borough's Fourth Round housing plan proposes the redevelopment of an existing gasoline service station and adjoining contractor's yard located at 28-32 Route 206 and Trimmer Lane to inclusionary multifamily development to provide for 94 housing units with a 25% set aside for low and moderate income housing.
2. Komeline-Sanderson. Komline-Sanderson is a business manufacturing and supply company located at 12 Holland Avenue that occupies 23 acres. The business is ongoing but potentially may redevelop in the distant future although there are presently no plans to do so nor has any interest been expressed in redeveloping the property. Should development occur, such will be limited to the existing developed areas as a significant portion of the property is constrained by the presence of the Peapack Brook which is categorized as a C-1 stream, its associated riparian buffer and wetlands.

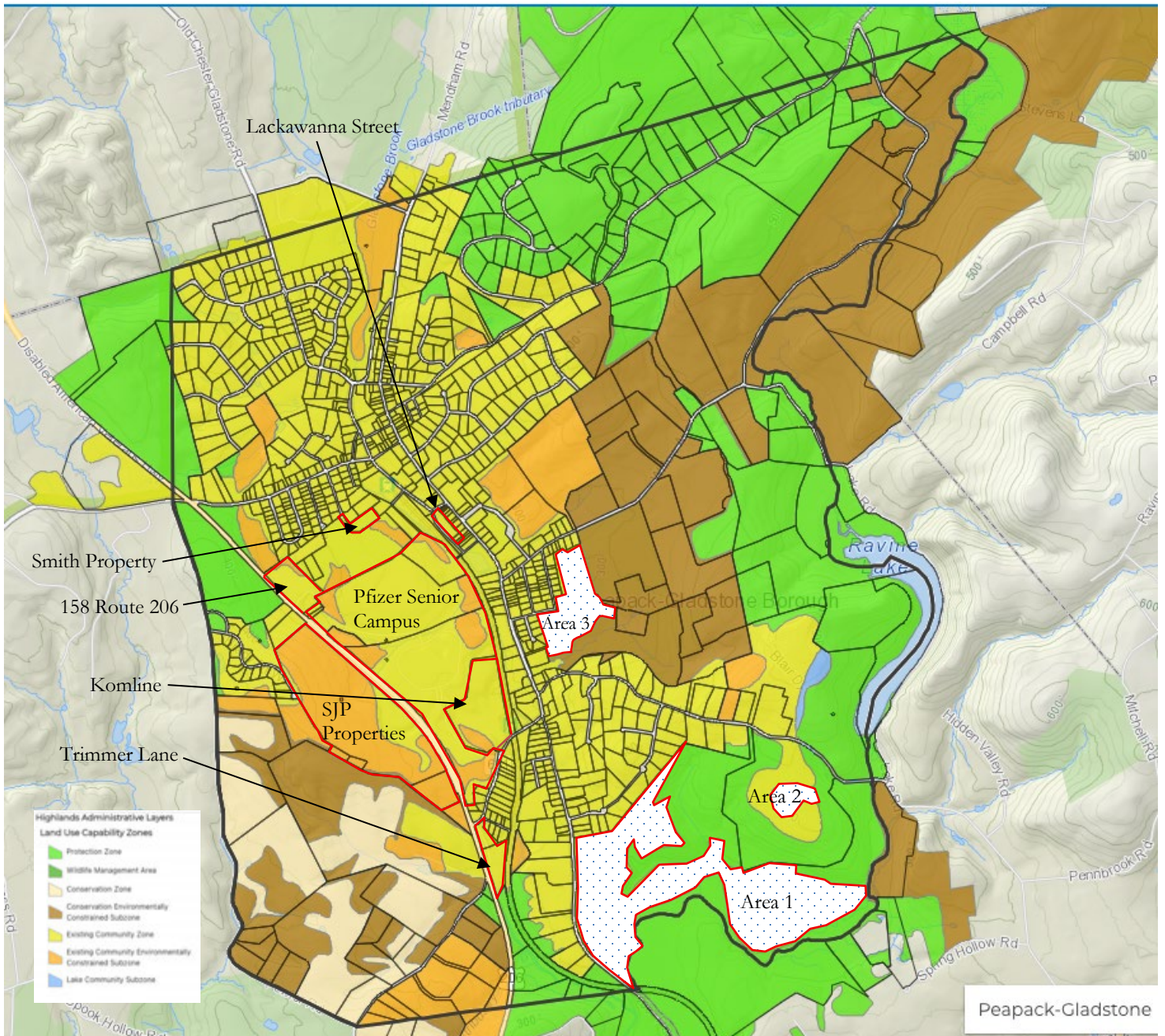
These developments occur mostly within the westerly portion of the Borough centered around Route 206 and fall within the Existing Community Zone.

E. Areas of Potential Map Changes

A review of current LUCZ mapping indicate that the LUCZ map should be amended to align the map with Highlands and Borough policies. Map changes will be confirmed as the Borough moves forward with its master plan reexamination process as it proceeds towards RMP plan conformance. Areas recommended for further investigation for map changes include:

1. Area 1. Area 1 is presently designated as an Existing Community Zone but actually encompasses preserved parkland associated with Natirar Park. This area should be redesignated as a Protection Zone to be consistent with the surrounded protected park area.
2. Area 2. Area 2 is presently designated as a Protection Zone but is actually a parking area associated with development associated with the limited development area dedicated to the Ninety Acres restaurant and surrounding Pendry Natirar development.
3. Area 3. Area 3 is presently designated as an Existing Community Zone. This area is recommended to be reclassified as Conservation Environmentally Constrained Subzone to be consistent with the area immediately adjacent to the east which represents areas the Borough is seeking to preserve as farmland as part of the Borough's farmland preservation plan.

The property descriptions provided above reflect the extent of lands anticipated to be available for future development with recommended LUCZ map changes. Mapping of these areas within the Highland's LUCZ zones is provided below.



Highlands LUCZ Capability Zones And Development Areas

F. Highlands Center Designation

It is the view of the Borough that a Center Designation is not appropriate for the Borough. Currently the Highlands RMP does not provide for a Center Designation within the Borough's boundaries and the only area that may qualify as a center is the area along the Borough's Main Street corridor. The Borough's desire is to maintain its traditional Main Street as it presently exists and does not advocate for any changes that would intensify or otherwise alter the rural character of this corridor.

IV. Conformance Assessment

This section outlines the Highlands region's natural resources and the protection strategies Peapack and Gladstone must implement for plan conformance. Each category is detailed below, along with RMP requirements and their expected impacts on the borough.

a. Forested Areas.

Goals, Policies, & Objectives

The integrity of the Highlands Region forests depends on preserving extensive, continuous forested areas and maintaining robust forest stands. The Highlands Council has developed a Forest Resource Area map that identifies regions within the Highlands exhibiting minimal fragmentation and high ecological significance. Areas within the Forest Resource Area were included based on one or more of the following criteria: contiguous forest patches of at least 500 acres; areas with over 250 acres of core forest situated more than 300 feet from an altered edge; or regions with more than 45 percent mean total forest cover and a mean distance to the nearest patch.

The Forest Cover Integrity Map categorizes every sub-watershed in the Borough as having high, moderate, or low integrity. Sub-watersheds with high integrity are predominantly forested with a high proportion of forest cover, significant core area, large patch size, and a short distance to the nearest patch. Moderate integrity sub-watersheds are mostly forested but lack high proportions of forest cover, core area, or patch size, and have increased distances to the nearest patch. Low integrity sub-watersheds are primarily non-forested or have low values for forest cover proportion and patch size, or a high distance to the nearest patch.

The RMP sets forth a number of policies and objectives relating to Forest Resources. The following will impact Peapack and Gladstone's planning program:

- To prohibit in the Planning Area the expansion or creation of public water supply systems and public or community wastewater systems into forested areas of the Forest Resource Area where located in a Protection Zone, Conservation Zone, or Environmentally-Constrained Sub-Zone.
- To prohibit forest clear-cutting within the Forest Resource Area, except in accordance with a Forest Management Plan.
- To limit human development of forests to low impact residential development in the Protection Zone and the Conservation Zone in the Planning Area.
- To limit deforestation in the Forest Resource Area and forested lands within High Integrity Forest Subwatersheds within the Existing Community Zone (ECZ) to the maximum extent practicable.
- To ensure that forest resources are protected on a site-specific basis during local development review.
- To implement resource management programs that provide guidance on sustainable forest management, restoration, improved ecological health, carbon sequestration, and stewardship practices on public and private lands in the Forest Resource Areas within the Protection Zone and the Conservation Zone in the Planning Area.
- To implement programs which encourage the application of agro-forestry practices and techniques within cultivated farmland located within both the Agricultural Resource Area and Forest Resource Area.
- To address the protection of Forest Resource Areas and High Integrity Forest Subwatersheds in municipal master plans and development regulations, including the adoption of municipal tree protection and clearing ordinances.

In order to assist local municipalities with these goals, policies, and objectives, the Council will provide grant funding and model documents that can be adopted or used to supplement the existing planning program.

RMP Analysis

The accompanying Forest Resource Area Map delineates the forest resource areas within Peapack and Gladstone. A total of 1,616.5 acres, or 43.7%, of Peapack-Gladstone Borough is located within the Forest Resource Area. The majority of the Borough is contained within the moderate resource area with a small portion of the Borough at the northerly boundary with Chester Township is classified as high.

Peapack and Gladstone Borough Plans & Regulations

While the Borough's Environmental Resource Inventory (ERI) adopted in 2022 identifies forested lands and vegetation, the Borough ERI does not specifically address the RMP. Consequently, the Borough will need to prepare an updated Highlands Environmental Resource Inventory utilizing the Highlands Council interactive map. The RMP goals, policies, objectives, and LUCZ designations can be incorporated into the Borough's planning process through the adoption of the Highlands Element, Re-examination report, and Highlands Conformance Ordinance.

The Borough has a tree preservation ordinance, however it does not include the specific goals, policies, and objectives contained in the RMP. The preservation ordinance provides protection for the Borough's trees and requires a permit before any tree or shrub removal.

b. Open Waters and Riparian Areas

Goals, Policies, & Objectives

Highlands Open Waters include all springs, wetlands, streams, and surface water bodies within the Highlands Region. Riparian Areas are adjacent to rivers and streams and are prone to flooding and soil saturation, including wildlife corridors within 300 feet of water.

The RMP evaluates riparian areas by ecological integrity at the subwatershed level. High Integrity Riparian Areas have low impervious cover and high-quality habitats with natural vegetation. Moderate Integrity Riparian Areas have more impervious cover and agricultural uses with less natural vegetation. Low Integrity Riparian Areas show high impervious coverage and minimal natural vegetation.

A priority is for municipalities to create a Stream Corridor Protection/Restoration Plan to guide development and restoration. If no plan exists, development must adhere to RMP goals, policies, and objectives.

The RMP goals, policies and objectives relating to Open Waters and Riparian Areas that would impact Peapack and Gladstone's planning program are as follows:

- To establish a protection buffer of 300 feet from the edge of the discernable bank of streams, from the delineated LOI line for wetlands, or from a field delineated boundary for other Highlands Open Waters features. The protection buffer width may be modified for Category 2 streams in the Planning Area through a Stream Corridor Protection Plan.
- To require that all local development applications include the identification and mapping of Highlands Open Waters and Riparian Areas.
- In the Protection, Conservation and Existing Community Zones, to allow disturbances of Highlands Open Waters buffers only in previously disturbed areas.

- To limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.
- To prohibit modifications to Riparian Areas in the Protection Zone, except where a waiver is approved by the NJDEP or Highlands Council.
- To restrict modifications to Riparian Areas in the ECZ that would alter or be detrimental to the water quality and habitat value of a Riparian Area.
- To implement Low Impact Development Best Management Practices for any development activity proposed within a Riparian Area, which minimize both alterations of natural vegetation and increases in impervious area and provide for mitigation through restoration of impaired Riparian Areas in the same subwatershed.

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council provides technical guidance for the development of Stream Corridor Protection/Restoration Plans, and can provide funding for planning and engineering costs for the restoration of impaired streams and riparian areas.

RMP Analysis

Peapack-Gladstone Borough contains 15.7 miles of one or more C-1 waterways. C-1 waterways which are:

- Peapack Brook UNT: 7.1 miles
- Peapack Brook: 3.2 miles
- North Branch Raritan River: 2.7 miles
- North Branch Raritan River UNT: 2.6 miles
- Gladstone Brook: 355.8 feet

C-1 category streams are considered high quality and are highly regulated requiring 300 foot buffers from any development.

Peapack and Gladstone Borough Plans and Regulations

The Borough has adopted an ERI identifying Open Waters and Riparian Areas. However, the ERI does not specifically address the RMP. In order to align with the RMP, the Borough will need to adopt an updated Highlands Environmental Resource Inventory utilizing the Highlands Council interactive map. The RMP goals, policies, objectives, and LUCZ designations can be incorporated into the Borough's planning process through the adoption of the Highlands Element, Re-examination report, and Highlands Conformance Ordinance.

The Borough of Peapack & Gladstone has taken initiatives to address the adverse effects of flooding, as summarized by the following list of planning documents and ordinances:

- 2014 Master Plan Reexamination: Some of the goals in the plans is to safeguard buildings from flooding and other environmental disruptions.
- 2019 Storm Management Plan: This Plan outlines ways to reduce flood damage, decrease stormwater runoff, maintain groundwater recharge, and decrease pollutants in stormwater.
- 2023 Flood Damage Prevention Ordinance Chapter 27: The ordinance outlines a series of design best

management practices for flood control the Borough of Peapack and Gladstone. The stormwater management ordinance is based on NJDEP's Model Municipal Stormwater Control Ordinance, published in March 2020 and NJDEP's Stormwater Management Regulations (N.J.A.C. 7:8) most recently updated in March 2023.

These actions do not directly address the RMP. The Borough must revise land use regulations to require applicants to map Highlands Open Waters, 300-foot buffer areas, and Riparian areas; incorporate Land Use Capability Zone designations; and limit development according to the relevant RMP goals, policies, and objectives.

c. Steep Slopes

Goal, Policies, & Objectives

The Highlands Council performed an analysis of the Highlands region to determine areas restricted by steep slopes and to ensure appropriate protection levels. The resulting Steep Slope Protection Areas Map identifies slopes in the Highlands region covering at least 5,000 square feet. These slopes are classified as follows: slopes of 20 percent or greater, slopes between 15 percent and 20 percent, and slopes between 10 percent and 15 percent within the Riparian Area.

The RMP defines slopes as follows:

- **Severely Constrained Slopes**
- **Moderately Constrained Slopes**
- **Limited Constrained Slopes**

The RMP goals, policies, and objectives related to Steep Slopes impacting Peapack and Gladstone Borough's planning program include:

- To require that applications for development that meet the applicability threshold of the Highlands Conformance ordinance to include topographic information identifying the location of any Steep Slope Protection Areas.
- To prohibit land disturbance within areas which are considered Severely Constrained Slopes and Moderately Constrained Slopes, except for linear development that meets the requirements of the Highlands Water Protection and Planning Act Rules.
- To require the use of Low Impact Best Development Practices for any land disturbance or human development within areas which are Constrained or Limited Constrained Slopes, or that involves an approved disturbance of a Severely Constrained or Moderately Constrained Slope

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council will provide model steep slope protection standards for inclusion in municipal planning and regulatory documents, as well as other technical guidance in support of Plan Conformance activities.

RMP Analysis

As shown on the accompanying Steep Slope Protection Areas Map, the majority of the Borough's severest steep slope areas adjoin stream corridors with some bands located along the periphery of the Borough.

Peapack and Gladstone Borough Plans and Regulations

Although the Borough has prepared an updated ERI that identify steep slope areas, the ERI nor the Borough's

planning documents reflect the specific goals, policies, and objectives contained in the RMP. To align with the RMP, the Borough will need to revise its master plan documents to include an updated Highlands ERI using the Highlands Council interactive tool and Highlands Master Plan element. The RMP goals, policies, objectives, and LUCZ designations can be incorporated into the Borough's planning process through the adoption of the Highlands Element, Re-examination report, and Highlands Conformance Ordinance.

It should be noted that the Borough has prepared a draft steep slope ordinance which is under review but will reflect the requirements of the Highlands RMP by time of adoption.

d. Critical Habitats

Goals, Policies, & Objectives

The Highlands region has three categories of Critical Habitat: 1) Critical Wildlife Habitat for rare, threatened, or endangered species; 2) NJDEP Natural Heritages Priority Sites, which are important ecological communities with threatened and endangered plant species; and 3) Vernal Pools, temporary pools that support distinctive, often endangered species adapted to changing water levels. These categories are mapped on the Critical Wildlife Habitat, Significant Natural Areas, and Certified Vernal Pools Maps.

Municipalities are advised to develop a Critical Habitat Conservation and Management Plan for reviewing development and undertaking restoration activities. These plans should align with the goals, policies, and objectives outlined in the RMP. If a plan is not approved by the Highlands Council, municipalities must adhere to the RMP goals, policies, and objectives when evaluating site-specific development applications.

The RMP goals, policies and objectives relating to Critical Habitats are as follows:

- To prohibit the direct impact of new human development or expansion or increased intensity of existing development within Critical Habitat.
- To implement a Habitat Conservation and Management Program through a Critical Habitat Conservation and Management Plan. Such Plan shall establish performance standards requiring all development to employ Low Impact Development Best Management Practices as follows: 1) avoid the disturbance of Critical Habitat, 2) minimize impacts to Critical Habitat, and 3) mitigate all adverse modification to Critical Habitat so that there is no net loss of habitat value. Additional performance standards shall include requirement and criteria for mitigation of disturbed Critical Habitat, and the enhancement or restoration of historically disturbed Critical Habitat.
- To include in a Critical Habitat Conservation and Management Plan a Critical Habitat Overlay District, which identifies habitat in need of protection from fragmentation and other anthropogenic impacts, habitat critical to maintaining wildlife and plant populations, and habitat that serves other essential ecosystem functions such as carbon sequestration and ground water recharge.
- To require that applications for any local development review for Critical Habitat be subject to minimum standards and criteria outlined in a Habitat Conservation and Management Plan.
- To require that projects qualifying as major Highlands developments, affecting or potentially affecting Critical Habitat in the Preservation Area, comply with the Highlands Water Protection and Planning Act Rules and with the minimum standards and criteria outlined in the Critical Habitat Conservation and Management Plan.

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council is able to provide grant funding to develop a model municipal conservation and management overlay district ordinance and a Critical Habitat Conservation and Management Plan.

RMP Analysis

The accompanying Critical Wildlife Habitat and Significant Natural Areas and Vernal Pools Map identify the locations of these resources within Peapack and Gladstone. These areas are shown on the Critical Wildlife Habitat Area Map. As indicated by the mapping, critical habitat areas occupy a large portion of the western half of the Borough. According to the RMP mapping, Peapack and Gladstone has a total of 1,712.5 acres or 43% of the Borough's land contain critical wildlife habitat, endangered, threatened and special concern species.

Peapack and Gladstone Borough Plans and Regulations

The Borough's ERI discusses and maps critical habitats within the Borough however, Peapack and Gladstone's master plan documents provide vague language regarding protecting the natural environment specific to the RMP. To align with the RMP, the Borough will need to adopt an updated Highlands Environmental Resource Inventory utilizing the Highlands Council interactive map. The Borough's land use regulations lack provisions for critical habitats. Adoption of the Highlands Conformance Ordinance will provide protection for critical habitat.

e. Land Preservation and Stewardship

Goals, Policies, & Objectives

The Highlands Council has created a Preserved Lands Map, showing preserved open space, farmland, water supply watershed lands, and conservation easements in the Highlands region. The Highlands Act aims to preserve additional open space and farmland to protect ecosystems, drinking water, and provide recreational areas. These areas are listed on the Conservation Priority Area and Agricultural Priority Area Maps. The RMP outlines strategies for land preservation and stewardship with partners, ensuring there are adequate resources for these efforts.

The RMP goals, policies and objectives relating to Land Preservation and Stewardship that effect the Borough are as follows:

- To establish and fund local open space acquisition and stewardship programs or to expand existing open space and stewardship programs.
- To include an Open Space Preservation and Land Stewardship Element in municipal master plans.
- To identify and delineate existing preserved open space, including fee simple and easements; maintain a current Recreation and Open Space Inventory (ROSI); and identify lands subject to stewardship programs in municipal master plans.
- To encourage conservation or land stewardship easements as a condition of development approval for lands within parcels proposed for development that are identified for preservation on a proposed site plan or subdivision plat.
- To establish stewardship and monitoring programs for preserved lands owned by the municipality or county by fee acquisition or easement acquisition.

RMP Analysis

As shown in the accompanying Preserved Lands Map, the majority of Peapack and Gladstone's preserved lands are located in the southeast corner of the Borough. Natirar, a county owned park, extends into the Borough in the southern border with Far Hills. These preserved lands are managed either by Borough, County or non-profit organizations.

As previously noted, areas prioritized by the Highlands Council for future preservation are shown on the Conservation Priority Area and Agricultural Priority Area Maps. As shown on the accompanying Conservation Priority Area Map, the Highlands Council designates a number of areas in the Borough as moderate conservation priority. The RMP also designates certain areas within the Preservation Area as a Special Environmental Zone although the Borough does not have land designated within the Preservation Area. An Agricultural Priority Area Map also includes lands within the Borough.

Peapack and Gladstone Borough Plans and Regulations

Peapack and Gladstone’s master plan provides a detailed inventory of parks and preserved lands. The 2022 Open Space and Recreation Plan (2022 OSRP) lists all preserved properties on the Borough’s ROSI and other open spaces and farmland. Currently, there are 768 acres of preserved lands in the Borough, managed by various entities as shown in the table below:

Inventory of Open Space		
Land Resource	Acreage	Percentage
Regional (County)	247	32.1
Preserved Farmland	54	7.0
Municipal Open Space (ROSI)	98	12.8
Conservation Easements (private non profit)	369	47.9
Total	768	100%

The 2022 OSRP provides the Borough with target areas within environmentally sensitive areas of the Borough for future purchases as well proposing the development of an integrated trail system that would link all of the open space parcels together. The acquisition and preservation of open space has been a longstanding priority of the Borough as expressed in past and current master plan documents. The 2022 OSRP provides an updated ROSI inventory of open space parcels. Adoption of the Highlands Mater Plan, Master Plan Reexamination Report will address alignment with the Highlands RMP.

f. Carbonate Rock (Karst) Topography

Goals, Policies, & Objectives

Karst topography forms through the dissolution of carbonate rocks by surface or groundwater, creating features like sinkholes, caves, and underground streams. These formations can funnel contaminants directly into karst aquifers from stormwater basins, septic systems, agricultural runoff, and other sources. Proper management of development in these areas is essential to mitigate contamination risks.

The Highlands Council used data from the New Jersey Geologic Survey and the United States Geological Survey to map regions of the Highlands underlain by carbonate rocks, shown on the Carbonate Rock Area Map.

The RMP goals, policies and objectives relating to Carbonate Rock are as follows:

- To identify and delineate karst features and subwatersheds that drain surface water into the Carbonate Rock Area.
- For municipalities in, or within subwatersheds draining directly to, the Carbonate Rock Area, to ensure protection of public health and safety and the quality of ground waters from inappropriate land uses and

pollutant discharges.

- To require that applications for site plan or subdivision approval include a multi-phased geotechnical site investigation to locate any potential karst features and potential hazards to public health and safety, structures, and ground water quality.
- To require that all potential hazards to public health and safety, structures, and ground water quality are fully addressed and mitigated in the construction plans and subsequent approval process.
- To prohibit new land uses and facilities that constitute unacceptable risks of discharge due to karst topography where karst features have been identified, including, but not limited to, underground storage tanks, solid waste landfills, hazardous waste storage and disposal, and hazardous materials storage and handling

Peapack and Gladstone Borough Plans and Regulations

The Borough's 2022 ERI a map of areas of Carbonate Rock (Karst) Topography. The Borough's land use regulations lack regulations consistent with RMP policies and will need to be amended.

g. Lake Management

Goals, Policies, & Objectives

Efforts to protect Highlands lakes and their communities require identifying lake resources for land use and water planning. The Highlands Council created a Lake Management Area Map, showing lakes over 10 acres and associated management areas. These areas include: 1) Shoreland Protection Tier (300 feet or up to the first public road from the shoreline), 2) Water Quality Management Tier (1,000 feet from the shoreline, including Shoreland Protection Tier), 3) Scenic Resources Tier (300 to 1,000 feet from the shoreline), and 4) Lake Watershed Tier (entire land area draining to the lake).

The RMP goals, policies and objectives relating to Lake Management that effect the Borough are as follows:

- To establish unique standards (as compared to lakes within the Protection and Conservation Zones) for the Lake Community Sub-Zone within the ECZ within 1,000 feet of lakes, particularly with respect to the Shoreline Protection Tier, to prevent degradation of water quality, harm to lake ecosystems, and promote aesthetic values within the ECZ.
- To adopt and implement standards for application to public lakes in the Shoreland Protection Tier to address direct and proximate impacts upon the lake, such as shoreline modification and development, docks, piers, boathouses, dredging, vegetation removal, increased impervious cover, and pollutant discharges.
- To adopt and implement standards for application to public lakes in the Water Quality Management Tier to prevent or minimize continuous pollutant sources that can contribute pollutants overland or through ground water to the lake from greater distances than the Shoreland Protection Tier.
- To adopt and implement standards for application to public lakes in the Scenic Resources Tier, including requirements for vegetative screening of buildings, building height limitations, and limits on tree and understory removal.
- To develop and adopt lake restoration plans for each of the municipality's developed lakes that has been identified as water quality impaired to restore, protect and, where possible, enhance lake water quality through management of pollutant sources in the Lake Watershed Tier. Total Maximum Daily Loads (TMDLs) adopted by the NJDEP to address known pollution problems may be used as lake restoration

plans.

- To adopt standards for lake character and aesthetics for application to public lakes.
- To encourage increased public access to publicly-owned lakes, within the lake's carrying capacity and while maintaining the lake character.
- To discourage or control teardowns that result in altered lake-community character, and the potential loss of historic and cultural values, and to encourage community-supported limitations in lot coverage and building height for new construction.
- To establish and implement performance and development standards for shoreline uses which achieve compatibility among shoreline activities and nearby neighborhoods.
- To utilize recreational sites as opportunities to educate the public regarding the ecological value of the lake environs.
- To explore appropriate means to provide public recreation at the shoreline and on the water while ensuring retention of opportunities for passive recreation.

RMP Analysis

The accompanying Lake Management Area Map identifies the location of lakes greater than 10 acres in size and associated Lake Management Areas within the Borough. As shown, the Borough has one water body greater than 10 acres in size, Ravine Lake, which has a surface area of 19.3 acres. The Lake Management Area associated with Ravine Lake is also located within a Lake Community Sub-Zone and Conservation Focal Area defined as:

Conservation Focal Areas (CFAs) are specific areas of New Jersey's geography that feature some of the state's highest value habitats and present important opportunities for effective conservation action.

Peapack and Gladstone Borough Plans and Regulations

The Borough currently lacks a lake management plan and will need to adopt one to meet the RMP goals, policies, and objectives and the Borough's master plan documents do not address this issue.

The Borough's land use regulations do not address lake management. Peapack and Gladstone's storm water management regulations contain standards for the minimization of pollutants sources, either over land or through ground water, however these standards are general and do not contain the specific requirements contained in the RMP.

h. Water Resources Availability

Goals, Policies, & Objectives

The sustainability of the region's water resources is critically important on a statewide scale. The availability of water for human consumption is a crucial factor in determining the potential for growth and maintaining economic stability for existing developments both within and beyond the Highlands region. Additionally, ensuring the availability of water for ecological purposes is vital for sustaining the aquatic ecosystems of streams, ponds, and lakes in the Highlands area.

The Regional Master Plan (RMP) provides a methodology for identifying the quantity of available water resources throughout the region. Groundwater availability was assessed using streamflow data, with thresholds based on the predominant Land Use Capability Zone for each HUC14 subwatershed. This assessment is depicted in the Net

Water Availability by HUC14 Map. Where net water availability is positive, it is assumed that there is water available beyond current demands. Conversely, where net water availability is negative, the subwatershed is classified as a Current Deficit Area, indicating that existing usage exceeds sustainable supplies.

The RMP goals, policies and objectives relating to Water Resources Availability that effect Peapack and Gladstone Borough's planning program are as follows:

- To develop Water Use and Conservation Management Plans for all subwatersheds that will set priorities for use of available water (where net water availability is positive) and will establish provisions to reduce or manage consumptive and depletive uses of ground and surface waters (where developed for Current Deficit Areas). In all cases, efficient use of water is required through water conservation and Low Impact Development Best Management Practices to make the best use of limited resources.
- To require that proposed new consumptive or depletive water uses within a Current Deficit Area only occur under the auspices of an approved Water Use Conservation Management Plan, or through mitigation of the proposed use through a permanent reduction of existing consumptive and depletive water uses, ground water recharge in excess of Stormwater Management Rules, or other permanent means.
- To conditionally provide water availability (Conditional Water Availability) within a Current Deficit Area with appropriate standards regarding its use. A Current Deficit Area subwatershed that is primarily within the Protection Zone or Conservation Zone shall be assigned Conditional Water Availability not to exceed an aggregate of 1 percent of Ground Water Capacity. A Current Deficit Area subwatershed that is primarily within the ECZ shall be assigned Conditional Water Availability not to exceed an aggregate of 2 percent of Ground Water Capacity.
- To assign highest priority for the use of non-agricultural Net Water Availability or Conditional Water Availability within Protection Zone and Conservation Zone subwatersheds to uses that address threats to public health and safety from contaminated water supplies, cluster developments (subject to certain conditions), affordable housing projects where at least 20 percent of the units are affordable, and development permitted through a Highlands Redevelopment Area or takings waiver.
- To assign highest priority for the use of Net Water Availability or Conditional Water Availability within a ECZ to uses that address threats to public health and safety from contaminated water supplies, designated TDR Receiving Zones, infill development, designated Highlands Redevelopment Area, affordable housing projects where at least 20 percent of the units are affordable, or new areas for development that meet all other requirements of the RMP.
- To assign highest priority for agricultural water uses in the Conservation Zone to those Preservation Area uses that promote agricultural and horticultural uses and opportunities compatible with protection of the Highlands environment, and those Planning Area uses that promote the continuation and expansion of agricultural, horticultural, recreation and cultural uses and opportunities.
- To require the use of water conservation, recycling, and reuse methods and devices for any redevelopment or development activity, including renovations to existing structures, to minimize consumptive water use.
- To ensure that area wide Water Quality Management Plans (WQMPs), Wastewater Management Plans (WMPs) or their amendments will not directly or indirectly cause or contribute to a Net Water Availability deficit, and will help mitigate any existing deficit.

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council prepared guidelines for the development of municipal Water Use and Conservation Management Plans.

RMP Analysis

Peapack-Gladstone Borough is located within 4 subwatersheds, which have net water availability values calculated as follows:

- Peapack Brook (below Gladstone Brook) subwatershed (HUC14 02030105060060), which has a calculated net water availability of -0.1 MGD
- Raritan R NB(Peapack Bk to McVickers Bk) subwatershed (HUC14 02030105060040), which has a calculated net water availability of 0.0 MGD
- Middle Brook (NB Raritan River) subwatershed (HUC14 02030105060080), which has a calculated net water availability of 0.1 MGD
- Peapack Brook (above/incl Gladstone Bk) subwatershed (HUC14 02030105060050), which has a calculated net water availability of 0.0 MGD

As indicated above and illustrated in the accompanying Net Water Availability by HUC14 Map, most of the Borough has negative net water availability. According to the RMP:

Where Net Water Availability is negative, existing uses are exceeding sustainable supplies and the subwatershed is deemed to be a Current Deficit Area. In addition, maintenance of stream flows within any HUC14 subwatersheds upstream of a Current Deficit Area is necessary without further impairing the ecological health of the stream. Where water resources are stressed, additional planning and mitigation is necessary.

The accompanying Net Water Availability Map displays net water available if conditional availability were granted in the Borough's Current Deficit Areas. The Map shows that all of the Current Deficit Area subwatersheds are assigned a conditional net water availability of -0.1MGD to 0.01 MGD indicating a net deficit for the Borough.

Peapack and Gladstone Borough Plans and Regulations

The Borough has prepared an updated Natural Resources Inventory. The Borough will need to adopt an updated Highlands ERI utilizing the Highlands Interactive Mapping tool and Highlands Master Plan element. The RMP goals, policies, objectives, and LUCZ designations can be incorporated into the Borough's planning process through the adoption of the Highlands Element, Re-examination report, and Highlands Conformance Ordinance

The Borough's land use regulations do not discuss water availability. Consequently, additional regulations will need to be adopted in order to be consistent with the RMP. The Borough must amend its land use regulations in conformance with the Water Use and Conservation Management Plans required for all subwatersheds, including the criteria for prioritizing and assigning conditional water availability, including the use of water conservation, recycling, and reuse methods and devises for any redevelopment or development activity, including renovations to existing structures, to minimize consumptive water use.

i. Prime Groundwater Recharge

Goals, Policies, & Objectives

The RMP aims to protect water resources in the Highlands through groundwater recharge and other methods to maintain aquatic ecosystems and human water use. The Highlands Council has identified key recharge areas that provide 40 percent of recharge for each subwatershed, shown on the Prime Ground Water Recharge Areas Map. Protecting these lands and their recharge quality and quantity is a high priority for the RMP.

The RMP goals, policies and objectives relating to Prime Groundwater Recharge are as follows:

- To implement master plans and development review ordinances that protect Prime Ground Water Recharge Areas and minimize the potential for disruption of recharge in such areas by development.

- To establish minimum site design guidelines and permissible uses within a Prime Ground Water Recharge Area, including identification of land use categories or other activities posing sufficient risk of contamination that are not allowed within Prime Ground Water Recharge Areas.
- To apply standards for development in Prime Ground Water Recharge Areas. Specifically, development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Slopes. Any development approved to occur in a Prime Ground Water Recharge Area shall provide an equivalent of 125 percent of pre-construction recharge volumes for the affected Prime Ground Water Recharge Area of the site. The disruption of Prime Ground Water Recharge Area shall be minimized through implementation of Low Impact Development Best Management Practices, limited to no greater than 15 percent of the Prime Ground Water Recharge Area on the site, and preferentially sited on that portion of the Prime Ground Water Recharge Area with the lowest ground water recharge rates and the lowest potential for aquifer recharge.

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council will provide model municipal development regulations and master plan elements for the protection of Prime Ground Water Recharge Areas.

RMP Analysis

The Prime Ground Water Recharge Areas Map illustrates the regions within Peapack and Gladstone with the highest recharge rates, determined by factors such as soil, precipitation, land cover, and other criteria. According to the RMP, these areas are primarily situated in the central and southern regions of the Borough and are associated with Peapack Brook.

Peapack and Gladstone Borough Plans and Regulations

The Borough ERI discusses and maps ground water recharge areas but does not align exactly with the RMP policies, goals and objectives. However, it is noteworthy that the Borough has updated its Stormwater Control regulations to comply with NJDEP mandatory regulations, sections of which do address stormwater runoff and groundwater recharge. The Borough's master plan documents also do not go into great detail regarding Prime Ground Water Recharge Areas.

In order to achieve Plan Conformance, the Borough's Stormwater Management Plan Element and stormwater management regulations must be revised to identify Prime Ground Water Recharge Areas and incorporate permitted uses, minimum site design guidelines, and development standards in accordance with the RMP.

j. Water Quality

Goals, Policies, & Objectives

The RMP focuses on three aspects of water quality: 1) surface water quality, 2) ground water quality, and 3) wellhead protection. Each are discussed in more detail below.

Surface Water Quality: The Highlands Council in collaboration with NJDEP created a map showing surface water quality by HUC14 subwatershed in the Highlands region. The Impaired Waters Overall Assessment by HUC14 Map indicates that 119 out of 183 subwatersheds are impaired or threatened. To comply with the Federal Clean Water Act, NJDEP has enforced Total Maximum Daily Loads (TMDLs) to reduce pollutants and restore water quality.

Ground Water Quality: The NJDEP identifies areas of ground water contamination, including natural quality impacts,

permitted discharges, and site remediation. Classification Exception Areas and Well Restriction Areas are areas that have exceeded ground water standards. Currently Known Extent Areas are areas that fail to meet drinking or ground water standards. Deed Notice Exhibits show soil contamination levels affecting ground water quality. Although there is no TMDL process for ground water, several programs regulate discharges, prevent accidents, and restore quality from past pollution.

Wellhead Protection: A Wellhead Protection Area (WHPA) is an area around a public water supply well that shows the range of groundwater captured by the well pumping at a specific rate over time. WHPAs have three tiers: Tier 1 is a two-year travel time; Tier 2 is a five-year travel time; and Tier 3 is a twelve-year travel time. The WHPAs for public community water supply systems in the Highlands region are shown on the Wellhead Protection Areas Map.

The RMP goals, policies and objectives relating to Water Quality are as follows:

- To adopt and implement water quality protections, including: the prohibition of land uses that would increase pollutant loadings to waters for which TMDLs have been adopted by the NJDEP unless in compliance with the relevant TMDL; the insurance that new land uses draining to a stream designated as impaired but lacking a TDML avoid increased pollutant loadings for the parameter or parameters for which a TDML is required; and the requirement that WQMPs, WMPs, or amendments demonstrated that the proposed service area will not directly or indirectly support development that would be in violation of an adopted TDML.
- To adopt and implement stormwater management controls, which require recharge of clean stormwater rather than contaminated stormwater wherever feasible, pretreatment of contaminated stormwater wherever its recharge is required, and implementation of Low Impact Development and Agricultural Best Management Practices standards.
- To implement municipal master plans and development regulations which incorporate relevant TMDLs, additional water quality protection measures, and wellhead protection for public water supply wells and nitrate standards.
- To develop and implement resource protection measures to protect and enhance ground water and water supply resources within Wellhead Protection Areas consistent with the source water assessments for each water supply source.
- To revise municipal master plans and development regulations to address wellhead protection requirements, including the restriction of development activities which pose threats to the water quality of public water supply wells and the implementation of best management practices for development activities and existing land use activities.

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council will provide model municipal development regulations and master plan elements to protect the quality of ground and surface water and address wellhead protection requirements. In addition, the Highlands Council will develop technical guidance for Low Impact Development and other Best Management Practices.

RMP Analysis

Peapack-Gladstone Borough is located within 4 subwatersheds with Total Maximum Daily Load (TMDL) requirements for:

- Peapack Brook (below Gladstone Brook): Total Suspended Solids (TMDL established in 2016) & Total Phosphorus (TMDL established 2016)
- Raritan R NB(Peapack Bk to McVickers Bk): Total Suspended Solids (TMDL established in 2016) & Total Phosphorus (TMDL established 2016)
- Middle Brook (NB Raritan River): Total Suspended Solids (TMDL established in 2016) & Total Phosphorus (TMDL established 2016)

- Peapack Brook (above/incl Gladstone Bk): Total Suspended Solids (TMDL established in 2016) & Total Phosphorus (TMDL established 2016)

Peapack and Gladstone Borough Plans and Regulations

Peapack and Gladstone's Stormwater Management Plan does not specifically incorporate RMP's goals, policies, and objectives relating to water quality. Consequently, the Borough will need to update its stormwater management plan in order to conform

The Borough's stormwater management regulations generally align with RMP's water quality goals by adhering to NJDEP standards. These include recharging clean stormwater, pretreating contaminated stormwater when recharge is needed, using Low Impact Development Best Management Practices and promoting green infrastructure as a means to treat surface water pollutants.

Adoption of the Highlands Conformance Ordinance will address alignment with the Highlands RMP.

k. Public Water/Wastewater Utilities and Private Septic Systems

Goals, Policies, & Objectives

Where public wastewater and treatment systems are not available, the underlying Land Use Capability Zones determine the applicable nitrate dilution standards. Each municipality has tailored septic density numbers. In Peapack Gladstone, the individual subsurface sewerage disposal system densities are 15 acres/system in the Protection Zone, 10 acres/system in the Conservation Zone, and 9 acres/system in the Existing Community Zone.

The RMP goals, policies and objectives relating to Public Water/Wastewater Utilities and Private Septic Systems are as follows:

- To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area, unless approved through a Highlands Applicability Determination (HAD) or a HPAA waiver.
- To prohibit the creation or extension of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally Constrained Sub-Zones of the Planning Area, unless they are shown to be necessary to address threats to public health and safety from contaminated water supplies, cluster developments (subject to certain conditions), and development permitted through a Highlands Redevelopment Area or takings waiver.
- To allow for the creation or extension of public water supply systems or wastewater collection systems within the ECZ of the Planning Area to serve lands that are appropriate for designated TDR Receiving Zones, infill, redevelopment, to serve new areas for development that meet all other requirements of the requirements of the RMP, or to address the same provisions set forth above for the Protection Zone, the Conservation Zone and the Environmentally Constrained Sub-Zones.
- To require that new residential development served by public water supply systems and public wastewater collection and treatment systems be at a minimum density of 1/2 acre per dwelling unit for the developed part of the site (excluding wetlands, Highlands Open Waters buffers, and recreational space).
- To require the use of recycled or re-used water wherever possible, including aesthetic purposes and non-potable purposes such as fountains, golf courses, and other recreational, commercial or agricultural uses.
- To use the median nitrate concentrations in ground water as a basis for establishing septic system densities

in the Planning Area (septic system densities in the Preservation Area shall rely on the NJDEP Highlands Preservation Area rules). The median nitrate concentrations for the Protection and Conservation Zones within the Planning Area are 0.72 mg/L and 1.87 mg/L, respectively. The median that shall be used, on a project-by-project basis, for the ECZ in the Planning Area is 2 mg/L. New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L.

- To approve clustered development served by public water supply within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area only if the following conditions are met: development impacts are consistent with the RMP, including provision for mandatory clustering in ARAs; extension of existing public water system will occur only where the cluster development is within or adjacent to an Existing Area Served with available capacity; creation of a new public water system will occur only where such development is not within or adjacent to an Existing Area Served with available capacity; the development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes and that the developed proportion occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and where the preserved land supports continued agricultural viability, requires best management practice, including development and implementation of a Farm Conservation Plan that address the protection of water and soil resources prepared by an appropriate agency and approved by the Somerset Union Soil Conservation District.

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council developed a model Highlands Element which includes a Utility Services Plan and addresses water and wastewater utility components. However, where a County Wastewater Management Plan has been approved by the NJDEP that includes the necessary information, it may be incorporated by reference. The Highlands Council has also prepared model development standards regarding water and wastewater utility capacity, service areas, service densities, environmental protection requirements, and other relevant issues. In addition, the Council provides a build-out analysis tool, which can be used by municipalities to determine the ability of a water supply or wastewater utility to serve additional development.

RMP Analysis

The accompanying Public Water-Existing Areas Map and Sewer Service Area Map illustrate the areas within Peapack and Gladstone that are currently served by potable water utilities and sewer utilities, respectively.

Peapack and Gladstone Borough Plans and Regulations

To achieve Plan Conformance, the Borough must develop an updated Wastewater Management Plan that limits future creation or expansion of sewer services based on Land Use Capability Zones as defined in the RMP. Finally, the Borough must establish land use regulations detailing the permissible locations for new or expanded public water supply systems, public wastewater collection and treatment systems, and community on-site treatment facilities, all in accordance with the RMP's goals, policies, and objectives.

With regard to density and development, the permitted densities of the Borough's zoning ordinance range from a high of 3.96 dwelling units to the acre corresponding to the R-11 zone to 0.1 dwelling unit per acre within the RE zone on a maximum lot size not to exceed 25 acres. The larger lot zoning corresponds to parcels that lie outside the sewer service area which also encompasses most of the Borough's agricultural lands. With the exception of the R-11 zone, R-18 and VN zones, all of which are located within the sewer service area, the permitted densities for residential densities are in line with the RMP. Because the R-11, R-18 and VN zones are fully developed, sewerred and with little expectation of any further development, these zones will not impact the goals, objectives

and policies of the RPM.

The maximum Floor Area Ratio (FAR) for the 10 different zones is below that of the RMP. Therefore, permitted densities by zoning are in accordance with the RMP.

1. Agricultural Resources

Goals, Policies, & Objectives

Agriculture plays a significant role in the economy, culture, and landscape of the Highlands region by contributing through agricultural production and agri-tourism, supplying local food to residents, and preserving the rural character of the area. To identify critical agricultural lands, the Highlands Council evaluated the distribution, size, and quality of existing farms. Key agricultural resources were identified as contiguous farmland areas of 250 acres or more, farms with Important Farmland Soils, adjacent lands used for agriculture, and clusters of preserved farmland. These areas are depicted in the Agricultural Resource Area Map.

The RMP goals, policies and objectives relating to Agricultural Resources are as follows:

- To implement Agriculture Retention/Farmland Preservation Plan elements and development regulations promoting preservation in Agricultural Resource Areas (ARAs) and limiting non-agricultural uses within the ARA to those uses that support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect important farmland soils, and meet resource management and protection requirements of the RMP.
- To require mandatory clustering for residential development in an ARA, where it is not feasible preserve agricultural lands within the ARA by such methods as fee simple acquisition, easement acquisition, or a TDR Program. The use of clustering shall preserve at least 80 percent of the total cluster project area in perpetuity in agricultural use or for environmental protection.
- To permit limited development, including family and farm labor housing in ARAs, which are necessary to support the viability of the agricultural operation, upon a demonstration that the proposed development is consistent with the resource management and protection requirements.
- To prohibit the development of additional water and wastewater infrastructure in an ARA within the Conservation and Protection Zones of the Planning Area, unless it meets the provisions for water and wastewater utility creation and expansion in the RMP, and will maximize the preservation of agricultural lands within the ARA.
- To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover to the total land area of a Farm Management Unit of greater than 3 percent but less than 9 percent to develop and implement a Farm Conservation Plan.
- To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover to the total land area of a Farm Management Unit of 9 percent or greater to develop and implement a Resource Management System Plan.
- To include an Agriculture Retention/Farmland Preservation Plan (AR/FPP) element in municipal master plans and development regulations.
- To incorporate Right to Farm provisions into municipal master plans and development regulations where farmland preservation programs or a significant agricultural land base exist.

RMP Analysis

The Borough's agricultural preservation program is based on the exceptional agricultural soils in the area. As indicated in the Agricultural Important Soils mapping, a total of 1,143 acres, or 30.0% of the Borough's land area

contains important farmland soils. To date, 50 acres have been preserved, with more targeted for future preservation. The Farmland Preservation Plan has been recently updated to reflect the town's agricultural and rural character. Additionally, a Right to Farm ordinance has been adopted. While the plan is largely aligned with the RMP, it requires additional goals and objectives to achieve full conformity.

m. Historic, Cultural, and Archaeological Resources

Goals, Policies, & Objectives

Historic, cultural, and archaeological resources are vital to the Highlands region's character. Managed well, they will continue to attract people and contribute to economic vitality and environmental quality. The Highlands Council, in partnership with the State Historic Preservation Office (SHPO), created a baseline inventory of historic and cultural resources. This includes properties listed or eligible for the New Jersey or National Register of Historic Places and those with formal SHPO opinions. The inventory is shown on the Historic Preservation Map.

The RMP goals, policies and objectives relating to Historic, Cultural and Archaeological Resources are as follows:

- To include a Historic, Cultural and Archaeological Resource Protection element in municipal master plans and development regulations and update the Historic and Cultural Resources Inventory through local development reviews.
- To adopt a local historic preservation ordinance with minimum standards for the protection and enhancement of historic, cultural, and archaeological resources listed in the Highlands Historic and Cultural Resources Inventory in municipal development regulations.
- To require that all applications for site plan or subdivision approval shall include identification of any resources listed on the Highlands Historic and Cultural Resources Inventory and, where the municipality has adopted an historic preservation ordinance, comply with minimum standards for the preservation of the affected resources.
- To establish a local advisory historic preservation body to review and make recommendations on applications for development or municipal permits which affect historic, cultural, and archeological resources listed on the Highlands Historic and Cultural Resources Inventory.

RMP Analysis

The accompanying Historic Preservation Map identifies the locations of Peapack and Gladstone's historic, cultural, and archeological resources listed on the New Jersey or the National Register of Historic Places, deemed eligible for listing on the New Jersey or National Register, and/or have been issued a formal SHPO opinion. As shown, the Borough contains 246 parcels that are considered historic properties.

Peapack and Gladstone Borough Plans and Regulations

The Borough's rich history and inventory of historic properties is well documented in the Borough's master plan documents with policy recommendations to protect this valuable community. The 2014 Periodic Reexamination Report included a policy goal of protecting historic resources by developing design and siting standards. The Borough, however, does not have a historic preservation plan, a Historic Preservation Commission or regulations governing same. Given the rich inventory of historic places in the Borough, serious consideration should be given towards conformance with the RMP to preserve the Borough's history for future generations.

n. Transportation

Goals, Policies, & Objectives

The Highlands transportation system is a complex network of roads, railways, and bridges that supports various modes of travel, including automobile, bus, rail, truck, bicycle and pedestrian. The major roadways and commuter rail lines in the Highlands region are shown on the Roadway Network Map and Transit Network Map, respectively.

One of the critical challenges of the transportation system is one of balancing regional transportation needs and environmental integrity. The region can achieve the goals outlined in the Highlands Act by encouraging a more compact mixed-use pattern for new development and redevelopment, creating more transportation choices, including mass transportation, bicycle, and pedestrian travel. The RMP supports Transit-Oriented Development as one example of a method that integrates mixed uses and transportation planning, by promoting more compact development in and around existing transportation infrastructure as an alternative to sprawl. The RMP also supports low impact development practices as a key to reducing surface runoff pollution, as well as context sensitive design as a strategy based on designing and planning projects in close collaboration with communities and stakeholders.

The RMP goals, policies and objectives relating to Transportation are as follows:

- To improve public safety through implementation of traffic calming measures in areas with high pedestrian activity.
- To provide for safe and efficient pedestrian connections and promote safe routes for children to travel to and from school.
- To promote more efficient use of existing road capacity by appropriate means, including increased bus, van, jitney, and car pool ridership.
- To require an evaluation of potential growth inducing effects such as substantial new land use, new residents, or new employment that could occur as a result of road improvements for increased motorized vehicle traffic capacity.
- To prohibit road improvements in areas for which a Growth Inducing Study demonstrates that proposed improvements do not support the RMP resource protection and smart growth policies and are likely to be growth-inducing for lands with limited or no capacity to support human development without a significant adverse impact on the Highlands ecosystem.
- To limit road improvements where roads are constrained by topography, forested lands, or the community character of land uses fronting on the road.
- To promote the use of mass transit and other alternative modes of transportation.
- To adopt a Circulation Plan element in municipal master plans that coordinates with the land use plan and demonstrates consistency with the RMP. Additionally, the Circulation Plan element and associated development regulations shall facilitate the development of mixed land uses in locations that result in reduced average trip lengths, increase community and regional connectivity, and support existing development patterns, as well as include an evaluation of shared parking opportunities to support transit, commuter, commercial and mixed-use neighborhoods.

RMP Analysis

The accompanying Roadway Network and Transit Network Maps depict the major roadways and public transportation opportunities within the Borough of Peapack and Gladstone. As shown on the Roadway Network Map, Peapack and Gladstone's major roadways include Interstate Route 287 and U.S. Routes 202 and 206. Main Street (County Road 512) and Holland Avenue provide connections to the larger road network beyond the Borough. The Borough also has two rail stations, one located in Peapack and the other in Gladstone which provides mass transit transportation for commuters. The RPM notes that:

In total, 1,159.4 acres, or 31.4% of the Borough is located within a transit rich area with a minimum score of at least three points.

Peapack and Gladstone Borough Plans and Regulations

The Borough's planning documents contain limited information regarding transit and roadway networks. There is mention made in the 2014 Periodic Reexamination Plan to preserve the scenic and rural character of designated corridors in the Borough.

In order to be consistent with the RMP, the Borough will need to prepare an up-to-date Circulation Plan Element which coordinates with changes to development density/intensity in the Land Use Element, and addresses all of the goals, policies, and objectives related to Transportation in the RMP.

o. Redevelopment, Smart Growth, Housing and Community Facilities

Goals, Policies, & Objectives

Future land use in the Highlands region is directed by the Land Use Capability Zones, steering development away from sensitive and agricultural lands. The RMP also outlines a framework for future land use which includes:

- 1) The use of redevelopment in underutilized areas, brownfields and grayfields
- 2) A smart growth approach to resource planning and management, which promotes land use patterns with a sense of community and place, multi-modal and alternative modes of transportation, sustainable economic development, and an equitable distribution of the costs and benefits of development;
- 3) The use of Low Impact Development, which is an Element of smart growth that uses a variety of landscape and design techniques to manage development activities to mitigate potential adverse impacts on the natural environment; and
- 4) Mechanisms to address the need for a full range of variety and choice in housing opportunities and access to community facilities, while protecting the character and natural resources of the region and acknowledging infrastructure limitations.

The RMP goals, policies and objectives relating to Redevelopment, Smart Growth, Housing and Community Facilities are as follows:

- To encourage redevelopment in the Conservation and Protection Zones and ECZ in the Planning Area of brownfields and grayfields and (and, in the ECZ, other previously developed areas) that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields.
- To require identification of any development, redevelopment, and brownfield opportunities in the Land Use Plan Element of municipal master plans, as appropriate.
- To amend municipal development regulations and zoning to enable project implementation of local redevelopment initiatives that are identified under municipal master plans, consistent with RMP smart growth and Low Impact Development policies and objectives.
- To encourage new development in the ECZ in the form of “center-based” and mixed-use development, where desired by the municipality. Densities of five dwelling units per acre or more is encouraged.
- To incorporate programs for community and neighborhood design into municipal master plans and

development regulations, including minimum requirements for the use of Low Impact Development and sustainable design practice to support affordable maintenance of housing, particularly affordable housing; regulations and guidelines advocating mixed-use development and redevelopment; regulations and guidelines that incorporate form-based zoning to support compact, walkable communities; increased opportunities for pedestrian and bicycle networks; and regulations and guidelines advocating shared parking, driveways, and other infrastructure in order to limit paved surfaces.

- To require that municipalities develop an Economic Plan Element of the municipal master plan, which provides strategies for achieving sustainable and appropriate economic development and identifies any development, redevelopment, and brownfield opportunities.
- To adopt municipal Low Impact Development Best Management Practices where disturbance of Highlands resources is proposed to avoid or minimize the net loss of Highlands resources. The RMP provides site-specific techniques relating to site design, building orientation, landscaping, water conservation, stormwater management, and ground water recharge.
- To require the identification of existing and planned community facilities and encourage shared service opportunities as part of the local Community Facilities Plan Element.
- To require that municipalities implement both the resource protection requirements of the RMP and the NJ Supreme Court's doctrine that every municipality in a "growth area" has a constitutional obligation to provide a realistic opportunity for a fair share of its region's present and prospective needs for affordable housing.
- To require that municipalities update and adopt a Housing Element, Fair Share Plan, and implementing ordinance(s), which evaluate and provide for alternate mechanisms to address affordable housing obligations where RMP resource protection standards restrict the ability of planned but not built sites to be developed for affordable housing.

Peapack and Gladstone Borough Plans and Regulations

Redevelopment: With regard to redevelopment, the Borough has designated the Lackawanna Avenue as a redevelopment area under the Area of Rehabilitation provisions of the Local Redevelopment and Housing Law. The redevelopment plan seeks to implement the Borough's Third Round housing plan which designated the area for mixed use development including the construction of affordable housing units.

Additional redevelopment contemplates the repurposing of the Pfizer Campus from a pharmaceutical laboratory and office center for the Pfizer corporation to a senior campus which would include limited commercial uses and limited stay hotel. More importantly, the repurposing of the Pfizer Campus will include affordable housing units for seniors 55 and older. In recognition of the unique character of the site and environmental limitations impacting the site, redevelopment of the campus will take place largely within the existing footprint of the campus.

Smart Growth: The Borough is committed to smart growth principles as expressed in the Borough's 2014 Periodic Reexamination report adopted in 2015 which includes policies that specifically includes discussion concerning smart growth principles.

The Borough needs to amend its master plan and development regulations to incorporate additional Low Impact Development and sustainable design standards, such as green architecture, reuse of existing structures, indigenous landscaping, gray water reuse, solar energy use, and LEED (Leadership in Energy and Environmental Design) certification.

The Borough would also benefit from an Economic Development Plan Element of the master plan, which provides strategies for achieving sustainable and appropriate economic development and identifies any opportunities for infill development and redevelopment.

Housing and Community Facilities: The Borough has a long history of providing for low- and moderate-income housing in accordance with the State Fair Housing Act regulations as codified in regulation by the Council of Affordable Housing (COAH). The Borough received COAH substantive certification for the Second Round. The Borough's most recent Housing Element and Fair Share Plan was prepared in 2022 and addressed Peapack and Gladstone's Third round affordable housing obligation. The Plan incorporated a variety of features to address the community's low-to-moderate income housing obligation and the Borough was granted an order of compliance and repose by the Superior Court.

Additionally, the Borough has made progress in implementing its affordable housing plans. The Borough Land Use Board has recently approved three affordable projects including a 100% municipally sponsored affordable housing development on Borough owned property referred to as the Smith property. The Smith Property will include two group homes, each building with 4 units and a multifamily development of 20 units of affordable family housing units. The former Peapack Bank building occupied by Fin Pro is to be repurposed into a self-storage facility which will also include 5 affordable family units. And finally, the Borough Land Use Board has approved an inclusionary development on Route 206 proposed by SJP Properties. That project calls for the development of 82 family units including 14 units to be affordable to low and moderate income families.

The Borough has adopted and filed its Fourth Round Housing Element and Fair Share Plan with the "Program" pursuant to the recently enacted amendments to the Fair Housing Act signed into law by Governor Murphy in 2024.

The Borough does not have a Community Facilities Plan Element and given the stable character of the community and lack of developable land, it is not anticipated that there will be major expansions of community facilities.

VI. Draft Implementation Plan

The table below identifies the various tasks and anticipated schedule for Peapack Gladstone to become a fully conforming municipality and implement the goals of the RMP. .

Draft Implementation Plan

Task	Plan Conformance Task	Timeline	Status and Comments
1	Highlands Interactive ERI	FY 2026	Amend Borough's ERI as needed to align with Highlands RMP.
2	Reexamination Report & Highlands Element of Municipal Master Plan	FY 2026	Preparation of documents to align with Highlands RMP.
3	Adoption of Highlands Conformance Ordinance	FY 2026	Adoption of ordinance to protect resources.
4	Housing Element and Fair Share Plan	Ongoing	The Borough adopted a HE&FSP in May 2025. The Borough will work to implement the plan in accordance with the RMP.
5	Municipal Master Plan Elements	Ongoing	Update Land Use Element to include a climate change related hazard vulnerability assessment.
6	Zoning Map Updates	TBD	Update zoning map as a result of reexamination report, land use element amendments and RMP
7	Resource Management Plans & Programs	Ongoing	Prepare resource management plans for water use and conservation, stormwater, lake management and other elements as identified by the Council.
8	Highlands Area Exemption Ordinance	FY 2026	Adopt exemption ordinance and attend training session at the Highlands Council.

APPENDICES

Appendix A-1:

Borough of Peapack and Gladstone 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		
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Include Topic?	Address RMP?	Action(s) Required
Forest Resources	Yes	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Highlands Open Waters & Riparian Areas	No	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Steep Slopes	Yes	No	No	No	Yes	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Critical Habitat	Yes	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Carbonate Rock	Yes	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Lake Management	No	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Water Resources Availability	Yes	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Prime Groundwater Recharge	Yes	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;

	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
Water Quality	Yes	No	No	No	Yes	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Wellhead Protection	Yes	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Stormwater Management	No	No	No	No	Yes	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Water/Wastewater Utilities	Yes	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Septic Densities	No	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Low Impact Development	No	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Transportation	No	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Land Pres/Stewardship	No	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Agricultural Resources	Yes	No	Yes	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;
Cluster Development	No	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions;

	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
Community Facilities	No	No	No	No	No	No	Prepare NRI and MP and revise LUO to include topic and incorporate RMP provisions; Major changes necessary
Sustainable Economic Development	No	No	No	No	No	No	Prepare NRI and revise MP and LUO to include topic and incorporate RMP provisions; Major changes necessary
Historic, Cultural, Archaeological , and Scenic Resources	Yes	No	Yes	No	No	No	Prepare NRI and revise MP and LUO to include topic and incorporate RMP provisions; Major changes necessary

Appendix A-2:
Highlands Plan Conformance Procedures



RMP Addendum 2019-2 Plan Conformance Procedures

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

July 2019

I. INTRODUCTION

The Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et. seq.), “the Highlands Act,” was enacted on August 10, 2004. Through passage of the Highlands Act, the New Jersey Highlands Water Protection and Planning Council (Highlands Council) was created and charged with the important task of developing a Regional Master Plan (RMP) to protect the critical natural resources and other significant values of the Highlands Region.

The Highlands Act is premised on the need for coordinated land use planning and regulation to protect the important resources of the Highlands Region. A fundamental aspect of the Highlands RMP is the process by which local governments modify their land use requirements and restrictions to support the goals and requirements of the RMP. The Act directs the Highlands Council to develop a set of requirements to protect the Highlands which include mandatory restrictions over land use and development practices within the Preservation Area and provisions for voluntarily conformance with respect to the Planning Area.

In accordance with the Highlands Act, the Highlands Council is authorized to “approve, reject, or approve with conditions the revised master plan and development regulations” of Highlands municipalities and counties. The Highlands Council may also “identify changes” necessary for Plan Conformance approval as part of a rejection or conditional approval of a local Petition for Plan Conformance (N.J.S.A. 13:20-14 and 15).

Of the 88 municipalities in the Highlands Region, 5 are entirely in the Preservation Area, 36 are entirely in the Planning Area, and the remaining 47 municipalities have lands in both areas. Assessment of the Highlands natural systems and resources conducted by the Highlands Council during the preparation of the RMP revealed that important ecosystems and natural resources lie not only within the Preservation Area, but also within the Planning Area. The Highlands Council recognized that while the mandatory resource preservation and protection requirements of the Act and the New Jersey Department of Environmental Protection (NJDEP) regulations will combine to largely protect these natural systems and resources in the Preservation Area, the overall protection of these features in the Highlands Region will depend upon the voluntary conformance with the RMP by those communities that lie within the Planning Area.

II. Plan Conformance Overview

“Plan Conformance” is the process by which a municipality or county revises its local master plan and development regulations, as applicable to the development and use of land, in order to align them with the goals, requirements, and provisions of the Highlands Act and the RMP. The Highlands Council will review and approve a Petition for Plan Conformance by adoption of a formal resolution during a publicly-noticed Highlands Council meeting, which is subject to the Governor’s Review period that follows.

Petition approvals are typically rendered with conditions, requiring follow-up implementation activities which are supported by appropriate Highlands Council grant funding. Once the Highlands Council and the Petitioner have executed the Plan Conformance Grant Agreements, providing for such funding, the municipality or county embarks on the implementation phases of Plan

Conformance. It is important to note that the protective legal benefits of achieving Plan Conformance as provided under the Highlands Act (see Benefits of Plan Conformance below, items “c” and “d”) apply to a Highlands municipality only after it has been deemed a “conforming municipality,” as defined herein.

A. Purpose and Scope of the Plan Conformance Process

- (a) The purpose of the Plan Conformance process is to provide a framework that supports the efforts of municipalities and counties in the Highlands Region to bring master plans and development regulations into conformance with the goals, requirements, and provisions of the RMP.
- (b) All activities undertaken by the Highlands Council or Highlands municipalities and counties to bring master plans and development regulations into conformance with the RMP are considered to be within the scope of Plan Conformance.
- (c) Plan Conformance shall incorporate a process for effective and thorough local government involvement and public input.
- (d) The Highlands Council intends to ensure that Plan Conformance will address local or unique circumstances. The Highlands Council recognizes that the RMP was created at a regional scale and that new or additional information available at the county or municipal level may be utilized during Plan Conformance.

B. Required Conformance in the Preservation Area

- (a) The Highlands Act requires that each county and municipality located wholly or partially in the Preservation Area submit a Petition for Plan Conformance to the Highlands Council for that portion of its jurisdiction lying within the Preservation Area.
- (b) Petitions for Plan Conformance may include proposed revisions of the county or municipal master plan and development regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to achieve conformance with the goals, requirements, and provisions of the RMP.

C. Voluntary Conformance in the Planning Area

- (a) Petitions for Plan Conformance for that portion of a county or municipality lying within the Planning Area may be submitted to the Highlands Council at any time.
- (b) Petitions for Plan Conformance may include proposed revisions of the county or municipal master plan and development regulations, as applicable to the development and use of land in the Planning Area, as may be necessary to achieve conformance with the goals, requirements, and provisions of the RMP.

D. Construction of Plan Conformance Procedures

- (a) Nothing in these Plan Conformance Procedures shall be construed to limit the authority of a municipality or county, as provided in the Highlands Act (N.J.S.A. 13:20-14), to adopt revisions to its master plan, development regulations, or other regulations for the purposes of Plan Conformance that are stricter, as determined by the Highlands Council, than the minimum necessary to obtain approval of conformance with the RMP.
- (b) These Plan Conformance Procedures should be liberally construed to conform with the State's obligation to stringently safeguard the State's public trust resources and other resources of the Highlands Region. These Plan Conformance Procedures shall not be construed to limit, alter or eliminate the requirements of any other applicable federal, State, or local laws, rules, regulations, codes or ordinances.
- (c) If any section, part, phrase, or provision of these Plan Conformance Procedures or the application thereof to any person is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision, or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the validity of the remainder of these Plan Conformance Procedures or the application thereof to other persons or entities.

E. Plan Conformance Meetings and Public Input

- (a) In order for Plan Conformance to be timely and successful, it is essential that there be opportunities for open public dialogue between the Highlands Council, local government officials and their professionals, stakeholders, and interested citizens. It is also important that there be a free flow of information between the Highlands Council and local representatives.
- (b) Any statements or recommendations made by any representative of the Highlands Council in the context of Plan Conformance shall be considered non-binding and shall confer no legal rights. Only the Highlands Council may take final action on a Petition for Plan Conformance.
- (c) Notice of Plan Conformance issues before the Highlands Council, including the submission of Petitions for Plan Conformance, Highlands Council and Council Committee meetings, and public meetings on Petitions shall be provided to the public by postings on the Highlands Council website, newspapers of record, and, where involving a local government, in accordance with that local government's policies for public notice.

F. Benefits of Plan Conformance

In order to achieve a regional approach to land use planning and a coordinated method for the protection and enhancement of the significant values of the resources in the Highlands Region, the Highlands Act provides benefits to counties and municipalities that come into conformance with the Regional Master Plan. Such municipalities and counties are eligible for the benefits specified below.

(a) Planning Grants and Technical Assistance

1. The Highlands Council shall make grant funds and other financial and technical assistance

available to Highlands municipalities and counties for the reasonable costs of any revision of their master plans, development regulations, or other regulations or plans which are designed to further the Goals, Policies and Objectives of the RMP or for the implementation of a Transfer of Development Rights program pursuant to the Highlands Act.

2. Plan Conformance grants shall be awarded to municipalities and counties through the approval of a resolution by the Highlands Council. The Council shall provide grant funds for all mandatory aspects of Plan Conformance and may also provide grant funds for discretionary aspects of Plan Conformance as determined by the Council.

(b) State Aid and Assistance for Smart Growth

3. Highlands municipalities and counties approved by the Highlands Council as being in conformance with the RMP shall qualify for all State aid, planning assistance, technical assistance, and other State-provided benefits and incentives that may be awarded or provided to municipalities and counties which have received Plan Endorsement from the State Planning Commission or have otherwise been acknowledged by the State as practicing or implementing smart growth strategies and principles. These benefits apply to any conforming municipality in the Preservation Area, and subsequent to Plan Endorsement for the Planning Area of the Regional Master Plan by the State Planning Commission (see part (e) below), to any conforming municipality in the Planning Area. Any such municipality or county shall also qualify for any State aid that may be provided for smart growth projects.
4. Any municipality or county may include in its Petition for Plan Conformance a listing of priority projects or other matters that are fundamental to the provision, improvement, enhancement, or restoration of infrastructure, public facilities, or other matters that may require the funding, implementation, or active participation of a State agency. The Highlands Council may act to coordinate such matters with the appropriate State agency, where such action is consistent with the RMP, to gain agreements with the appropriate State agency to facilitate, approve, fund, or take other actions necessary to implement the matter of local priority.

- (c) Strong Presumption of Validity, Extraordinary Deference, and Burden of Proof.** The master plan and development regulations of any municipality and the county master plan and associated regulations of any county which have been approved by the Highlands Council as in conformance with the RMP shall be entitled to a strong presumption of validity. In any cause of action filed against such a local government unit and contesting an action or decision of the local government unit taken or made under authority granted pursuant to the Municipal Land Use Law, the State Uniform Construction Code Act, or the Highlands Act, the Highlands Act requires that the court shall give extraordinary deference to the local government unit, provided that the municipal or county master plan and associated regulations have been approved by the Highlands Council as being in conformance with the RMP. The plaintiff shall have the burden of proof to demonstrate by clear and convincing evidence that the act or decision of any such local government unit was arbitrary, capricious, or unreasonable or in patent abuse of discretion.

- (d) Legal Representation.** The Highlands Council shall provide legal representation to any requesting local government unit located in the Highlands Region in any cause of action filed against the local government unit and contesting an action or decision of the local government unit taken or made under authority granted pursuant to the Municipal Land Use Law, the State Uniform Construction Code Act, or the Highlands Act, provided that:

5. The municipal or county master plan and associated regulations that have been adopted by the municipality or county, approved by the Highlands Council as being in conformance with the RMP, and the master plan or associated regulations are the subject of the cause of action filed against the local government unit;
 6. The Highlands Council determines that the act or decision of the local government unit which is the subject of the cause of action is consistent with the RMP;
 7. The act or decision of the local government unit that is the subject of the cause of action involves an Application for Development that provides for the ultimate disturbance of two acres or more of land or a cumulative increase in impervious surface by one acre or more; and
 8. In the case of a Planning Area municipality, the municipality shall have adopted a Planning Area Petition Ordinance.
- (e) **Plan Conformance deemed equivalent to State Plan Endorsement.** Any municipality or county or portion thereof located in the Preservation Area shall be exempt from the plan endorsement process established in the rules and regulations adopted by the State Planning Commission. Upon State Planning Commission endorsement of the RMP adopted by the Highlands Council, Highlands Council approval of any municipal master plan and development regulations or county master plan and associated regulations through the Plan Conformance process, for lands in the Planning Area, shall be deemed the equivalent of having those plans endorsed by the State Planning Commission and such entities shall be entitled to any applicable plan endorsement benefits.

III. PLAN CONFORMANCE PETITION PROCESS

A. Initial Assessment

Any municipality or county interested in Plan Conformance will work with the Highlands Council to conduct an initial assessment to identify the changes necessary to align the local jurisdiction's planning program (including master plan and associated materials, land use regulations, development controls, and/or administrative processes) with the RMP. Some communities seeking to conform may need to make fundamental changes to their master plans and/or develop new master plan elements to achieve conformance, while others may need only modest revisions and updates to their existing planning programs. The extent of modifications necessary depend on the existing local government regulations, the development potential of lands within the municipality, and/or the Highlands environmental resources present. In addition, the Highlands Council has recognized that in some instances the development potential within the conformance area is so limited that adoption of major planning program changes are unnecessary. Based on these findings, the Highlands Council seeks to provide a flexible program for plan conformance implementation.

For example, where the conformance area of the subject municipality is precluded from new development due to existing circumstances, such as the extensive presence of preserved lands, items to be implemented by the municipality will be minimal to none. Where very limited development potential is noted, modifications for RMP consistency in such instances may be achieved by adoption of a Highlands municipal referral land use ordinance amendment which: a) establishes Highlands Districts (including Preservation Area, Planning Area, and Highlands Land Use Capability Zones); b)

regulates both septic system density and water/wastewater infrastructure in accordance with Highlands requirements; and c) refers development applications to the Highlands Council for RMP consistency determinations as a condition of completeness. Finally, where the conformance area of the subject municipality contains significant Highlands resources and the area is identified as having the potential for development, modifications to achieve RMP consistency will require adoption of Highlands master plan and land use ordinance revisions to provide the resource protections called for in the RMP.

At the conclusion of the Initial Assessment, the Council will provide interested municipalities with individualized information, including such documents (e.g., model Highlands Master Plan Elements and Land Use Ordinances), maps, and technical data as needed to proceed with the Plan Conformance process. A complete list of planning program documents that may be included in a municipal Petition appears in Appendix A. A municipality will only need to complete those items identified in the initial assessment report as applicable, based on findings of the initial assessment grant and any subsequent review during the petition review process.

Counties

For all counties, the extent of modifications to existing documents to achieve RMP consistency will focus on: a) provisions pertaining to roadway improvements and stormwater systems over which the county has jurisdiction, as may be identified through the initial assessment process; and b) administrative requirements needed to incorporate such items as Highlands Council notice requirements and referrals, as required pursuant to the Highlands Act for certain types of development applications and county capital projects. Additional RMP implementation initiatives are optional for counties, and will include items such as development of Sustainable Economic Development Plans, Farmland Preservation Plans, and Agricultural Retention/Expansion Plans. Options will be outlined in the information packets provided to each county following the Initial Assessment, inclusive of grant funding opportunities that will assist in their completion.

B. Plan Conformance Petition

- (a) Submittal documents required for Petitions for Plan Conformance will vary depending upon the results of the Highlands Council Initial Assessment discussed in Section A above. Specific requirements will be set forth in detail for each jurisdiction in the information packet provided following the Initial Assessment.
- (b) Petitions for Plan Conformance will include the following, as applicable:
 - 1. **Preservation Area Petition.** For any Petition involving Preservation Area lands, a certified resolution of the governing body endorsing the proposed planning program revisions, as applicable, and Petitioning the Highlands Council for a determination of Plan Conformance.
 - 2. **Planning Area Petition.** For municipal Petitions involving Planning Area lands, the Highlands Council will accept a resolution adopted by the Governing Body in lieu of an adopted Planning Area Ordinance for purposes of review and consideration of Petition materials. Counties have the option to Petition the Highlands Council by resolution or by ordinance. It should be noted that adoption of the Planning Area Petition Ordinance is required for conformance by Planning Area municipalities pursuant to the Highlands Act

(N.J.S.A. 13:20-15), and that same will be a primary condition of any Petition approval by the Highlands Council.

3. **Planning Program Documents.** Proposed substantive revisions, updates and/or supplements to the master plan, land use regulations, management plans, redevelopment plans, and various other planning documents required to achieve Plan Conformance shall be submitted as part of the Plan Conformance Petition. (A complete list of planning program documents that may be included in a municipal Petition appears in Appendix A. A municipality will only need to complete those items identified by the Highlands Council and the municipality or county, as applicable, based on findings of the initial assessment grant and any subsequent review during the petition review process.)
4. **Map Adjustments and RMP Updates.**
 - i. Map Adjustments: If applicable, any requests for Map Adjustments shall include all information, justification, and evidence in support of same as set forth and required under the Map Adjustments Program (Regional Master Plan, Chapter 6) and procedures. If the Petitioner seeks no Map Adjustments, the Petition shall so indicate.
 - ii. RMP Updates: If applicable, any requests for RMP Updates shall be included in the Plan Conformance Petition. An RMP Update is a factual update to Highlands Council data. This may result in changes to the configuration and boundary lines of Highlands Land Use Capability Zones, which could significantly alter certain aspects of the conformance process.

IV. PLAN CONFORMANCE PETITION PROCESS

A. Notice of Petitions

- (a) Upon receipt of a Petition for Plan Conformance, the Executive Director shall post a record of the receipt of the Petition on the Highlands Council's website and shall regularly update the website to include appropriate Petition information.
- (b) The Executive Director shall review Plan Conformance Petitions for administrative completeness within 60 days of receipt. The Executive Director shall inform the Petitioner of these findings in writing. In the event a Petition is deemed administratively incomplete, the letter shall specify the deficiencies and the timeframe (if applicable) within which they must be corrected. A finding of administrative completeness shall in no event preclude the Highlands Council from requesting such additional information as may prove necessary during the process of its review, to clarify, complete, correct or modify a Petition in the interest of ultimately achieving Plan Conformance.
- (c) Where a Petition for Plan Conformance is determined to be administratively complete, the Executive Director shall undertake a review of the Petition to determine whether or not the submission adequately and comprehensively addresses the requirements of the Regional Master Plan.

- (d) After completing the Petition review, the Executive Director shall prepare a report making recommendations regarding one or more of the following actions:
1. The waiver of submission of an item required for the administrative completeness of a Petition where a Petitioning municipality or county demonstrates that the particular circumstances or conditions of the municipality or county do not warrant or require its submission;
 2. The approval, rejection, or approval with conditions of any revisions to the master plan and/or development regulations that have been submitted in the Petition for Plan Conformance;
 3. Where the Executive Director conditionally recommends the approval of a Petition for Plan Conformance, such recommendation shall include a local implementation schedule that specifies a date certain by which any conditions must be satisfied;
 4. Where the Executive Director conditionally recommends the approval of a Petition for Plan Conformance, the recommendation shall specify which benefits, including planning grants and technical assistance, may be made available to the Petitioner and the conditions required to be fulfilled to receive such benefits.
- (e) Where the Executive Director has recommended rejection, or approval with conditions of any revisions to the master plan and/or development regulations that have been submitted in the Petition for Plan Conformance, the municipality or county may request that the Highlands Council defer action on the Petition. The municipality or county may be granted deferral of action for a time to be specified by the Executive Director to resubmit the Petition with such modifications as the Petitioning jurisdiction deems necessary to address the Executive Director's recommendation, pursuant to the procedure outlined above. The Executive Director may then choose to modify the recommendation on the basis of the Petition modifications, without a new completeness review.

B. Public Meeting for Review of Plan Conformance Petitions

- (a) The Executive Director will post the draft report on the Highlands Council website for a minimum thirty (30) day public comment period. Notice of the public comment period shall be made in accordance with both the Council and local government's policies for public notice, including publishing such notice in print and digital media.
- (b) Upon receipt of the final report, including any public comments received, the Highlands Council shall conduct such deliberations as needed and shall, within 60 days of the date of receipt of the final report, approve, reject, or approve with conditions the revised master plan and development regulations and any other aspects of the Petition as it deems appropriate. The Highlands Council decision shall be by resolution, with an opportunity for public comment. Nothing herein shall preclude an extension of the 60 day time period, by consent of the Petitioner.
- (c) The Highlands Council shall adopt a memorializing resolution on each Petition for Plan Conformance providing its findings, conclusions, and final determination in the matter and a listing of any conditions pertaining thereto, a copy of which shall be provided to the Petitioner.

- (d) The Executive Director shall provide public notice of any determination on the Highlands Council web site and shall publish any other notices as legally required.

IV. Post-Petition Approval Procedures

A. Failure to Obtain or Fulfill Terms of Plan Conformance Approval

- (a) In the event that any municipality or county fails to adopt or enforce an approved revised master plan, development regulations, or other regulations, including any condition thereto imposed by the Highlands Council, the Highlands Council may enforce such rules and regulations as may be necessary to implement the minimum standards contained in the Regional Master Plan as applicable to any county or municipality with lands or waters within the Preservation Area.
- (b) If any municipality or county fails to adopt or enforce an approved revised master plan, development regulations, or other regulations pertinent to the Preservation Area, including any condition thereto imposed by the Highlands Council, the Highlands Council shall have all local enforcement authority provided to the municipality or county pursuant to the Municipal Land Use Law or the County Planning Act for that portion of the Preservation Area. The Highlands Council shall in addition have all authority under the Highlands Act, as well as the authority to issue stop construction orders, as may be necessary to implement the provisions of the Highlands Act, any rules and regulations adopted pursuant thereto, and the requirements and provisions of the RMP.

B. Duration of Plan Conformance and Conformance Amendments

- (c) A municipality shall be considered to be a conforming municipality after adoption of a land use ordinance and certification of said land use ordinance by the Highlands Council that implements the Highlands Act and the RMP. The term “land use ordinance” shall be inclusive of any amendment to the municipality’s land development ordinance adopted to further the municipality’s petition of plan conformance. This shall include any of those ordinances listed in Appendix A.5. For Planning Area municipalities, this also requires adoption of the Planning Area Petition ordinance. The Highlands Council shall issue a letter to each municipality that satisfactorily completes these requirements, certifying that the municipality is a conforming municipality and the effective date of same.
- (d) Plan Conformance approval shall continue without expiration, provided that the conforming jurisdiction retains the consistency of its planning program and program materials with the RMP.
- (e) Upon the commencement of each reexamination by a municipality or county of its master plan and development regulations and where these plans and regulations have been previously approved by the Highlands Council to be in conformance with the RMP pursuant to the Highlands Act, the municipality or county shall so notify the Council and, thereafter, submit to the Council for review the Reexamination Report and/or any proposed revisions of its master plan and development regulations, to determine conformance with the RMP.
- (f) If, after conducting a reexamination, the municipality or county does not resubmit to the Council its master plan and development regulations as they pertain to the Planning Area and obtain re-approval thereof from the Council in accordance with the Highlands Act and these Procedures,

or if the Council finds the reexamined master plan or development regulations not to be in conformance with the Regional Master Plan, the Council may deem the jurisdiction as not in conformance with the RMP. Any financial or other assistance the jurisdiction has received for tasks that have been previously deemed consistent with the RMP shall remain the property of the jurisdiction. However, in such a case where the jurisdiction used financial or other assistance from the Highlands Council that resulted in a determination of non-conformance, the Council may require the jurisdiction to reimburse the Council or the State, as appropriate, in whole or in part for any financial or other assistance or incentives received from the State.

- (g) No amendment to any master plan or development regulations of a conforming county or municipality shall be effective until the county or municipality shall have submitted such amendment to the Highlands Council and such amendment has been found by the Council to be in conformance with the RMP. Alternately, the Executive Director may notify the county or municipality that such amendment does not affect the Highlands Council's prior finding of conformance of the master plan or development regulations with the RMP.
- (h) Following the receipt of any amendment to a conforming master plan or development regulations, the Executive Director shall determine whether or not the amendment raises a substantive issue with respect to the conformance of the county or municipal master plan or development regulations with the RMP. If the Executive Director determines no such substantive issue is raised, the Executive Director shall certify such fact to the clerk of the county or municipality and to the Highlands Council and shall provide public notice on the Highlands Council web site. Such amendment shall thereupon take effect in accordance with its terms and applicable law.
- (i) If the Executive Director determines that the amendment raises a substantive issue with respect to the conformance of the amended county or municipal master plan or development regulations to the RMP, the amended county or municipal master plan or development regulations shall be reviewed in accordance with these procedures and the Executive Director shall so inform the county and municipal clerk.
- (j) The Highlands Council may revoke a conformance approval granted pursuant to the Highlands Act, after providing notice to the municipality and conducting a public meeting, if the Council finds that the local government unit has taken action inconsistent with the RMP.
- (k) The Highlands Council may only provide legal representation under the standards set forth in Section II.F(d).

DEFINITIONS

The following words and terms, when used above, shall have the meanings indicated herein unless the context clearly indicates otherwise:

“Approval” means the approval by the Highlands Council, with or without conditions, of a Plan Conformance Petition.

“Application for development” means the application form and all accompanying documents required for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. or 40:27-1 et seq., for any use, development, or construction.

“Conforming municipality” means a municipality that has adopted a land development ordinance implementing the municipality’s plan conformance petition and said land development ordinance has been certified as consistent by the Highlands Council with the Highlands Act, the RMP and the municipality’s Plan Conformance approval. The term “land development ordinance” shall be inclusive of any amendment to the municipality’s land development ordinances that is adopted to further the municipality’s petition of plan conformance. This shall include, but not be limited to, any of those ordinances listed in Appendix A.5.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law.

“Development regulation” means a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to Municipal Land Use Law.

“Highlands Act” means the Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et. seq.).

“Highlands Region” means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

“Local government unit” means a municipality, county, or other political subdivision of the State, or any agency, board, commission, utilities authority or other authority, or other entity thereof.

“Master plan” means, for a municipality, a composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to section 19 of the Municipal Land Use Law (N.J.S.A. 40:55D-28), and for a county, means a composite of the master plan for the physical development of the county, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the county planning board pursuant to N.J.S.A. 40:27-2.

“Notice of Intent” means a resolution passed by the governing body of a local government that expressly notes that the local government desires to investigate the scope and range of tasks needed to be undertaken by the local government to gain Plan Conformance approval.

“Petition for Plan Conformance” means a Petition submitted by a municipality or county with revised master plans and development regulations to conform with the goals, requirements, and provisions of the Regional Master Plan.

“Plan Conformance” means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with these Highlands Plan Conformance Procedures.

“Regional Master Plan” means the Highlands regional master plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

“State Development and Redevelopment Plan” means the State Development and Redevelopment Plan adopted pursuant to N.J.S.A. 52:18A-196 et seq.

Appendix A-3:
DRAFT Model Highlands Conformance Ordinance

DRAFT MODEL HIGHLANDS ORDINANCE

WHEREAS, the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

WHEREAS, the Highlands Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and

WHEREAS, the Highlands Regional Master Plan was adopted by the Highlands Council through the adoption of Resolution 2008-27 on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

WHEREAS, Section 14 of the Highlands Act expressly requires that municipalities must revise and conform their local master plan and development regulations for that portion of their lands within the Preservation Area, as related to development and use of said lands, with the goals, requirements and provisions of the Regional Master Plan within 15 months of the effective date of adoption thereof, or December 8, 2009; and

[WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations, as related to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; and]

WHEREAS, the TOWN is located in the Highlands Region with lands lying within [both] the Preservation Area [and the Planning Area], as defined by section 7 of the Highlands Act; and

WHEREAS, the Governing Body of TOWN has on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to TOWN lands located within [both the Planning Area portion and] the Preservation Area portion of the Highlands Region; and

WHEREAS, the Petition filed with the Highlands Council contains proposed amendments to the municipal planning program, including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources located within the TOWN; and

WHEREAS, the Governing Body finds that the proposed changes to the municipal planning program are of broad and significant effect, are vital to the protection of the Highlands resources of the municipal Highlands Area, and are compelling to the interests and general welfare of the community;

NOW THEREFORE, BE IT ORDAINED by the Governing Body of TOWN that the following is hereby adopted as an amendment to the TOWN land use ordinances:

[Planning Area Conformance Only] Section 1 Petition for Plan Conformance

TOWN is located [fully/partially] within that portion of the New Jersey Highlands Region defined by the Highlands Act, as the “Planning Area” (see definitions). This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council (Highlands Council) for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Governing Body of the TOWN establishes that the municipality shall conform its master plan, development regulations, and all other regulations applicable to the use and development of land within the [Preservation Area and] Planning Area of the municipality, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval

of the municipality's Petition for Plan Conformance, which was approved by Highlands Council Resolution No. XXX, adopted on _____. Further, this Ordinance specifically reserves the rights of the municipality as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

Section 2 - Highlands Council Review of Land Development Ordinance Amendments

Any amendment to the TOWN Land Development Regulations [that falls within the Highlands Area] shall not be effective until deemed consistent with the Regional Master Plan or deemed not subject to review by the Highlands Council.

Section 3 - Amendment to Land Development Regulations

I. Establishment of Highlands Districts

A. Highlands Preservation Area and Planning Area

1. In accordance with the delineation as set forth in the Highlands Act (C.13:30-7) the TOWN hereby establishes the [Preservation Area and Planning Area] of the Highlands Region.
2. For purposes of this Ordinance, this/these Area/s shall henceforth be known and designated as the TOWN Highlands Area.

B. Highlands Land Use Capability Zones: In accordance with the Highlands RMP there are hereby established three primary Land Use Capability Zones (LUCZ) (the Protection Zone, Conservation Zone and Existing Community Zone) and four LUCZ sub-zones (Wildlife Management Sub-Zone, Conservation Zone–Environmentally Constrained Sub-Zone, Existing Community Zone–Environmentally Constrained Sub-Zone and Lake Community Sub-Zone).

1. Exhibits: The following exhibits are hereby adopted.
 - a. Exhibit 1 entitled Highlands Area and Highlands Land Use Capability Zones depicting the municipality along with delineation of the Highlands Area and Highlands Land Use Capability Zones,
 - b. Exhibit 2 entitled Wellhead Protection Areas,
 - c. Exhibit 3 entitled Highlands Open Waters and Buffers,
 - d. Exhibit 4 entitled Highlands Riparian Areas,
 - e. Exhibit 5 entitled Net Water Availability,
 - f. Exhibit 6 entitled Forest Area,
 - g. Exhibit 7 Prime Groundwater Recharge Areas, and
 - h. [as necessary] Exhibit 8 entitled Special Environmental Zone.

II. Applicability

The following Applications for Development involving lands located within (or partially within) the TOWN Highlands Area (as illustrated in Exhibit 1, "TOWN Highlands Area") shall comply with the provisions of this ordinance:

A. In the Preservation Area:

1. any non-residential development in the Preservation Area;
2. any residential development in the Preservation Area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more;
3. any activity undertaken or engaged in the Preservation Area that is not a development but results in the ultimate disturbance of one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or
4. any capital or other project of a State entity or local government unit in the Preservation Area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.

B. In the Planning Area:

1. For residential development, creates three (3) or more new dwelling units or lots.
2. For non-residential development:
 - a) Results in the ultimate disturbance of one (1) acre or more of land; or
 - b) Produces a cumulative increase of impervious surface area of one-quarter ($\frac{1}{4}$) acre, or more as of the date of enactment of this Ordinance.

C. In either the Preservation or the Planning Area:

1. Introduces or expands on any of the following land uses/facilities:
 - a) Landfills;
 - b) Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;
 - c) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials;
 - d) Industrial treatment facility lagoons; or
 - e) Any Major or Minor Potential Contaminant Source (as identified in Appendix A and Appendix B of this Ordinance, respectively) on lands located within 200 feet of the wellhead of any public community well or public non-community well, as these are defined herein.
2. All thresholds in A and B, above, shall be interpreted to apply cumulatively over time on the lot as it existed, beginning as of the effective date of this Ordinance. If or when any one of the thresholds is reached, the Ordinance shall apply to any and all development in excess of that threshold. Where an application proposes a mixed use, the thresholds in B, for non-residential development shall apply to the whole of the project, while that in A, shall apply to the residential component.

III. HIGHLANDS COUNCIL CALL-UP

The municipality shall, within fifteen (15) calendar days of issuance of any decision under this ordinance, provide a copy of the decision to the Highlands Council. The Highlands Council call-up review period shall expire 15 calendar days following the Highlands Council's receipt of same. Any decision issued under this ordinance shall not be effective until the expiration of the call-up period, or upon notification that the Highlands Council is exercising its review authority and an approval issued by the Highlands Council. Absent any notification from the Highlands Council within the 15-day timeframe, the decision shall be considered effective.

IV. EXCLUSIONS AND EXEMPTIONS

The following applications shall not be subject to the standards of this ordinance:

- A. Exclusions:** Any application for development as follows below shall not be subject to any provisions of this ordinance.
1. The reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.
 2. Any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.
 3. Any Agricultural or Horticultural Use or Development that would not result in either:
 - a) An increase, since the date of enactment of the Highlands Act (August 10, 2004), either individually or cumulatively, of new agricultural impervious cover of greater than three percent (3%) to the total land area of a

Farm Management Unit. Solar panels shall not be included in any calculation of agricultural impervious cover (all terms as defined in Section 4, below); or

- b) Construction of three (3) or more residential dwelling units (including accessory dwelling units) served by individual on-site septic system(s).

B. Highlands Act Exemptions: Any application for development exempt from the provision of the Highlands Act (C.13:20-28) shall be exempt from all provisions of this ordinance (with the exception of Section XVI Affordable Housing). Demonstration of a Highlands Act exemption for an Application for Development involving lands located (or partially located) in the Highlands Area shall consist of one of the following:

1. State Agency Determination. State Agency Determinations shall include either, a Highlands Applicability Determination (HAD) issued by the NJDEP for a Preservation Area proposal [, or a Highlands Exemption Determination issued by the Highlands Council for a Planning Area proposal, in either case,] indicating that the proposal qualifies as a Highlands Act Exemption.
2. Municipal Determination. Pursuant to TOWN Ordinance #_____, entitled “TOWN of _____ Highlands Area Exemption Ordinance,” effective as of [insert date] _____, for any application involving Highlands Act Exemptions #1, #2, #4, #6, #7, or #8 indicating that the proposal qualifies as a Highlands Act Exemption.

V. Prohibited Uses

Any of the following uses are prohibited uses within the Highlands Area [*municipal edit*: unless a prior consistency determination is received from the Highlands Council]:

- A. Landfills;
- B. Facilities for the permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;
- C. Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials; and
- D. Industrial treatment facility lagoons.
- E. Any principal or accessory use, or structure related or devoted to such use, which is designated by the Highlands Council as a Major or Minor Potential Contaminant Source (PCS) (see Appendix A and Appendix B is expressly prohibited from that portion of any Tier 1 Wellhead Protection Area lying within 200 feet of the wellhead as shown on Exhibit 2.

VI: Highlands Open Waters

- A. Highlands Open Waters and Buffers: All Highlands Open Waters shall include a minimum 300-foot-wide protection buffer, as measured from the edge of the Highlands Open Waters feature indicated in Exhibit 3.
 1. No disturbances of Highlands Open Waters are permitted except where previously approved by the Highlands Council.
 2. Highlands Open Waters buffers shall be maintained in their undisturbed or pre-existing condition, unless a disturbance is approved in accordance with following:
 - a) Where a NJDEP a Letter of Interpretation (LOI) or Highlands Resource Area Determination (HRAD) has been issued delineating the location a wetland, the boundaries of said wetland as identified shall govern. However, the buffer shall be 300 feet irrespective of the buffer identified in the LOI.

- b) With respect to any wetlands and other Highlands Open Waters features not mapped in Exhibit 3, each shall include a 300-foot wide protection buffer measured from a delineated wetlands line described in a LOI, from a field-delineated boundary line for other features, or as indicated by a Highlands Resource Areas Determination (HRAD) issued by the NJDEP.
 - c) Any lawful pre-existing structure or improvement located within a Highlands Open Waters protection buffer area may remain and be maintained or rehabilitated, provided that the existing area of disturbance attributed to or associated with such structure or improvement shall not be increased.
 - d) Disturbances of Highlands Open Waters buffers located in the Existing Community Zone are permitted in previously disturbed areas as follows.
 - (i) Agricultural & Horticultural Land Uses. For purposes of Highlands Open Water buffer disturbances in the Existing Community Zone, existing agricultural and horticultural uses, whether or not under active management or operation, shall not be considered “previously disturbed” buffer areas with regard to uses for non-agricultural development.
 - (ii) Any disturbance in a previously disturbed buffer must be accompanied by the finding that there will be no net loss of functional value of the buffer. This may include the use of mitigation and restoration of the Highlands Open Water Buffer.
 - (iii) If existing land uses create a natural or developed barrier to the buffer, then the buffer may be considered to be developable.
 - e) Protection and Conservation Zone Standards: Disturbances of Highlands Open Waters buffers located in the Protection and Conservation Zone are permitted in previously disturbed areas but in no case shall the remaining buffer be reduced to less than 150 feet from the edge of Highlands Open Waters.
 - (i) Agricultural & Horticultural Land Uses. For purposes of Highlands Open Water buffer disturbances in the Protection and Conservation Zone, existing agricultural and horticultural uses, whether or not under active management or operation, shall not be considered “previously disturbed” buffer areas with regard to uses for non-agricultural development.
 - (ii) Any proposed disturbances must demonstrate full utilization of the following performance standards in the listed order, to demonstrate the necessity of an encroachment into Highlands Open Waters buffers:
 - (a) avoid the disturbance of Highlands Open Waters buffers;
 - (b) minimize impacts to Highlands Open Waters buffers; and
 - (c) mitigate all adverse impacts to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer.
- B. Riparian Area Standards: Disturbance of any portion of a Highlands Riparian Area, as shown in Exhibit 4, in the Protection Zone is prohibited except for linear development, which shall be permitted only where it has been shown that there is no feasible alternative for the linear development outside of the Riparian Area.
1. To address the “no feasible alternative for linear development” standard, the applicant shall demonstrate that there is no other location, design or configuration for the proposed linear development that would reduce or eliminate the disturbance of Riparian Area.
 2. For proposed linear development that would provide access to an otherwise developable lot, the applicant shall in addition, show that:
 - a) The proposed linear development is the only point of access for roadways or utilities to an otherwise developable lot; and
 - b) Shared driveways are used to the maximum extent possible to access multiple lots.
 - c) An alternative shall not be excluded from consideration under this subsection merely because it includes or requires an area not owned by the applicant that could reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed linear development.

VII: Critical Habitat

- A. The location, extent and type of Critical Wildlife Habitat, Certified Vernal Pools and Natural Heritage Priority Sites are those areas defined in Section XVII and identified by the NJDEP. Details on the areas may be found on the Highlands Council's interactive map or through the NJDEP.
- B. Critical Wildlife Habitat
 - 1. No disturbance is permitted in any Critical Wildlife Habitat as defined in Section XVII except in accordance with the following:
 - 2. A Critical Wildlife Habitat area may be disturbed where a Habitat Suitability Analysis conducted by a qualified professional has been submitted to the Land Use Board, which shall review and confirm findings that:
 - a) The nature of the site is such that it does not provide habitat for species of concern;
 - b) The species of concern are not present on the site during any critical part of their life cycle, do not depend upon the site for food, shelter or breeding, and the habitat or the site is either unsuitable or not critical to species' recovery in the Region; or
 - c) Existing land uses present a human, natural or development barrier to the use of the site by species of concern.
 - d) Avoidance of disturbance to species of concern can be achieved through adherence to commonly accepted, species-specific timing restrictions including but not limited limitations on the timing of tree clearing, site disturbance and project development.
 - 3. Where disturbance of any Critical Wildlife Habitat has not been confirmed to be in accordance with the above standards, no disturbance shall be authorized without prior written approval of the Highlands Council.
- C. Certified Vernal Pools
 - 1. No disturbance is permitted in any 300-meter buffer of a certified vernal pool.
 - 2. A Critical Wildlife Habitat area may be disturbed where a Habitat Suitability Analysis conducted by a qualified professional has been submitted to the Land Use Board, which shall review and confirm findings that:
 - a) The nature of the buffer is such that it does not provide habitat for species of concern;
 - b) The species of concern are not present within the buffer during any critical part of their life cycle, do not depend upon the site for food, shelter or breeding, and the habitat or the site is either unsuitable or not critical to species' recovery in the Region; or
 - c) Existing land uses create a natural or developed barrier to the use of the buffer by species of concern.
 - d) Avoidance of disturbance to species of concern can be achieved through adherence to commonly accepted, species-specific timing restrictions including but not limited limitations on the timing of tree clearing, site disturbance and project development.
- D. No disturbance is permitted in any New Jersey Department of Environmental Protection Natural Heritage Priority Site.

VIII: Steep Slopes

- A. Severely Constrained and Moderately Constrained Slopes as defined herein shall be calculated at the time of application submission and are hereby made a mandatory submission item for any application that falls under the applicability thresholds of this ordinance.
- B. Disturbance of Severely Constrained and Moderately Constrained Slopes is prohibited, with the exception of that required in connection with a linear development. Such linear development, however, shall be permitted only in the event that there is no feasible alternative for such development outside of the Severely Constrained or Moderately Constrained Slopes.

- C. To address the “no feasible alternative for linear development” standard, the applicant shall demonstrate that there is no other location, design or configuration for the proposed linear development that would reduce or eliminate the disturbance of Severely Constrained or Moderately Constrained Slopes. For proposed linear development that would provide access to an otherwise developable lot, the applicant shall in addition, show that:
1. The proposed linear development is the only point of access for roadways or utilities to an otherwise developable lot; and
 2. Shared driveways are used to the maximum extent possible to access multiple lots.
 3. An alternative shall not be excluded from consideration under this subsection merely because it includes or requires an area not owned by the applicant that could reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed linear development.
- D. The reviewing municipal authority shall not approve any application pursuant to this subsection if, after review of the information submitted to support an approval, it finds that there is a reasonable alternative to the proposed linear development.

IX: Prime Groundwater Recharge Areas

- A. Disturbance of Prime Ground Water Recharge Area (PGWRA), as shown in Exhibit 7, [or Municipally Important Groundwater Recharge Area (MIGWRA)] by any regulated development is prohibited and shall be permitted only upon a finding by the reviewing board that the proposal complies with the provisions of this subsection.
- B. Development shall not occur in PGWRA [MIGWRA] unless either, the entirety of the subject property is located within a Prime Ground Water Recharge Area and thus cannot be avoided, or the disturbance represents the only viable alternate means to avoid Critical Habitat, Highlands Open Waters buffers, Vernal Pool Buffers, Moderately Constrained Steep Slopes, or Severely Constrained Steep Slopes, to the extent that these resources are also present upon the subject property.
- C. Where total avoidance is not feasible, total recharge area disruption (i.e., alteration of natural recharge patterns or volumes) shall not exceed 15% of the PGWRA [MIGWRA] located within the affected parcels, placed where feasible on those parts of the PGWRA [MIGWRA] having the lowest relative recharge rates and the least potential for aquifer recharge based upon site analysis.
- D. Low Impact Development practices shall be used in the design of the development proposal to reduce total recharge disruption to the minimum feasible, within the 15% cap.
- E. Any development application involving disturbance of a PGWRA [MIGWRA] shall be accompanied by a mitigation plan, providing for an equivalent of 125% of pre-construction recharge volumes for that portion of the PGWRA [MIGWRA] that will be disturbed. The recharge mitigation shall occur within the following areas, in order of priority: (1) the same development site to the maximum extent feasible; (2) the same HUC14 subwatershed; or (3) where no feasible option exists in the same HUC14 subwatershed, an interrelated HUC14 subwatershed approved by the Highlands Council.

X: Highlands Special Environmental Zone [review for applicability]

- A. Development in Highlands Special Environmental Zone as shown in Exhibit 8 is prohibited unless prior approval from the Highlands Council has been received.

XI: Septic Density

- A. Nothing herein shall be deemed to apply to the replacement or repair of an existing septic system.
- B. Preservation Area. Development proposals involving new or increased demand for septic system capacity in the Preservation Area shall be regulated in accordance with NJDEP Highlands Area Rules (N.J.A.C. 7:38).
- C. Planning Area. All development proposing new or increased demand for septic system capacity in the Planning Area shall be regulated in accordance with this subsection. The following are gross septic density requirements and shall not

modify any minimum lot size requirements contained in the TOWN land development ordinance. Every development shall provide for a minimum acreage for each dwelling unit (or equivalent) as noted below.

1. **Septic System Density Allowances.** Septic system density (gross acres per septic system) shall not exceed the following allowances, for each Highlands Zone:
 - a) Existing Community Zone: X acres/septic system
 - b) Conservation Zone: X acres/septic system
 - c) Protection Zone: X acres/septic system
2. These allowances indicate the minimum acreage required per septic system, where that system is designed for a one-family household generating a maximum flow of 300 gallons of wastewater per day. The resulting acreage shall be applied as the minimum average acreage necessary to support every 300 gallons of daily wastewater flow generated by any proposed use where the unit/square footage figures below shall be applied as 300 gallon-per-day equivalents.
3. **Equivalent Yields.** The following unit/square footage figures shall be applied as 300 gallon-per-day equivalents:
 - a) Residential Uses (All Types, except as provided below) – 1 dwelling unit
 - b) Deed-Restricted Senior Citizen Residential Units, or Mobile Home Parks with dwelling units less than 500 square feet in size – 1.5 dwelling units
 - c) Office and Commercial Uses – 2,400 square feet of floor area
 - d) Industrial (Including Warehousing/Distribution) Uses – 18,182 square feet of floor area (Excluding Process Wastewater Flow)
 - e) Specific Non-Residential Uses by Facility Type – In lieu of iii., or iv., above, 300 gallon-per-day equivalents may be computed based on the average sewage volumes provided in N.J.A.C. 7:9A-7.4.]

XII: New or Extended Water and Wastewater Infrastructure

- A. **Preservation Area.** New, expanded or extended public water supply systems, public wastewater collection and treatment systems, and community on-site wastewater treatment facilities are prohibited unless approved by the NJDEP in accordance with the issuance of either a Highlands Applicability Determination or a municipally issued exemption indicating that a project is exempt from the Highlands Act, or a Highlands Preservation Area Approval with waiver pursuant to N.J.A.C. 7:38.
- B. ***Planning Area – Protection Zone, Conservation Zone, and Environmentally-Constrained Sub-Zones.*** New, expanded or extended public water supply systems, public wastewater collection and treatment systems, and community on-site wastewater treatment facilities are prohibited unless approved through a waiver to address a documented threat to public health and safety [, and/or] for a Highlands Redevelopment Area or Takings Waiver (RMP Policies 7G1 and 7G2)[. *Where the municipality has adopted a Highlands cluster ordinance* , or to serve a cluster development that meets the requirements of RMP Objective 2J4b.]
- C. ***Planning Area – Existing Community Zone (excluding Environmentally-Constrained Sub-Zone) and Lake Community Sub-Zone.*** Expansion or creation of public water supply systems, public wastewater collection and treatment systems, and community on-site wastewater treatment facilities are permitted: to serve lands which are appropriate for designated TDR Receiving Zones, infill development, or redevelopment; to address public health and safety; or to serve new areas for development.

XIII: Net Water Availability

- A. **Water Conservation Requirements.** All development proposals shall incorporate, as applicable, the following water conservation measures to promote sound resource use, reduce supply deficits, and reduce the need for additional utility infrastructure:
 1. No irrigation systems should be utilized. Where required, they must provide automatic controls based on rain sensors (or soil moisture) for all new and replacement lawn irrigation systems, as required by the electrical subcode at N.J.A.C. 5:23-3.16;

2. Design all non-potable irrigation water uses to ensure that only the necessary amounts of water are used to achieve optimum plant growth, to the maximum extent practicable;
 3. Provide for internal recycling or beneficial reuse of reclaimed water in new commercial development projects, to the maximum extent practicable;
 4. Rely on stormwater for irrigation purposes to the maximum extent practicable, including but not limited to methods recommended by the U.S. Green Building Council through its Leadership in Energy and Environmental Design (LEED) program;
 5. Reduce water losses to the maximum extent practicable, in the rehabilitation of on-site water supply utility infrastructure, through such means as application of American Water Works Association/International Water Association water loss analysis methods (AWWA Manual M-36 or most recent version).
- B. The following shall apply for any development application proposing a new or increased use of potable or non-potable water averaging 6,000 gallons per day or more, derived from: a) any groundwater source in a Highlands Area HUC14 subwatershed, whether through a public community or non-community water supply system well, a non-public well, or an individual private well; or b) any surface water source in a Highlands Area HUC14 subwatershed that is not associated with a safe yield determined by the NJDEP through a water allocation permit.
1. Where a Highlands Council-approved Water Use and Conservation Management Plan has been adopted, any development application involving the use of water derived from a subwatershed(s) with a deficit net water availability as shown in the Exhibit 5 shall be regulated fully in accordance with the requirements of such Plan.
 2. Absence of Water Use and Conservation Management Plan: No application shall be deemed complete or considered for review by the applicable Board until or unless the Highlands Council has determined that the proposed water use will not exceed the remaining Net Water Availability for the source HUC14 subwatershed(s).

XIV. Forest Resources

- A. All portions of the Highlands Area identified as Forest Area are found in Exhibit 6.
- B. Any disturbance of more than $\frac{1}{4}$ acre within the Total Forest Area shall be permitted only upon a finding by the reviewing board that the following requirements have been satisfactorily addressed:
1. Demonstration that the proposed disturbance can neither be avoided nor reduced in extent, while adequately providing for a proposed use that otherwise addresses the requirements of this Ordinance;
 2. Incorporation of Low Impact Development techniques appropriate to the activity or development project proposed;
 3. For any proposed disturbance of one half ($\frac{1}{2}$) acre or more, other than that associated with the maintenance of a legally pre-existing use or structure (expressly excluding the expansion of any such use or structure), submission, approval and implementation of a Forest Mitigation Plan designed to minimize the extent of such disturbance, protect forest areas adjacent or proximate to the disturbance area, and mitigate for loss of trees or other forest vegetation removed during the course of such disturbance; and
 4. Notwithstanding the preceding provisions, in the case of any proposed disturbance that by definition constitutes deforestation; submission, approval and implementation of a Forest Mitigation Plan designed to minimize the extent of deforestation, protect forest areas to remain, and restore or mitigate for forest area loss.
- C. Forest Impact Report Required. Where disturbance of 1 acre or more of Forest Area as shown on Exhibit 6 is proposed, a Forest Impact Report shall be prepared including the following:
- a) A map of Forest Area located on or within 500 feet of the subject property, as provided in Exhibit 6.
 - b) A map indicating any Forest Area to be disturbed.
 - c) A determination of whether the disturbance area qualifies as a Forest under the NJDEP Highlands Area Rules, at N.J.A.C. 7:38-3.9(c). This shall be the Confirmed Forest area.
 - d) An analysis of the effects (direct and indirect) of the disturbance upon the Confirmed Forest Area.
 - e) All Forest Impact Reports must be prepared by a State of New Jersey Approved Forester or other qualified professional.
- D. Forest Mitigation Plan. Where the Forest Impact Report confirms that disturbance of 1 acre or more of Confirmed Forest Area will occur, a Forest Mitigation Plan shall be prepared in accordance with the following.

- a) All Forest Mitigation Plans must be prepared by a State of New Jersey Approved Forester or other qualified professional. A Forest Mitigation Plan must include each of the components listed herein.
- b) Mitigation Priority Area Map. Priority Areas are forested locations within the site having the highest ecological value to be targeted for conservation, restoration, or mitigation, including such areas as:
 - (i) Highlands Open Waters and Buffers
 - (ii) Riparian Areas, including Floodplains and Floodprone Areas
 - (iii) Critical Habitat
 - (iv) Steep Slopes and Ridgelines
 - (v) Core Forests and Contiguous Forest Patches
- c) Forest Protection Plan. A plan incorporating pre-construction and construction best management practices to ensure the well-being of forest areas adjacent or proximate to the disturbance area.
- d) Mitigation Description.
 - (i) A description of the proposed forest restoration, tree planting plan or other mitigation initiative proposed to provide equivalent or enhanced forest ecosystem benefit in consideration of the extent and type of disturbance or deforestation that would result if the use or activity is approved.
 - (ii) Planting Plan indicating the specific plantings proposed, including size, species, quantity, location, separation distances, planting details, deer and pest management protections, and maintenance plans.
 - (iii) Maintenance Agreement. A minimum 5-year maintenance agreement that outlines care-taking responsibilities of the applicant once the proposed planting has been completed. The maintenance agreement must include monitoring of newly planted stands, provide for protection devices in working order for 5 years, and ensure a survival rate of 70% in year 1, 75% in year 2, 80% in year 3, and 85% in years 4 & 5, plus each year <10% invasive or noxious species.

XVI. Affordable Housing

- A. In accordance with the requirements of the Fair Housing Act, any development consisting of newly constructed residential units shall reserve for occupancy at least 20 percent (20%) of the residential units constructed for low-or moderate-income households.
- B. Development exempt from the Highlands Act is not exempt from the 20% reservation requirement.
- C. *[for partially conforming towns only* Development outside of the designated Highlands Area must also comply with the provisions of this section.]
- D. A minimum of 13% of the total units residential units reserved for low- or moderate-income households should be designated for very low-income households pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1).
- E. No density bonus or presumptive density increase over existing zoning shall be required to be granted by the municipality for the construction of the affordable housing units on site. Density bonuses or presumptive density increases may be provided through Fair Share Plans and associated implementing ordinances to address affordable housing needs of the municipality where inclusionary housing projects are selected as a compliance mechanism by the municipality.
- F. Municipalities shall provide for the local review of any proposed affordable units provided by requiring the submission of an Affordable Housing Production Plan in accordance with the following:
 - 1. An Affordable Housing Production Plan detailing all issues related to the affordable units shall be submitted to the municipality's Development Review Board at the time application is made for any development requiring affordable housing pursuant to this ordinance.
 - 2. The Affordable Housing Production Plan shall be a condition of the completeness determination and is hereby added to the submission requirements checklist for any new residential development or major residential subdivision.

3. The Affordable Housing Production Plan shall include at a minimum the anticipated bedroom distribution, income split, anticipated administrative entity, tenure, estimated rent or sales prices, maintenance obligations and any other information pertinent to the creation and long-term support of the affordable housing units.
 4. The Affordable Housing Production Plan shall include a phasing plan detailing the proposed time frames for the construction and occupation of the affordable housing units.
 5. All Affordable Housing Production Plans shall be the subject of review by the municipality's Planning or Land Use Board for consistency with these guidelines, the RMP, and the municipalities certified Housing Element and Fair Share Plan.
 6. Compliance with the RMP, the Fair Housing Act and the Affordable Housing Production Plan shall be a condition of any local approval.
- G. Any approval shall be accompanied by a development agreement between the applicant, the municipality, and any other party principal to the provision and/or the administration of the affordable housing units.
1. The development agreement shall detail the responsibilities of all parties and shall include the phasing plan for the construction and occupancy of the affordable housing units.
 2. The cost of the construction of the units may be required to be covered by appropriate performance and/or maintenance guarantees to ensure the construction of the units.
- H. Optional: *Where it has been determined that the provision of some or all affordable housing units on-site would not be consistent with the RMP (i.e., regarding septic system density or resource protection), the units may be provided off-site within the municipality wherever feasible.*

XVI. Waivers and Exceptions

In addition to any variance relief required under the Municipal Land Use Law, relief from sections V. (Prohibited Uses), XI. (Septic Density) and XII. (New or Extended Water and Wastewater Infrastructure) of this Ordinance shall require issuance of a Highlands Act waiver. Highlands Act waivers may be issued only by the NJDEP or the Highlands Council in accordance with the respective rules and criteria established by each agency in accordance with the provisions of the NJDEP Highlands Area Rules, the Highlands Act and the Highlands Regional Master Plan. The issuance of a Highlands Act Waiver shall in no case be construed to alter or obviate the requirements of any other applicable State or local laws, rules, regulations, development regulations, or ordinances.

[PRESERVATION AREA ONLY] Where the Highlands Council and the NJDEP have approved a waiver for a development project in the Preservation Area, the standards of any such approved waiver may be utilized by the municipality in the review of the project, in lieu of the standards found herein.

XVII. Definitions

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Application for Development – means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

Critical Wildlife Habitat - means within the Planning Area, Critical Wildlife Habitat consists of those areas within NJDEP's Landscape Project Version 3.3 (or more recent version as amended) that are Landscape Rank 3 through 5. In addition, it includes areas that are designated Landscape Rank 2 and have a Highlands Conservation Rank of Critically Significant or Significant. Within the Preservation Area, Critical Wildlife Habitat consists of those areas within Landscape Rank 2 through 5, including all Highlands Conservation Ranks. Parcel level mapping may be found on the Highlands Council's interactive map available through the Highlands Council website.

Development – means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion,

structural alteration, relocation, or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the MLUL.

Disturbance – means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Disturbance, Ultimate – means the total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

Forest – means a biological community as determined by the method set forth under the NJDEP Highlands Rules, at N.J.A.C. 7:38-3.9.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 et seq.

Highlands Applicability Determination (HAD) – means the determination made by the NJDEP of whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the Highlands Act, and whether the project is consistent with the applicable Areawide Water Quality Management Plan.

Highlands Area – means that portion of the municipality for which the land use planning and regulation are, or are intended or proposed to be, in conformance with the Highlands Regional Master Plan.

Highlands Open Waters – means all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but not including swimming pools. Highlands Open Waters include seeps, lakes, ponds, and vernal pools; all categories (including springs, streams, and wetlands) as described and identified in Figure XX or subsequently identified or modified by a Letter of Interpretation issued by the New Jersey Department of Environmental Protection.

Highlands Region – means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Highlands Resource Area Determination (HRAD) – means a formal determination issued by the NJDEP that confirms the presence or absence of a Highlands Resource Area on a site, and if present, its location and applicable boundary lines. A person may apply for an HRAD only, or in connection with an application for an HPAA.

Highlands Special Environmental Zone - means those areas as designated as Special Environmental Zone in the Regional Master Plan. Special Environmental Zones are only located in the Preservation Area.

Impervious Surface – means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

Impervious Surfaces, Cumulative – means the total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

Major Potential Contaminant Sources (PCS) – means land uses and activities determined by the Highlands Council to pose a major risk of ground water contamination (see Appendix A).

Minor Potential Contaminant Sources (PCS) – means land uses and activities determined by the Highlands Council to pose a minor risk of ground water contamination (see APPENDIX B).

Municipal Land Use Law (MLUL) – means the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

Natural Heritage Priority Site - means any of the 95 NJDEP Natural Heritage Priority Sites, including habitat for documented threatened and endangered plant species, and lands that include unique or regionally significant ecological communities and other significant natural sites and features.

NJDEP – means the New Jersey Department of Environmental Protection

NJDEP Highlands Area Rules – means the regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 et seq.

Planning Area – means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Procedures.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Prime Ground Water Recharge - means those lands designated in the Regional Master Plan as being within a HUC14 subwatershed that most efficiently provide, in the aggregate, 40 percent of total drought recharge volume for the HUC14 subwatershed.

Qualified Environmental Professional - means someone who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions.

Regional Master Plan (RMP) – means the Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Residential Development – means development dedicated to the creation of new dwelling units or the improvement or expansion of existing dwelling units, whether by new construction or conversion of existing building areas or portions thereof, to dwelling use, including any type of residential structure whether a single-family home (including group home), duplex, townhouse, apartment or any other form of multi-family housing construction. For purposes of this ordinance, residential development shall include property improvements associated with and either, required in support of or customarily accessory to, the residential use, including but not limited to porches, patios, decks, driveways, garages, storage sheds, swimming pools, tennis courts, drywells, utility facilities, septic systems, yard grading and retaining walls.

Riparian Area - means areas adjacent to and hydrologically interconnected with Highlands Open Waters rivers and streams consisting of flood prone areas, wetlands, soils that are hydric, alluvial, or have a shallow depth to ground water, and including wildlife passage corridors within 300 feet of surface Highlands Open Waters features.

Slopes, Moderately Constrained – means all forested non-Riparian Area lands having a slope of 15% to less than 20%.

Slopes, Severely Constrained – means all lands having slopes of 20% or greater and all lands within Riparian Areas having slopes of 10% and greater.

Structure – means a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

Vernal Pool - means a NJDEP-certified vernal pool plus a 300-meter-wide protection buffer surrounding the perimeter of each such pool. Vernal Pools consist of confined, ephemeral wet depressions that support distinctive, and often endangered, species that are specially adapted to periodic extremes in water pool levels.

Appendix A: MAJOR POTENTIAL CONTAMINANT SOURCES

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Major Potential Contaminant Sources include those listed below.

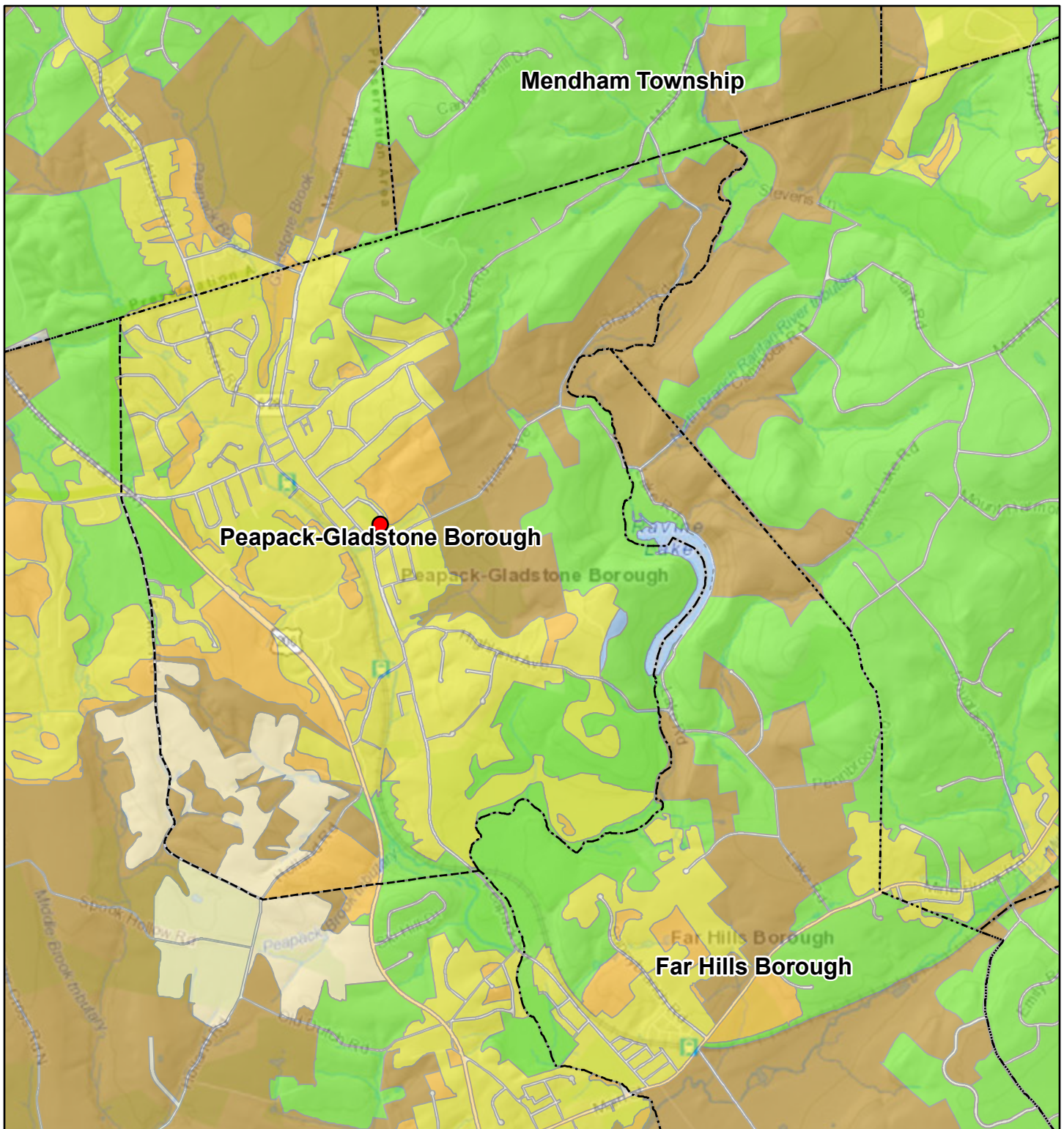
1. Underground fuel and chemical storage and oil tanks regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.).
2. Above-ground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
3. Automotive service center (repair & maintenance).
4. Dry cleaning processing facility.
5. Road salt storage facility.
6. Cemetery.
7. Highway maintenance yard.
8. Truck, bus, locomotive maintenance yard.
9. Site for storage and maintenance of heavy construction equipment and materials.
10. Site for storage and maintenance of equipment and materials for landscaping, excluding household storage and maintenance of such equipment.
11. Livestock operation containing 300 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] as defined by the NJ Department of Agriculture in its Criteria and Standards for Animal Waste Management, at NJAC 2:91.
12. Quarrying and/or mining facility.
13. Asphalt and/or concrete manufacturing facility.
14. Junkyard/auto recycling and scrap metal facility.
15. Residential or agricultural motor fuel in NJDEP exempted underground storage tanks (i.e., under 1,000 gallons).

Appendix B: MINOR POTENTIAL CONTAMINANT SOURCES

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Minor Potential Contaminant Sources include the following:

1. Underground storage of hazardous substances or waste of less than 50 gallons.
2. Underground heating oil storage tank with a capacity of less than 2,000 gallons.
3. Sewage treatment facility regulated by a NJPDES permit granted under NJAC 7:14A.
4. Industrial waste line.
5. Septic system disposal field.
6. Facility requiring a ground water discharge permit issued by the NJDEP pursuant to N.J.A.C 7:14A et seq.
7. Stormwater retention-recharge basin on an industrial property receiving runoff from surfaces other than roof areas.
8. Dry well on an industrial property receiving runoff from surfaces other than roof areas.
9. Waste oil collection, storage and recycling facility.
10. Agricultural chemical bulk storage and mixing or loading facility including crop dusting facilities.
11. Above-ground storage of hazardous substances or waste in quantities of less than 2,000 gallons.
12. Livestock operation containing 8 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] or those receiving 142 or more tons of animal waste per year as defined by the NJ Department of Agriculture pursuant to its Criteria and Standards for Animal Waste Management, at NJAC 2:91.

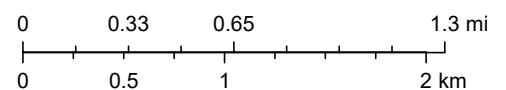
Peapack & Gladstone Land Use Capability Zone Map



February 24, 2025

- Municipalities
- Land_Use_Capability_Zones
 - Protection Zone
 - Conservation Zone
 - Conservation Environmentally Constrained Subzone
 - Existing Community Zone
 - Existing Community Environmentally Constrained Subzone
 - Lake Community Subzone

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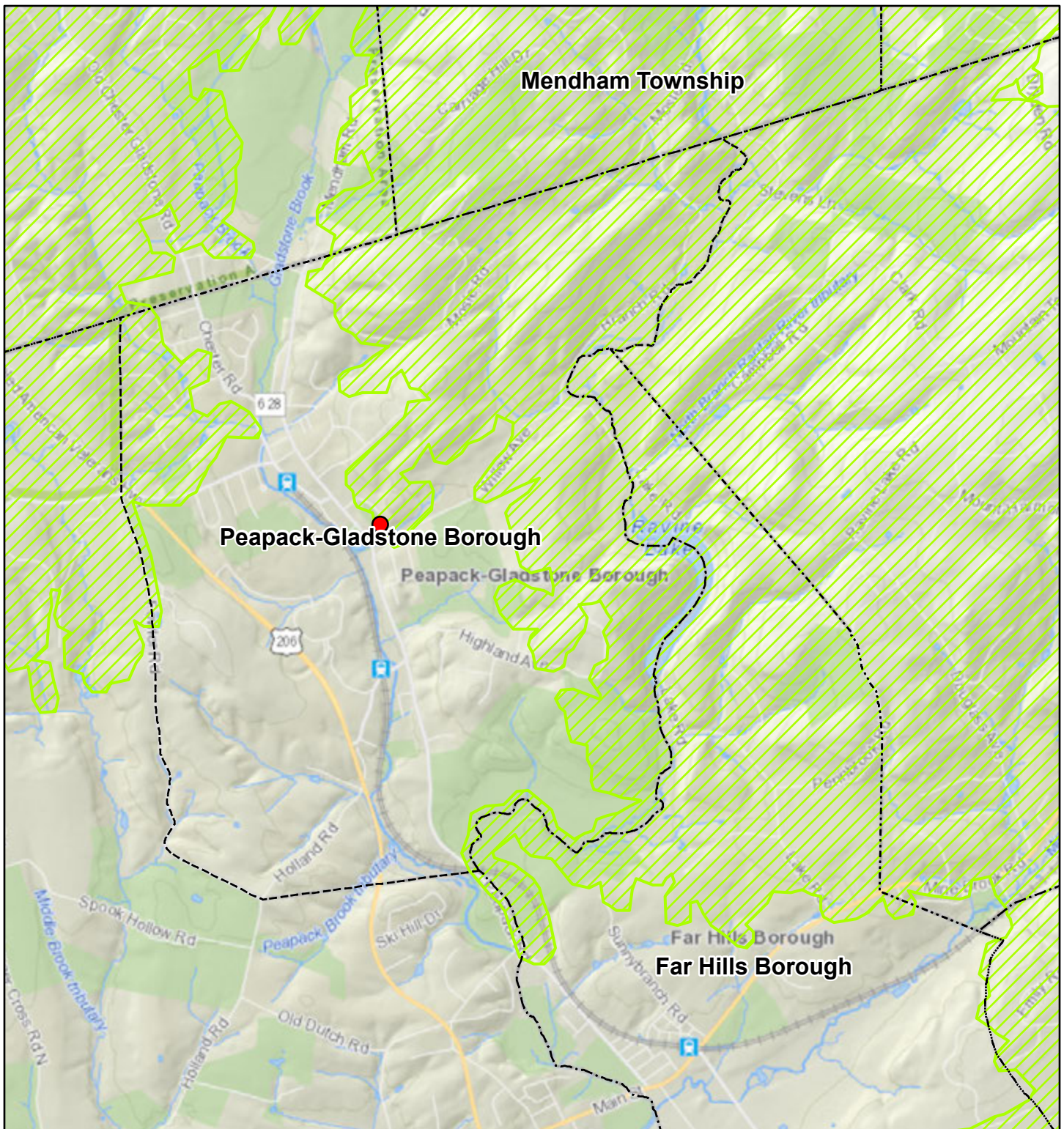


NJ Highlands Council

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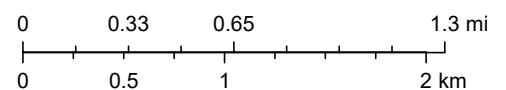
Peapack & Gladstone Forest Resource Map



February 24, 2025

-  Municipalities
-  Forest Resource Area

1:37,500

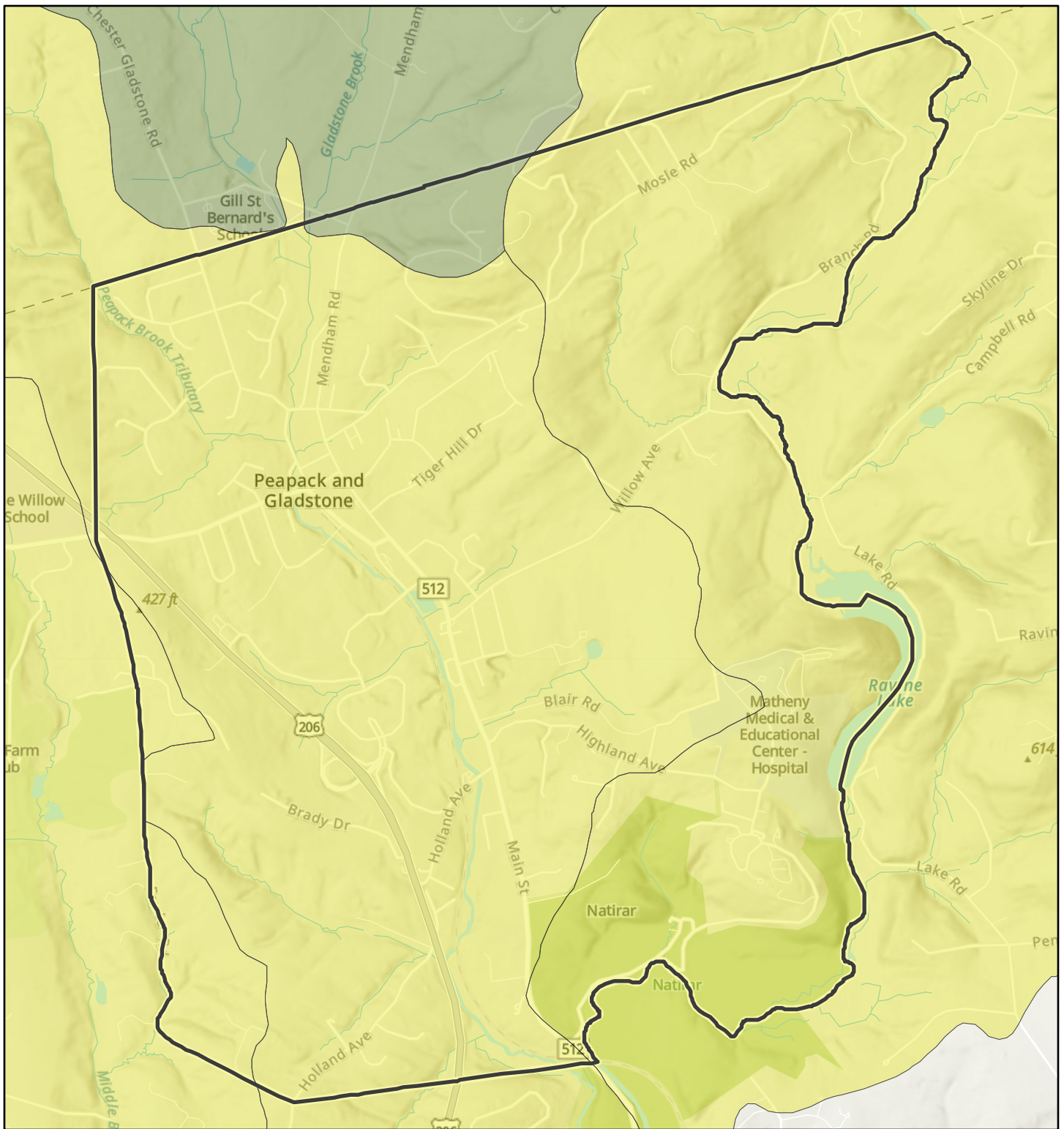


NJ Highlands Council

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Disclaimer: This map was developed using the New Jersey Highlands Water Protection and Planning Council Geographic Information System digital data, but this secondary product has not been

Peapack-Gladstone Forest Integrity Score



2/25/2025

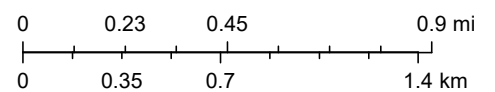
1:35,294

 Peapack-Gladstone Borough

Forest Integrity Score

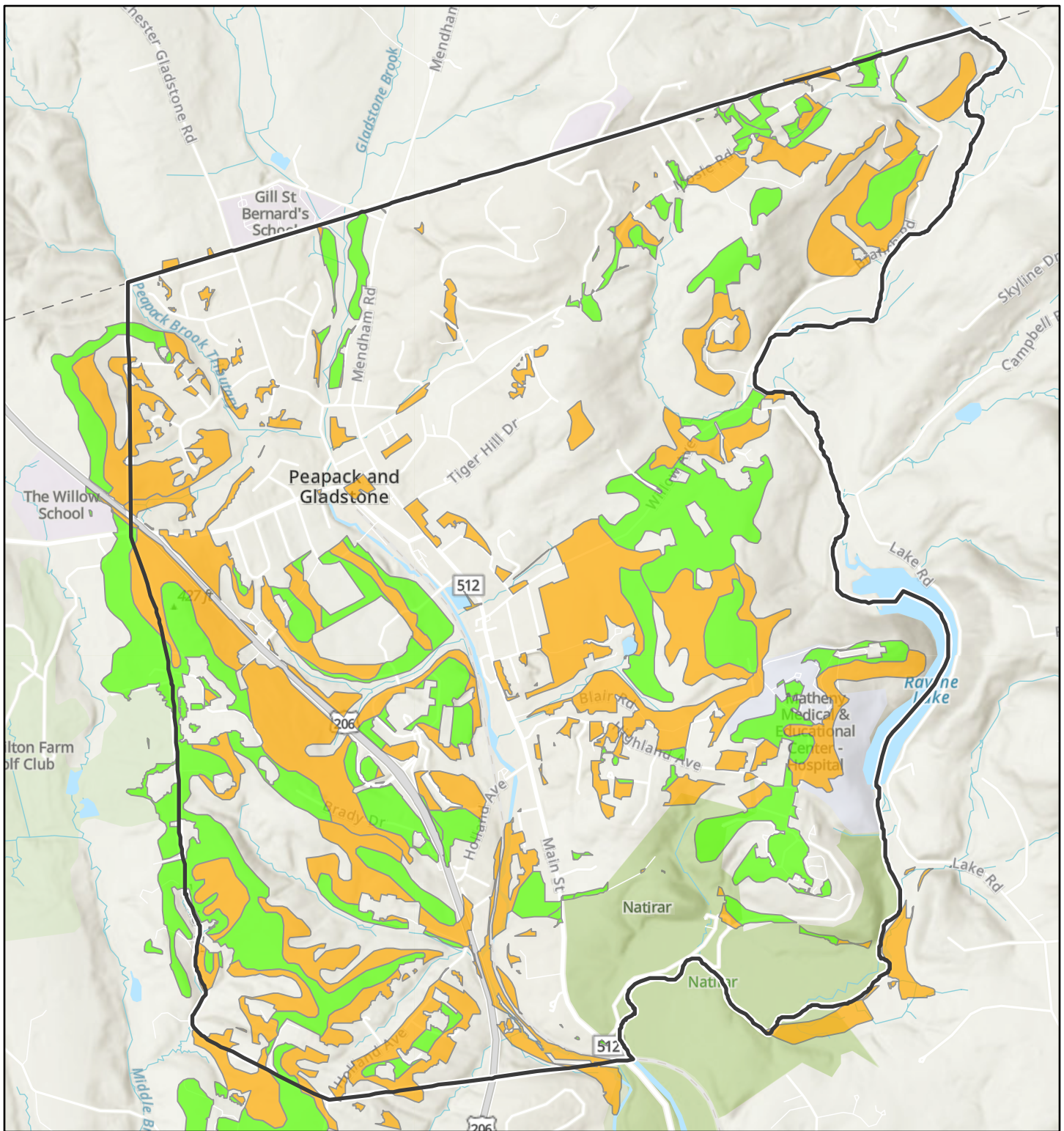
 High

 Moderate



Esri, NASA, NGA, USGS, FEMA, Somerset County, New Jersey, New Jersey Office of GIS, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Peapack-Gladstone Important Farmland Soils Map



2/25/2025

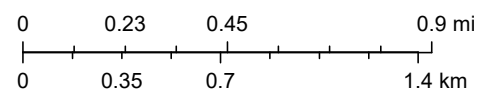
1:35,294

 Peapack-Gladstone Borough

Important Farmland Soils

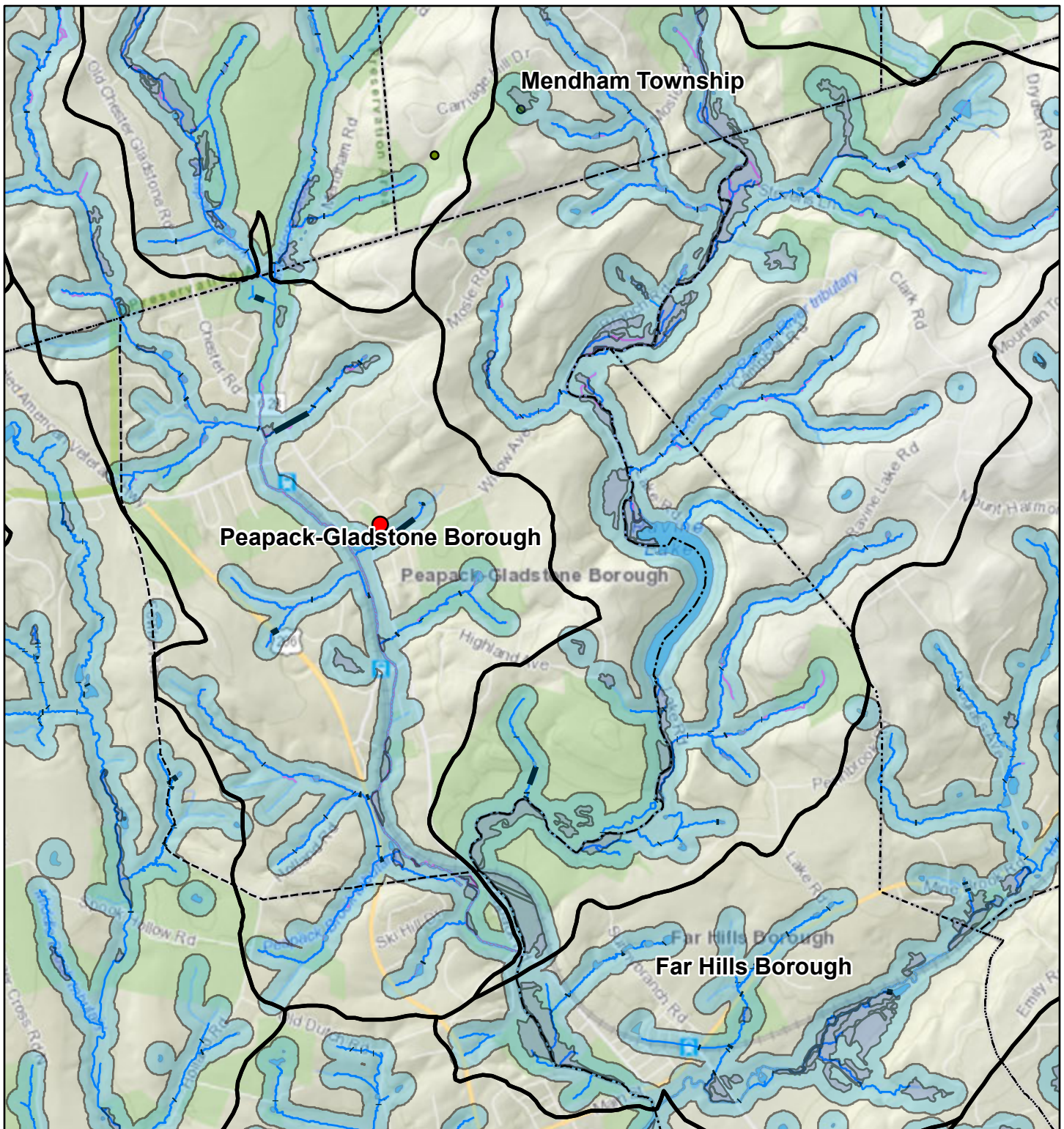
 All areas are prime farmland

 Farmland of statewide importance, if drained; Farmland of statewide importance



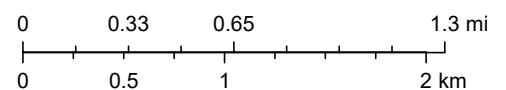
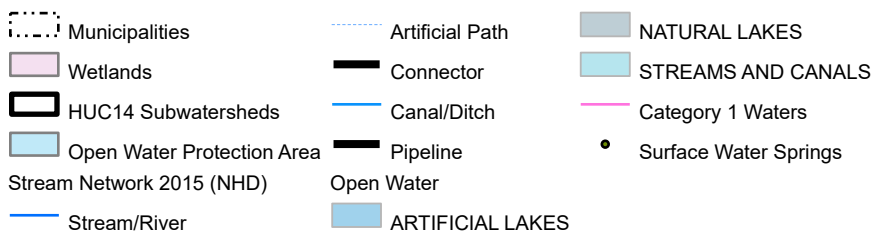
Esri, NASA, NGA, USGS, FEMA, Somerset County, New Jersey, New Jersey Office of GIS, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Peapack & Gladstone Open Waters Map



February 24, 2025

1:37,500

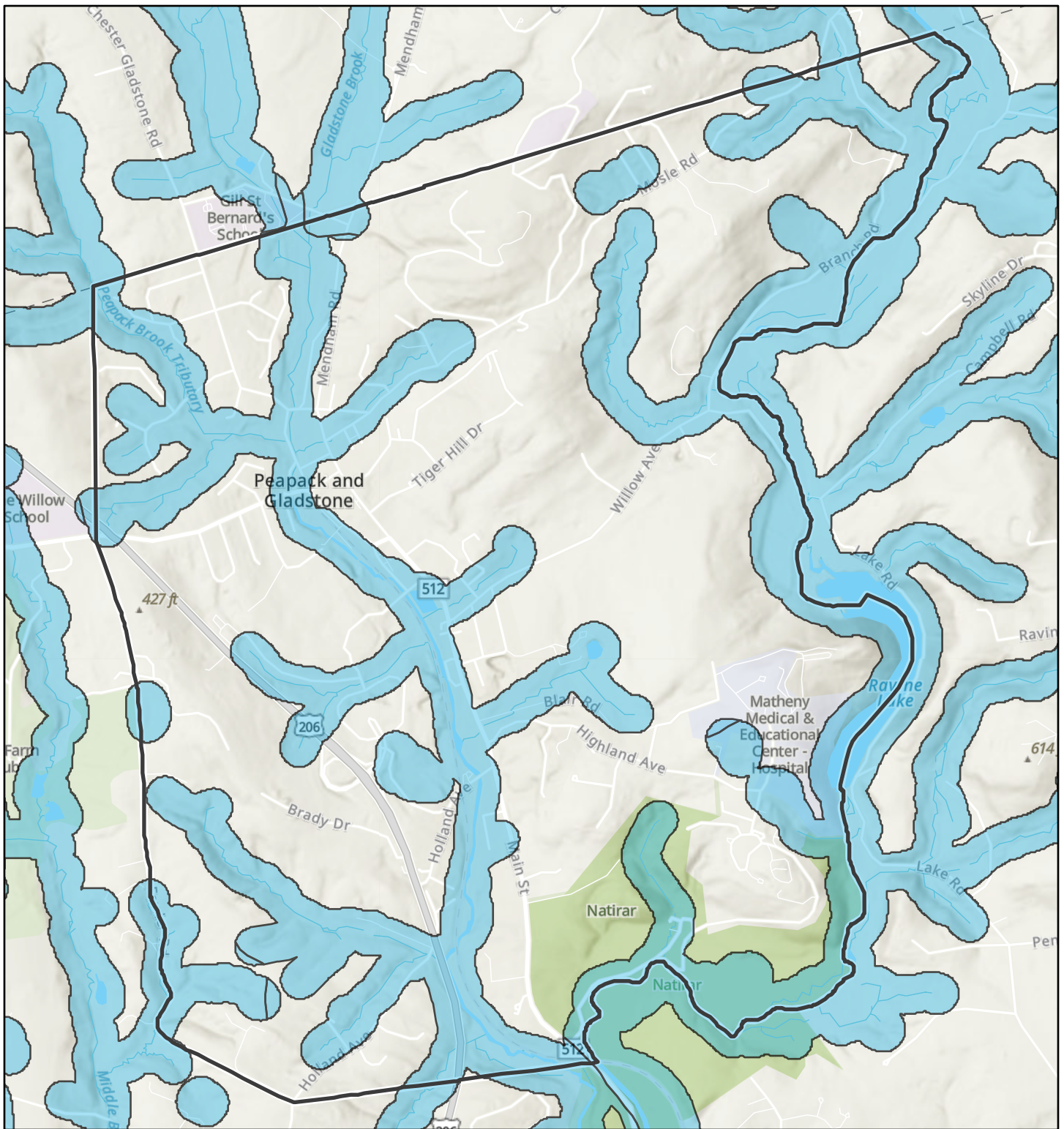


NJ Highlands Council

Copyright 2022, NJ Highlands Council.

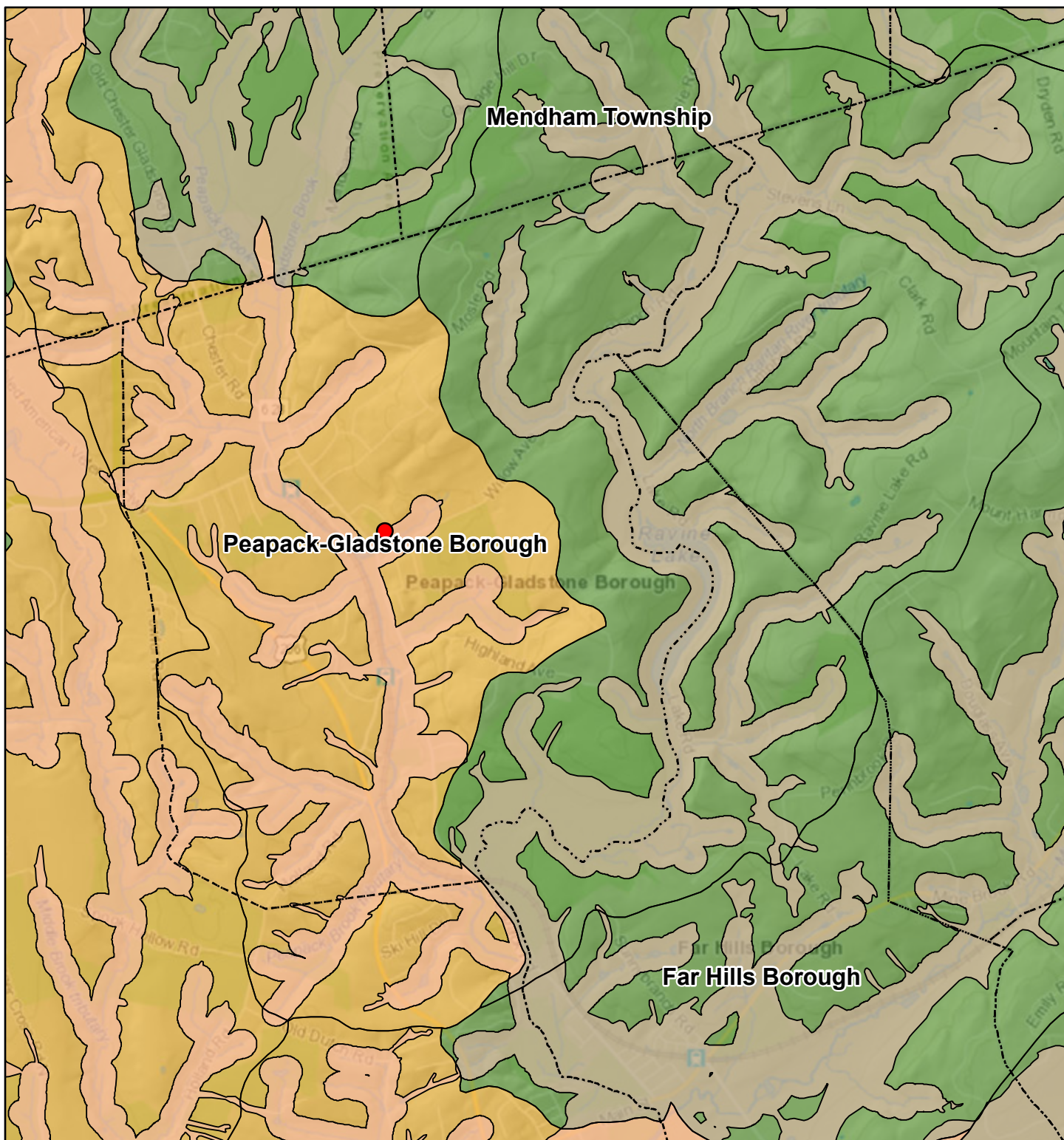
Disclaimer: This map was developed using the New Jersey Highlands Water Protection and Planning Council Geographic Information System digital data, but this secondary product has not been

Peapack-Gladstone Highlands Open Water Protection Map



Esri, NASA, NGA, USGS, FEMA, Somerset County, New Jersey, New Jersey Office of GIS, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Peapack & Gladstone Riparian Areas Map



February 24, 2025

 Municipalities

 Riparian Area

Riparian Integrity Score

 Highest

 Moderate

1:37,500

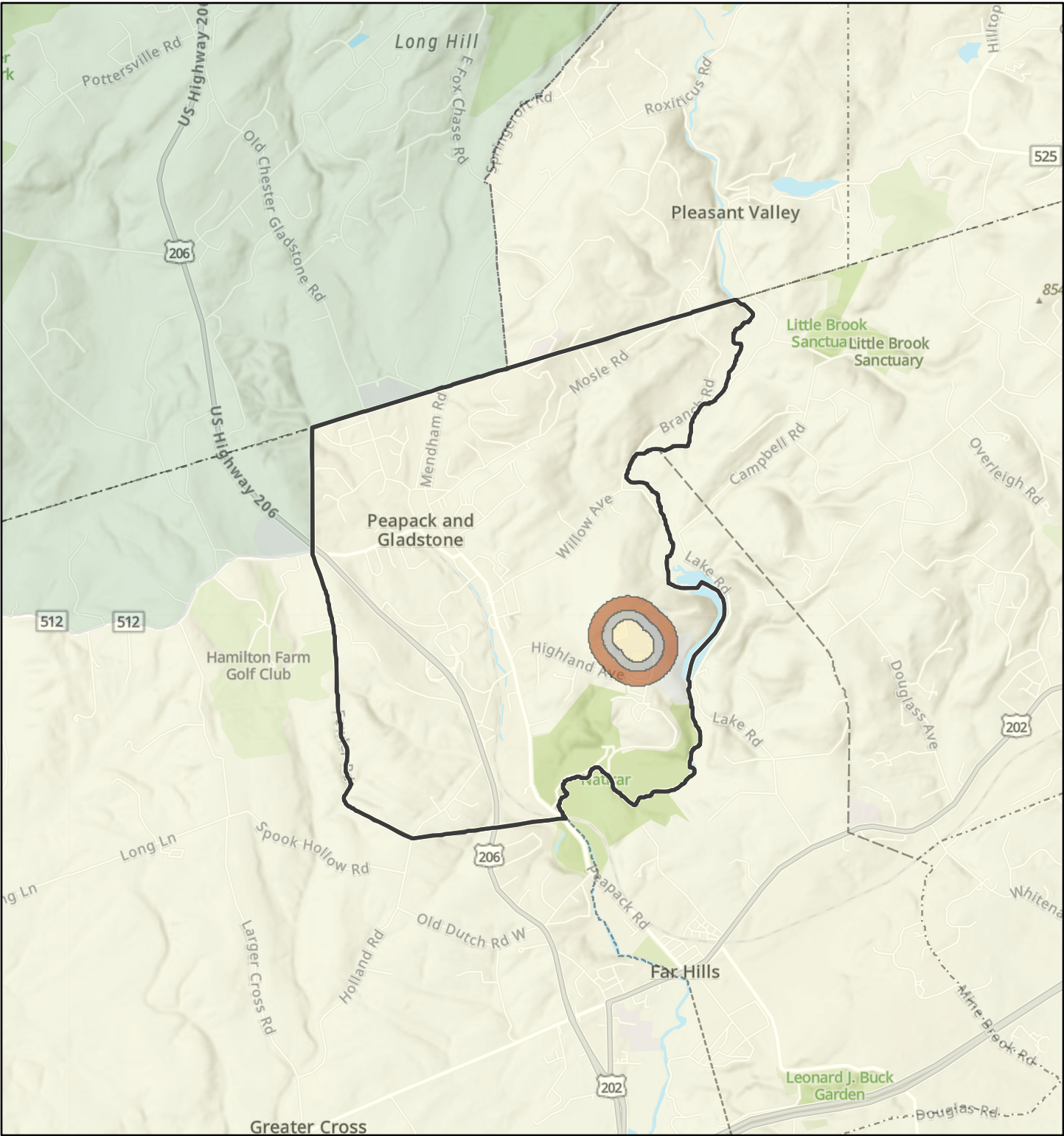
0 0.33 0.65 1.3 mi
0 0.5 1 2 km

NJ Highlands Council

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Disclaimer: This map was developed using the New Jersey Highlands Water Protection and Planning Council Geographic Information System digital data, but this secondary product has not been

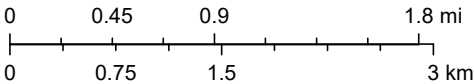
Peapack & Gladstone Wellhead Protection Map



2/24/2025

1:70,588

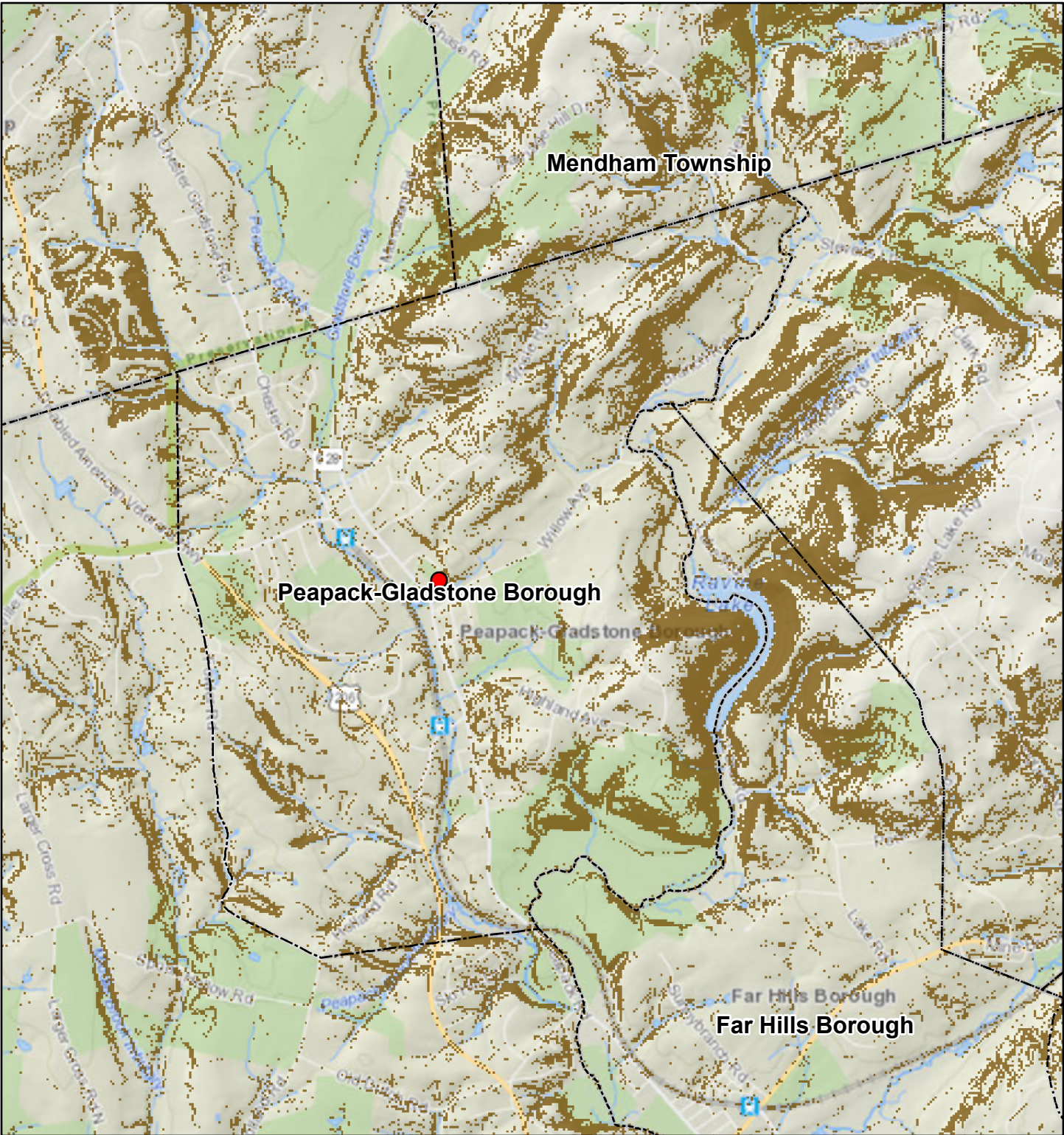
- Peapack-Gladstone Borough
- Wellhead Protection Areas for Public Non-Community Water Supply Wells
 - 12-Year Travel Time
 - 5-Year Travel Time
 - 2-Year Travel Time
- Preservation and Planning Area
 - Highlands Planning Area
 - Highlands Preservation Area
- Municipal Boundaries of New Jersey



Somerset County, New Jersey, New Jersey Office of GIS, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS, Esri, NASA, NGA, USGS, FEMA

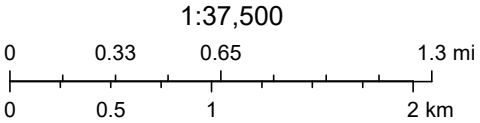
This map was developed using the New Jersey Highlands Water Protection and Planning Council Geographic Information System digital data, but this secondary product has not been verified by the

Peapack Gladstone Slopes Protection Map



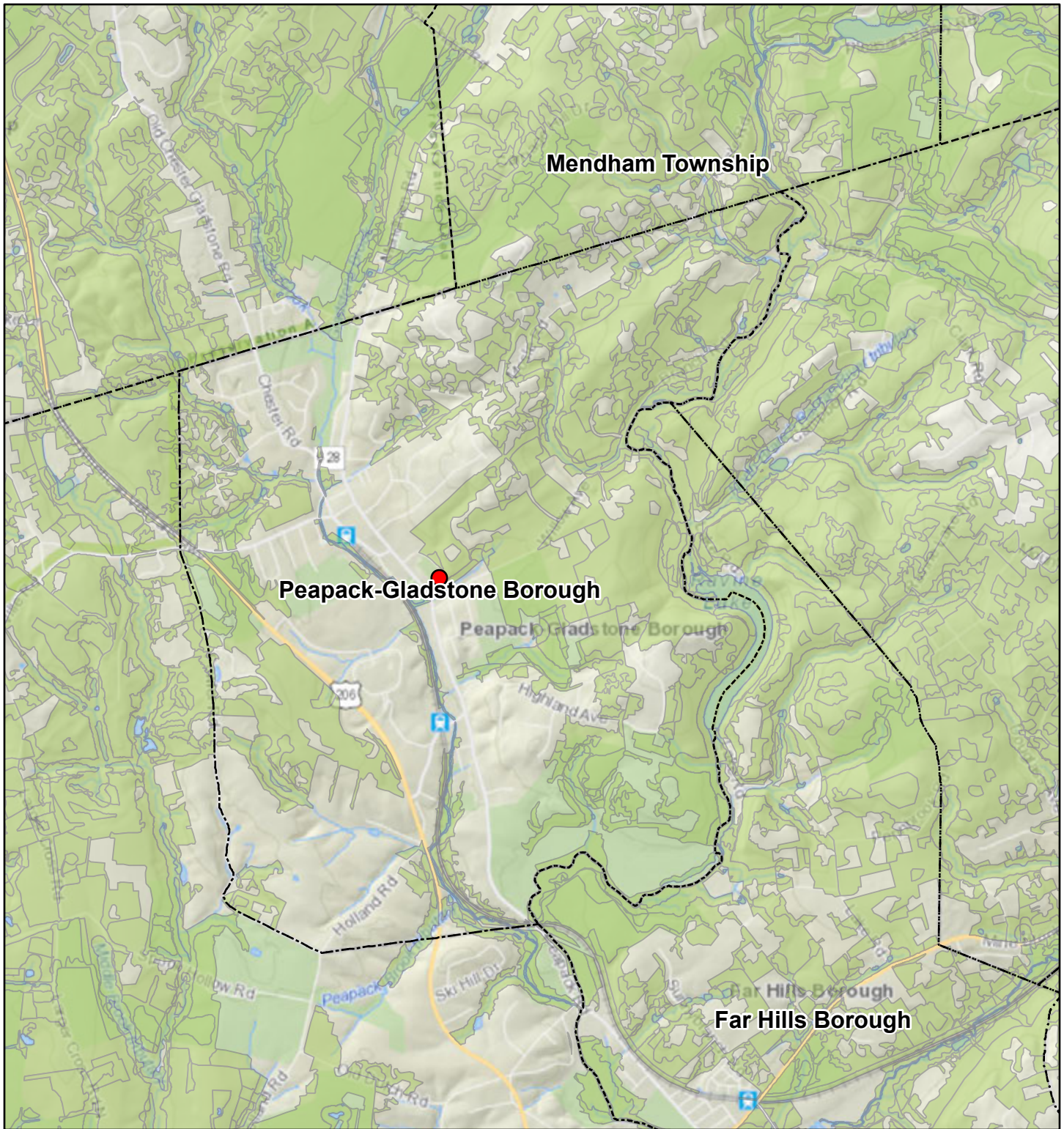
February 24, 2025

-  Municipalities
-  Slopes Greater Than 20 Percent



NJ Highlands Council

Peapack Gladstone Critical Wildlife Habitat Map

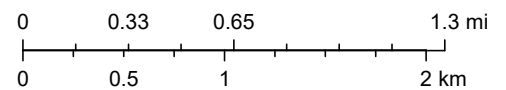


February 24, 2025

 Municipalities

 Critical Wildlife Habitat Public

1:37,500

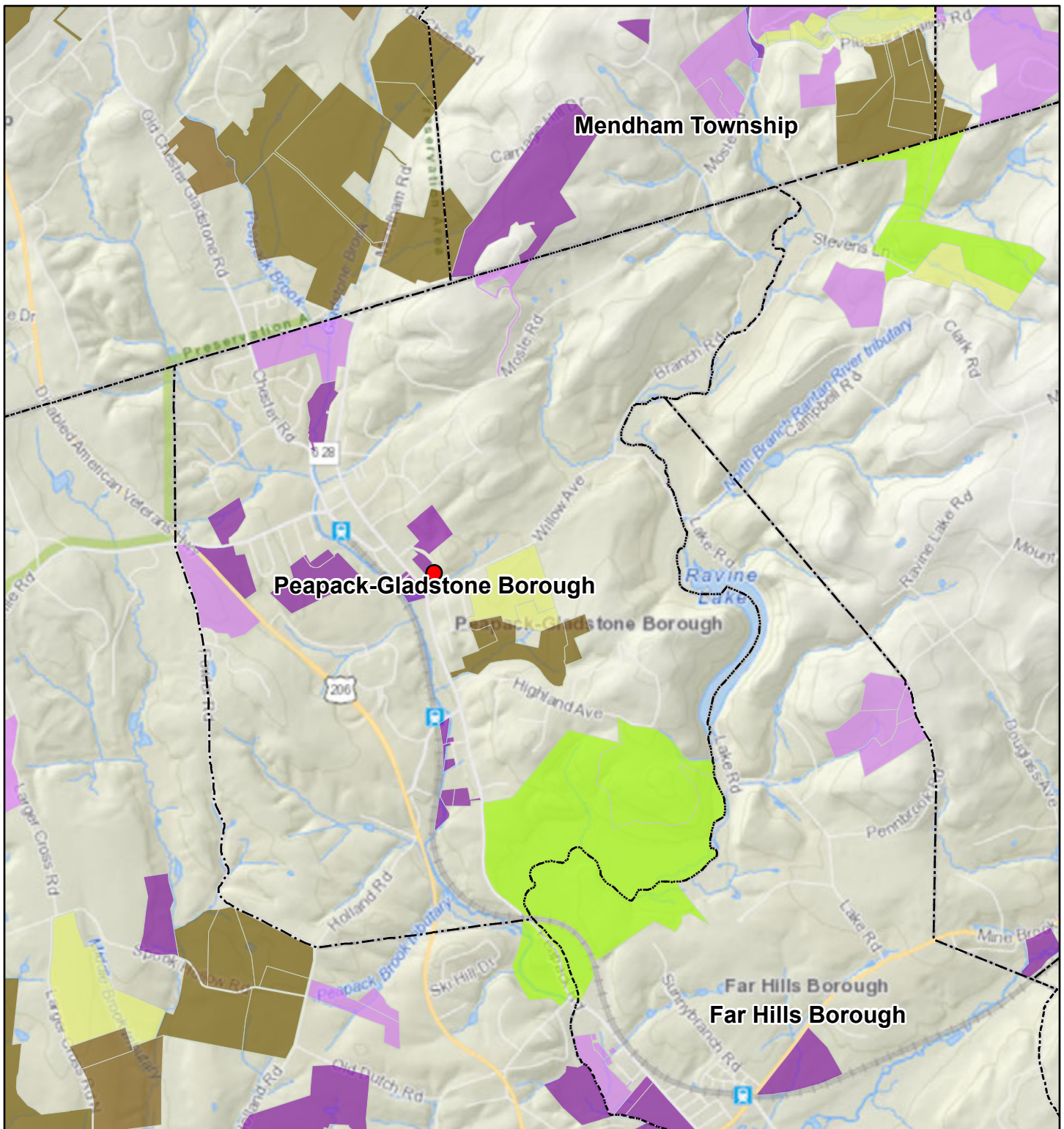


NJ Highlands Council

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Disclaimer: This map was developed using the New Jersey Highlands Water Protection and Planning Council Geographic Information System digital data, but this secondary product has not been

Peapack & Gladstone Preserved Lands Map



February 25, 2025

--- Municipalities

Preserved Lands

County Open Space

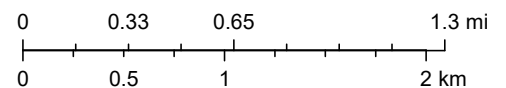
Municipal Open Space

Private Open Space

Non-Profit Open Space

Preserved Farmland

1:37,500

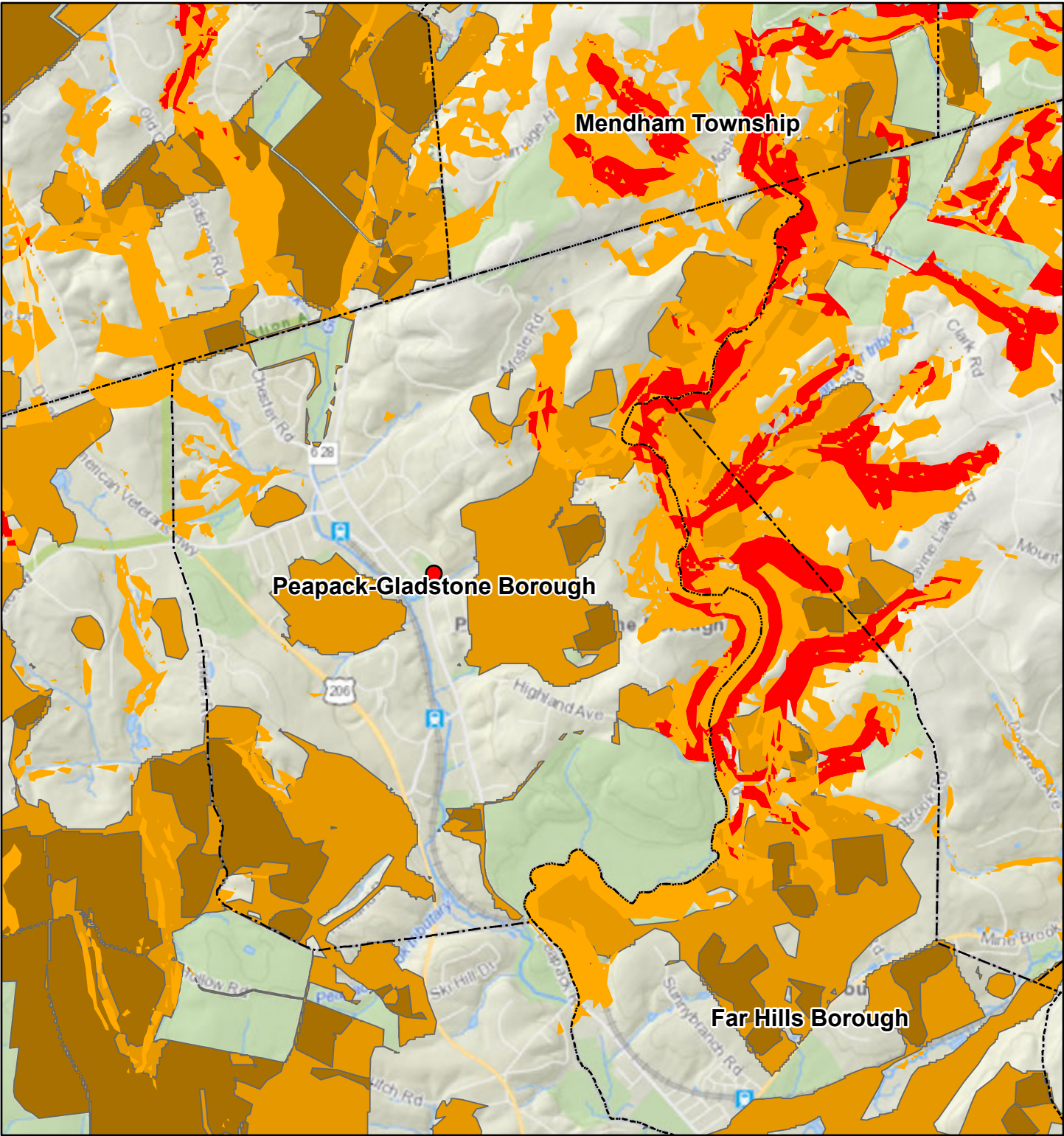


NJ Highlands Council

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Disclaimer: This map was developed using the New Jersey Highlands Water Protection and Planning Council Geographic Information System digital data, but this secondary product has not been

Peapack & Gladstone Conservation Priority Area Map



February 25, 2025

Municipalities

Conservation Priority Areas

High

Moderate

Agricultural Priority Areas

High

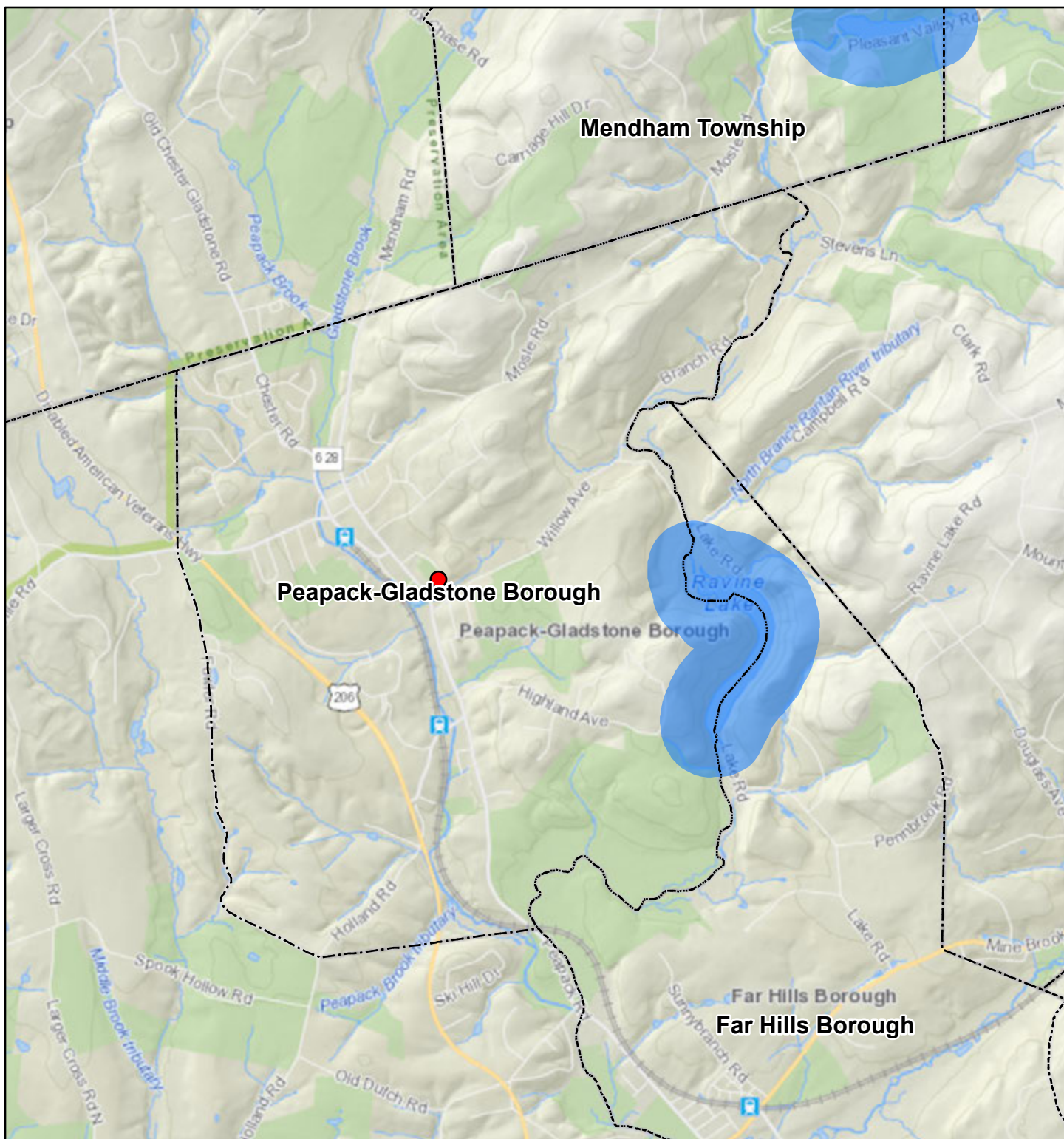
Moderate

A scale bar for the map. It shows distances in miles (0, 0.33, 0.65, 1.3) and kilometers (0, 0.5, 1, 2). The scale is 1:37,500.

NJ Highlands Council

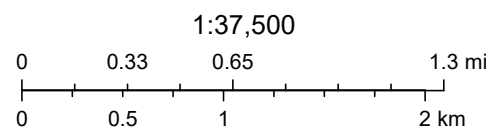
Disclaimer: This map was developed using the New Jersey Highlands Water Protection and Planning Council Geographic Information System digital data, but this secondary product has not been
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Peapack & Gladstone Lake Management Area Map



February 25, 2025

- Municipalities
- Lake_Management_Areas

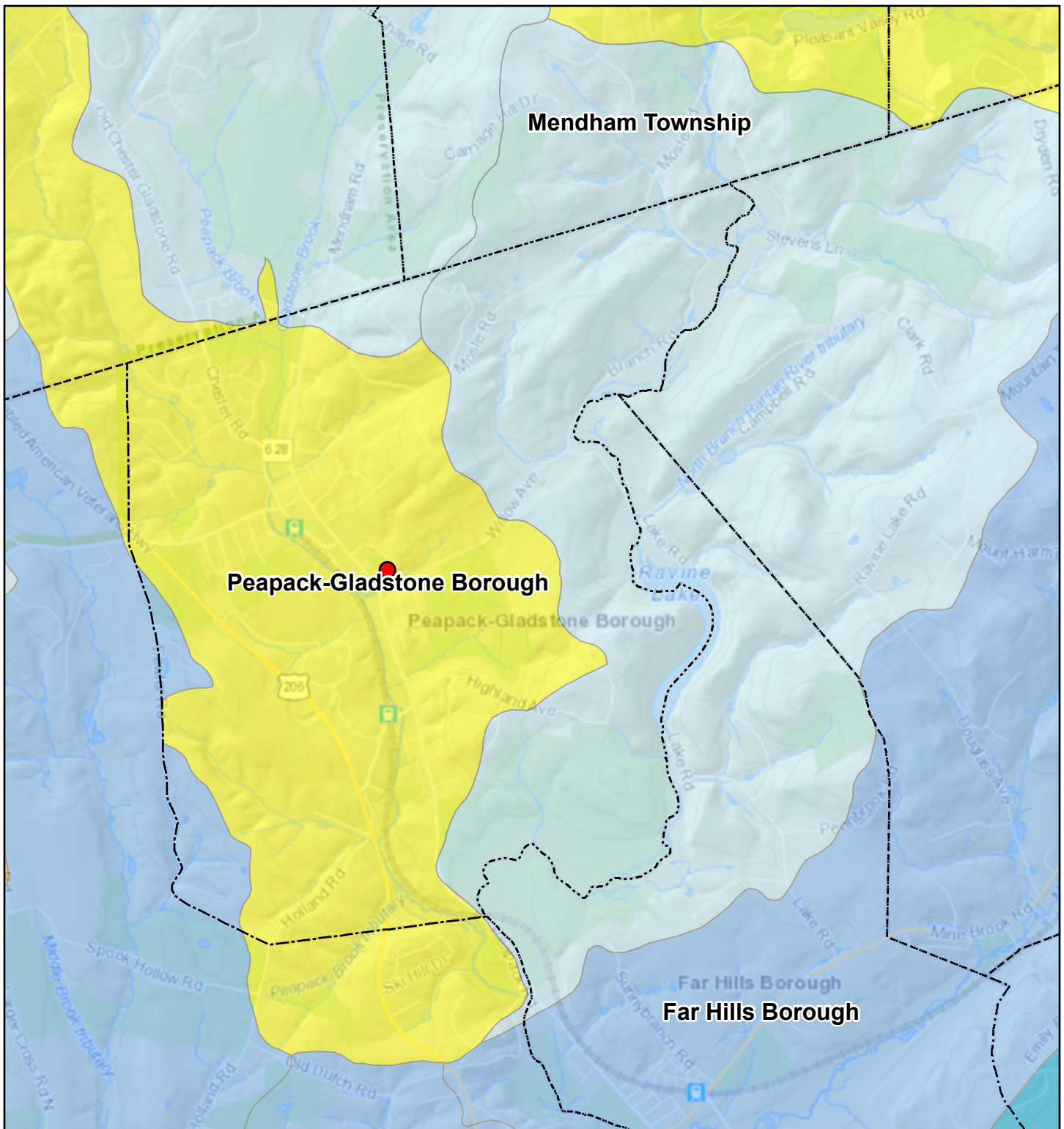


NJ Highlands Council

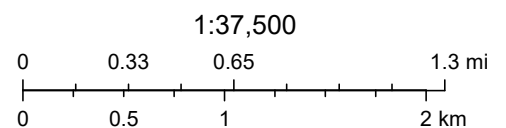
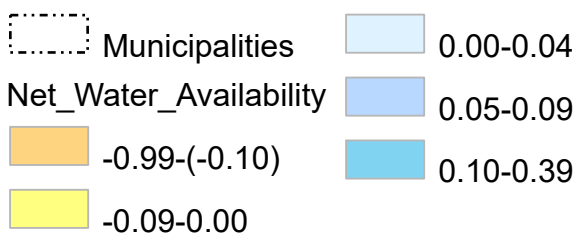
Copyright 2022, NJ Highlands Council.

Disclaimer: This map was developed using the New Jersey Highlands Water Protection and Planning Council Geographic Information System digital data, but this secondary product has not been

Peapack & Gladstone Net Water Availability by Subwatershed



February 25, 2025

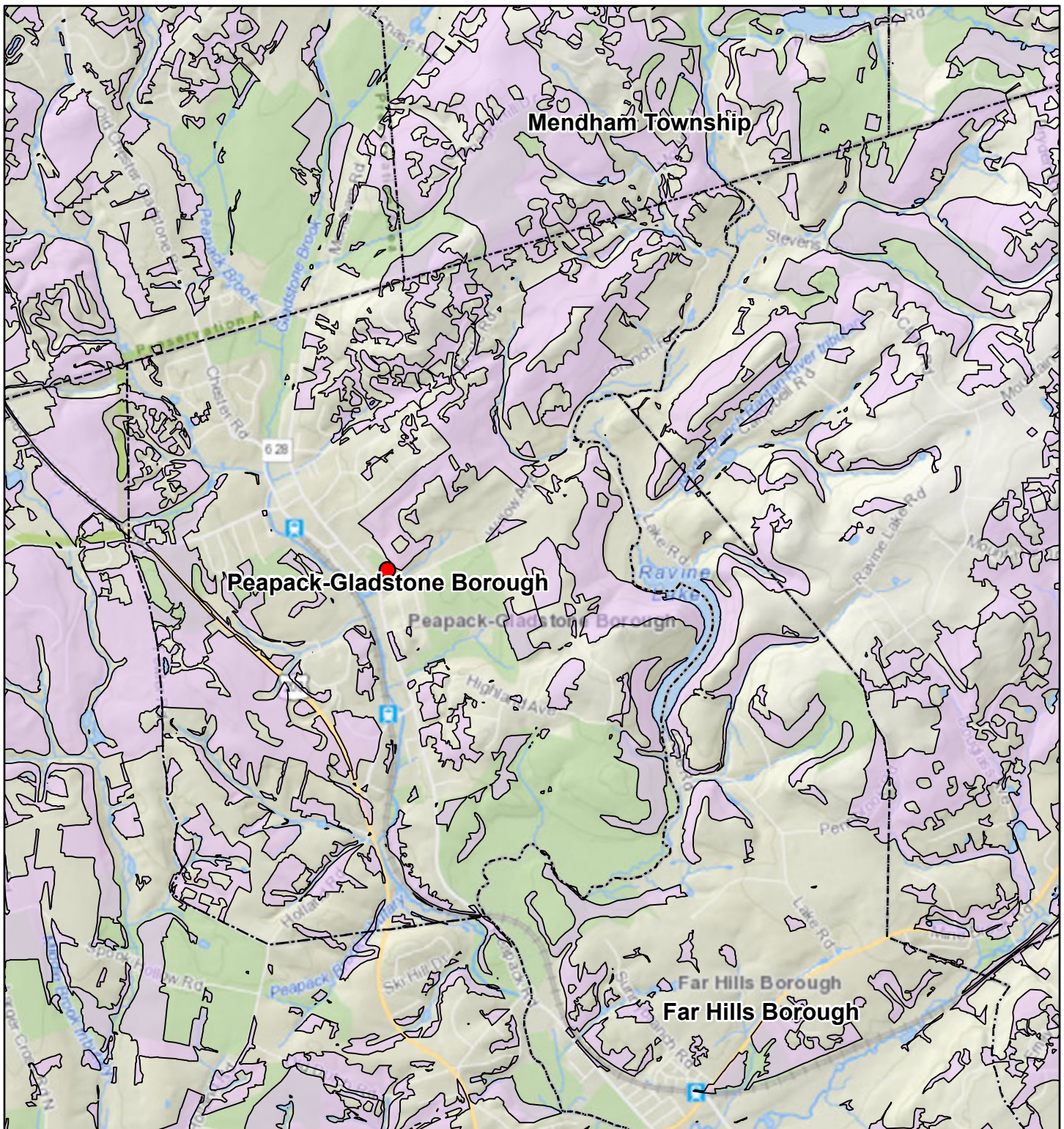


NJ Highlands Council

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Disclaimer: This map was developed using the New Jersey Highlands Water Protection and Planning Council Geographic Information System digital data, but this secondary product has not been

Peapack & Gladstone Prime Ground Water Recharge Areas Map



February 25, 2025

--- Municipalities

Prime Groundwater Recharge

1:37,500

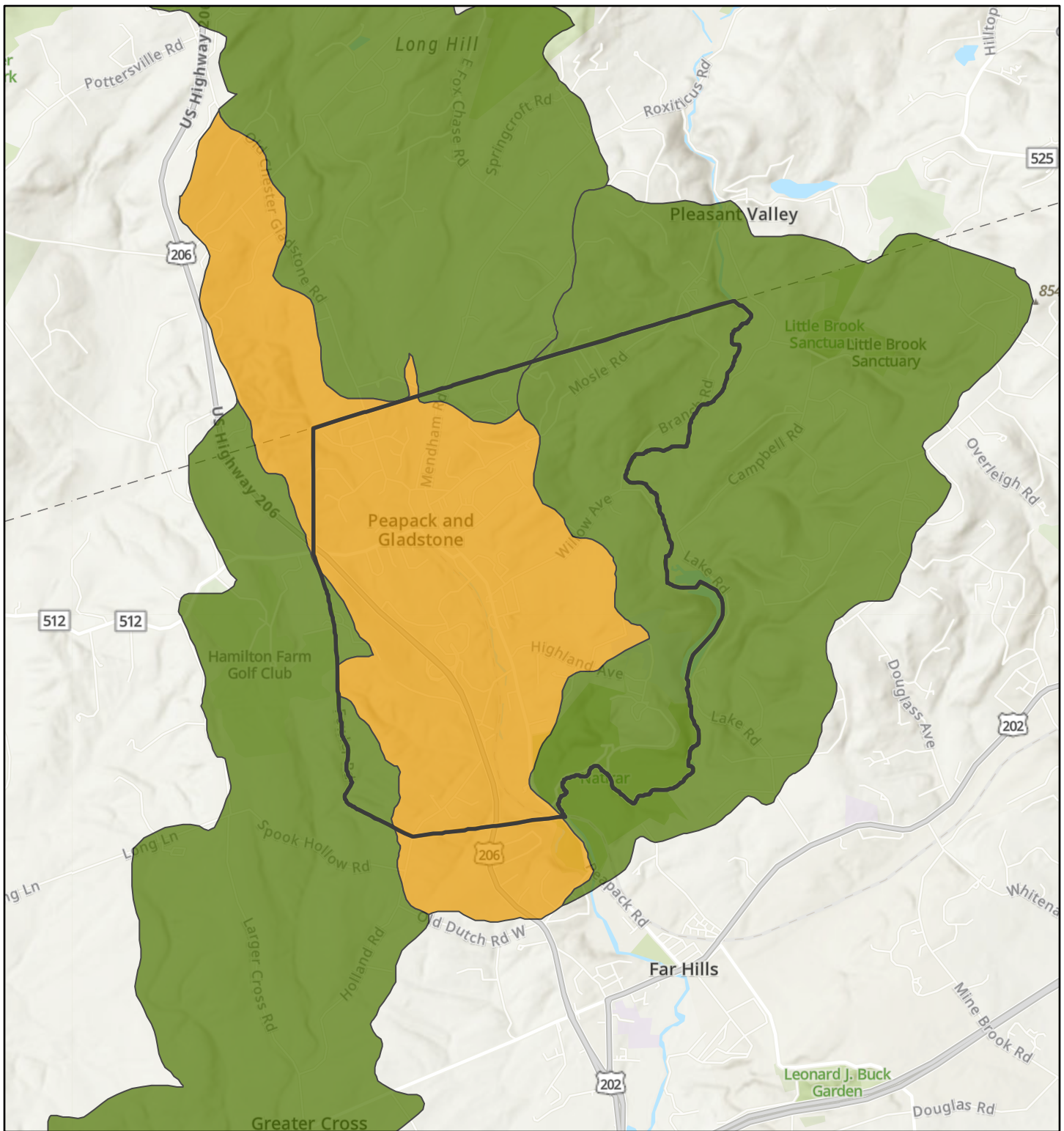
0 0.33 0.65 1.3 mi
0 0.5 1 2 km

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Disclaimer: This map was developed using the New Jersey Highlands Water Protection and Planning Council Geographic Information System digital data, but this secondary product has not been

Peapack & Gladstone Watershed Value Map



2/24/2025

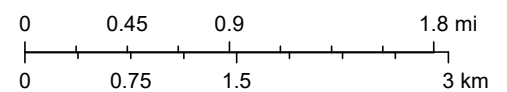
1:70,588

 Peapack-Gladstone Borough

Watershed Values

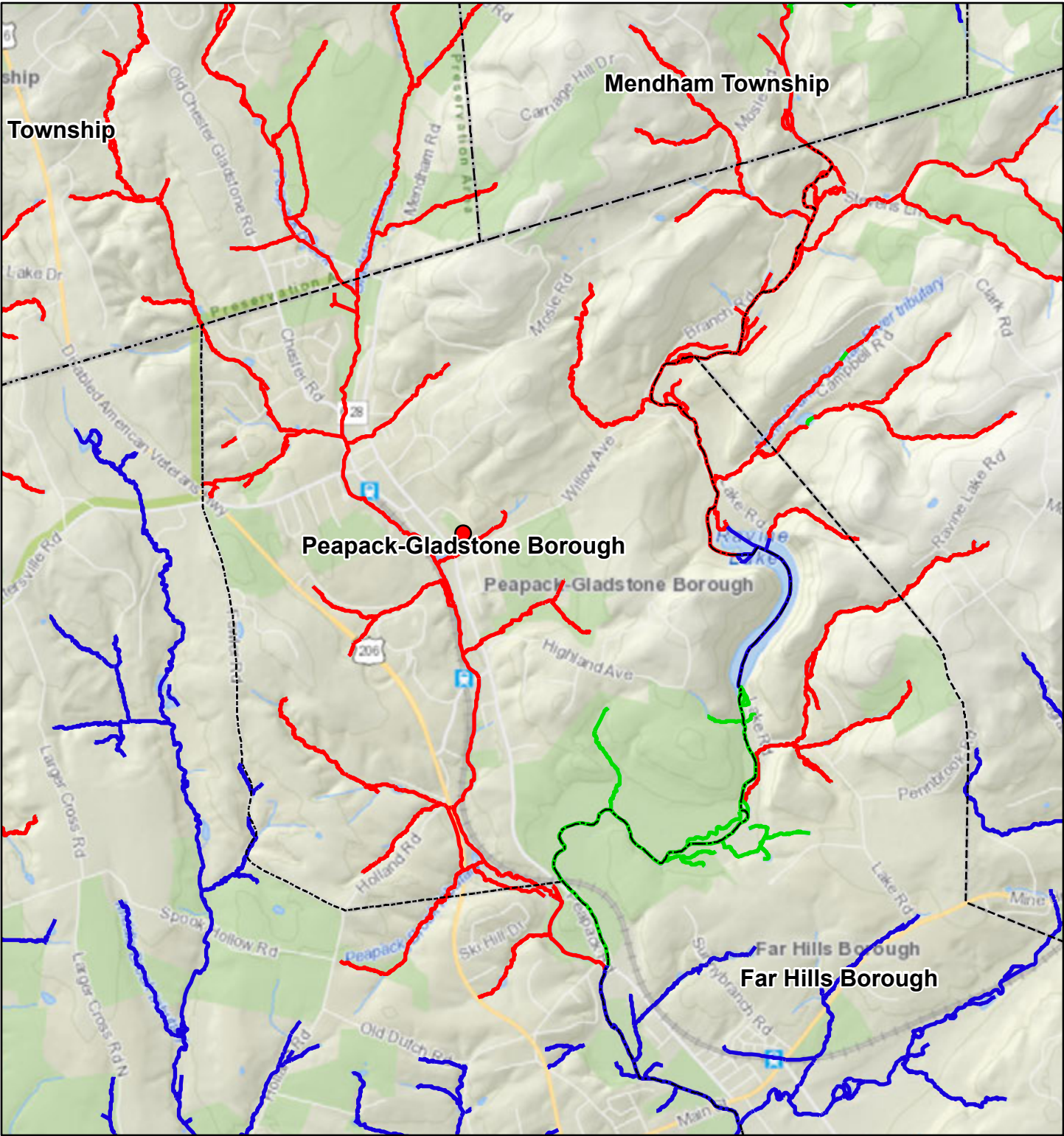
 High

 Moderate



Somerset County, New Jersey, New Jersey Office of GIS, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS, Esri, NASA, NGA, USGS, FEMA

Peapack & Gladstone Surface Water Quality Classifications Map



February 25, 2025

--- Municipalities

Surface Water Quality Classifications

FW2-NT

FW2-TM

FW2-TMC1

FW2-TP

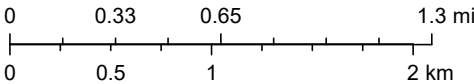
FW2-TPC1

Surface Water Quality Standards Proposed Changes For 2019 (DRAFT)

C1 Upgrade

Trout and C1 Upgrade

1:37,500

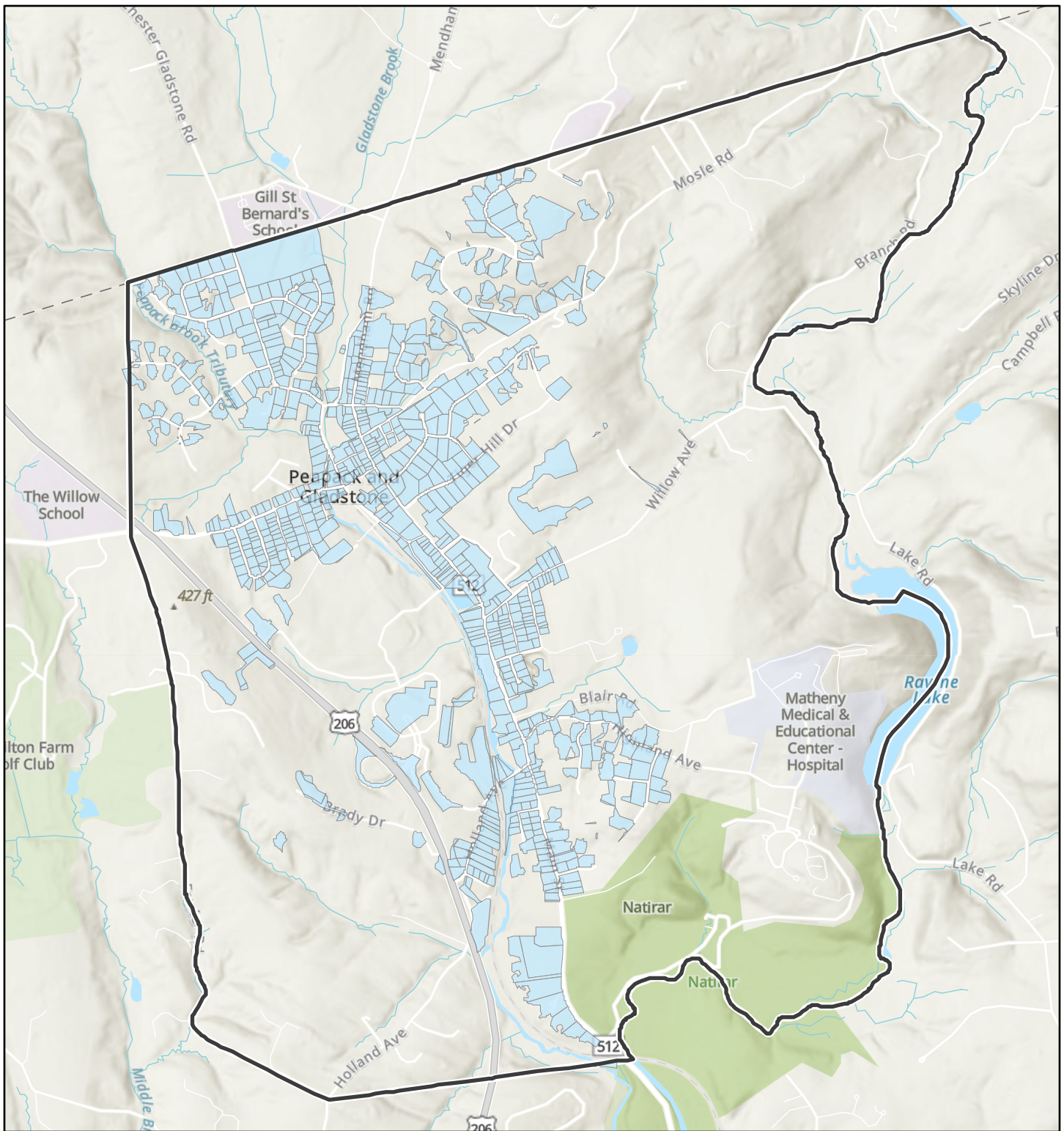


NJ Highlands Council

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Disclaimer: This map was developed using the New Jersey Highlands Water Protection and Planning Council Geographic Information System digital data, but this secondary product has not been

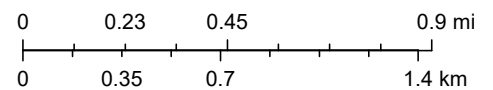
Peapack-Gladstone Public Community Water Systems Map



2/25/2025

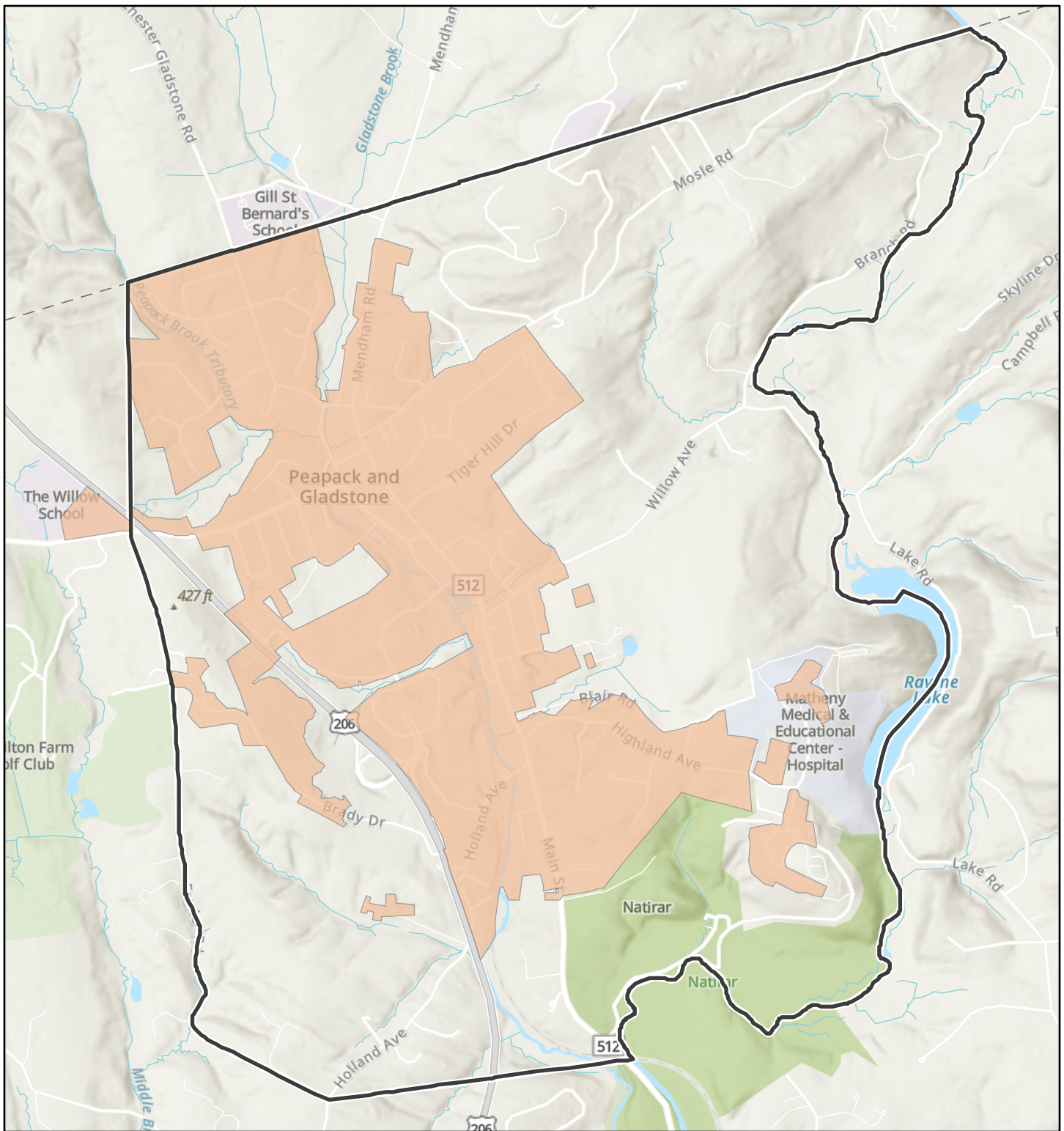
1:35,294

- Peapack-Gladstone Borough
- Public Water — Existing Areas Served



Esri, NASA, NGA, USGS, FEMA, Somerset County, New Jersey, New Jersey Office of GIS, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

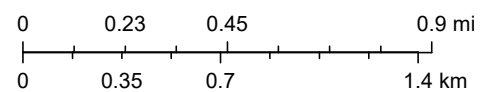
Peapack-Gladstone Sewer Service Area Map



2/25/2025

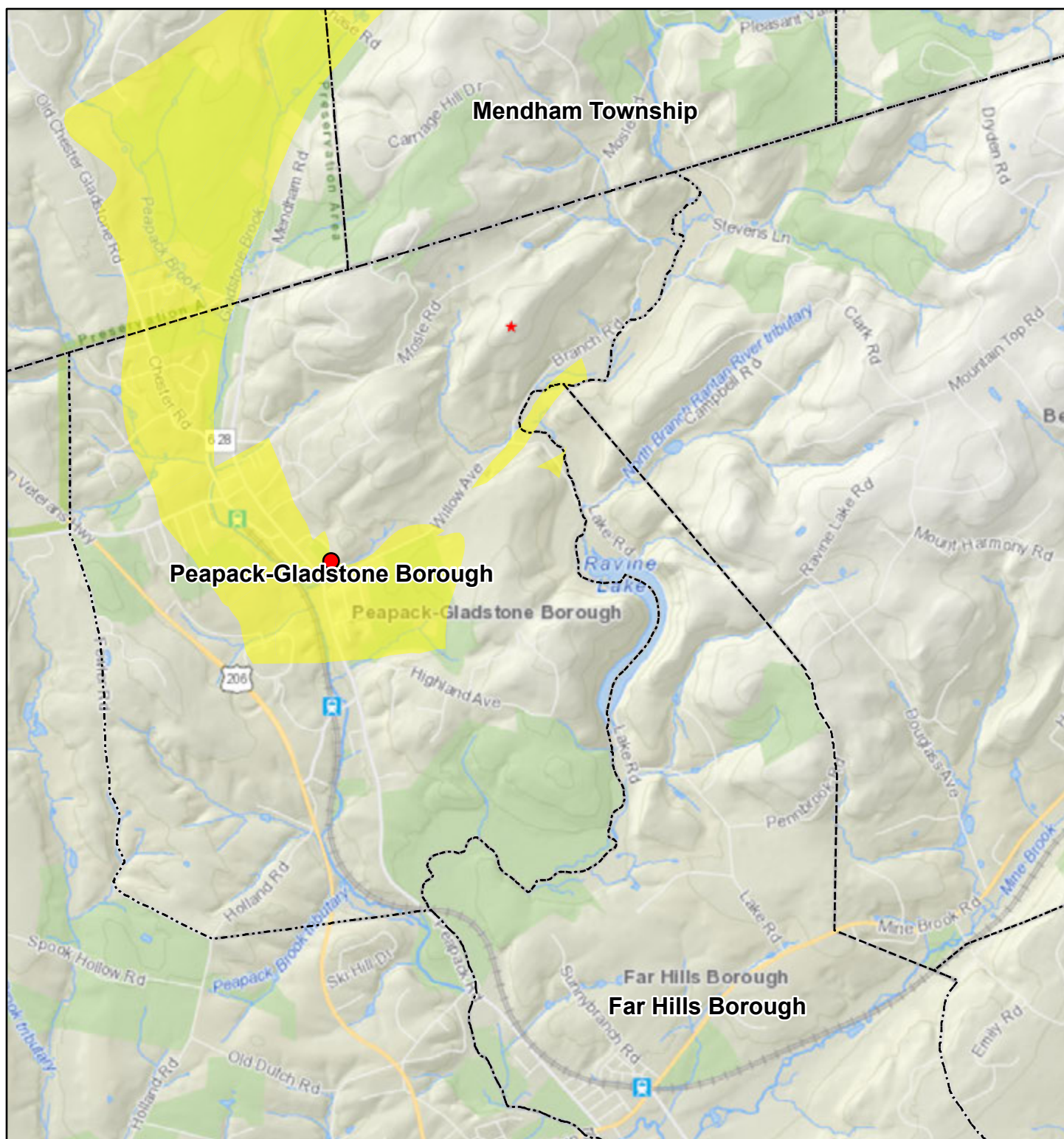
-  Peapack-Gladstone Borough
-  Sewer Service Area

1:35,294



Esri, NASA, NGA, USGS, FEMA, Somerset County, New Jersey, New Jersey Office of GIS, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Peapack & Gladstone Carbonate Map



February 25, 2025

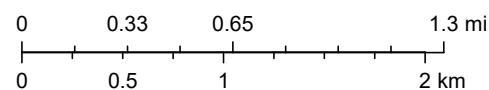
 Municipalities

Carbonate Rock Areas

Abandoned Mines

★ IRON

1:37,500

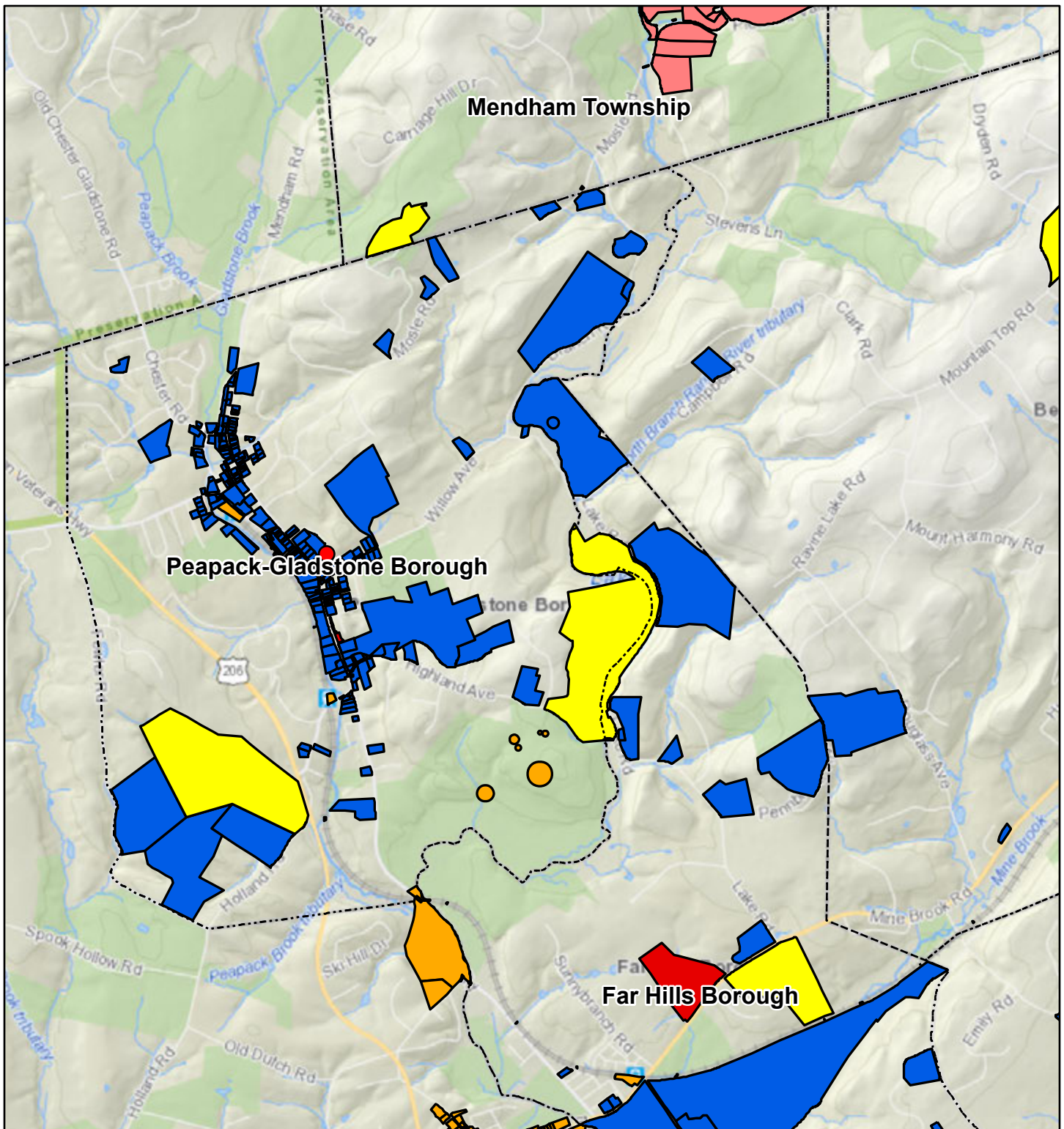


NJ Highlands Council

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Disclaimer: This map was developed using the New Jersey Highlands Water Protection and Planning Council Geographic Information System digital data, but this secondary product has not been

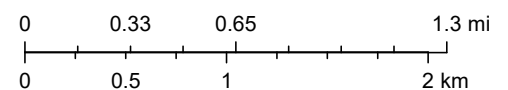
Peapack & Gladstone Historic Properties Map



February 25, 2025

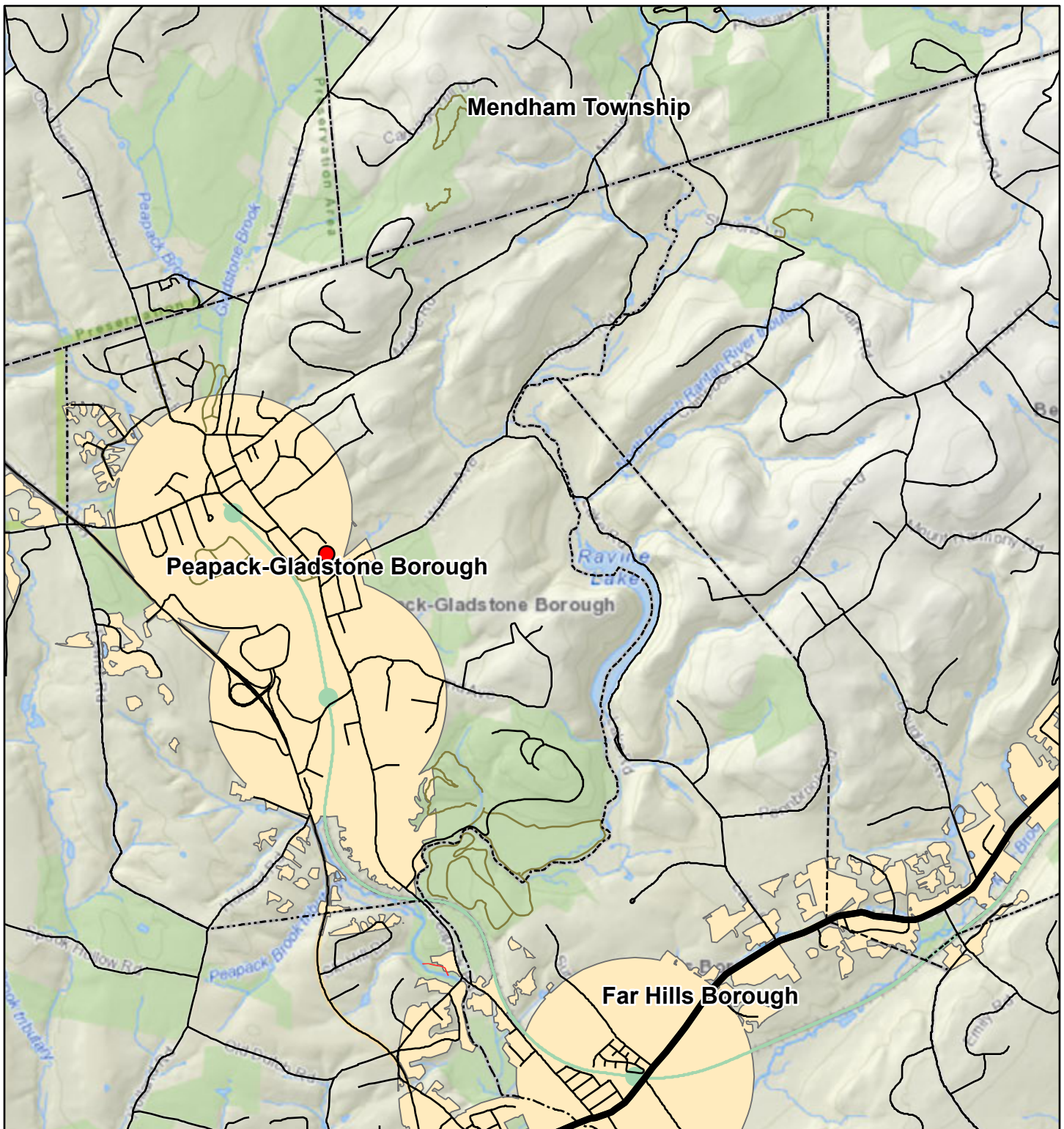
1:37,500

- | | |
|--|---|
|  Municipalities |  Eligible INDV |
|  Historic Properties |  Eligible HD |
|  Listed INDV |  Identified INDV |
|  Listed HD | |



NJ Highlands Council

Peapack & Gladstone Transportation Network Map



February 25, 2025

1:37,500

--- Municipalities

— Bus Routes

Canals and Water Raceways

■ Inactive

— Roads

NJTRANSIT_RAIL_LINES

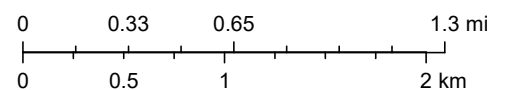
— Gladstone Branch

Rail Stations of NJ Transit

● GL

— New Jersey Statewide Trails

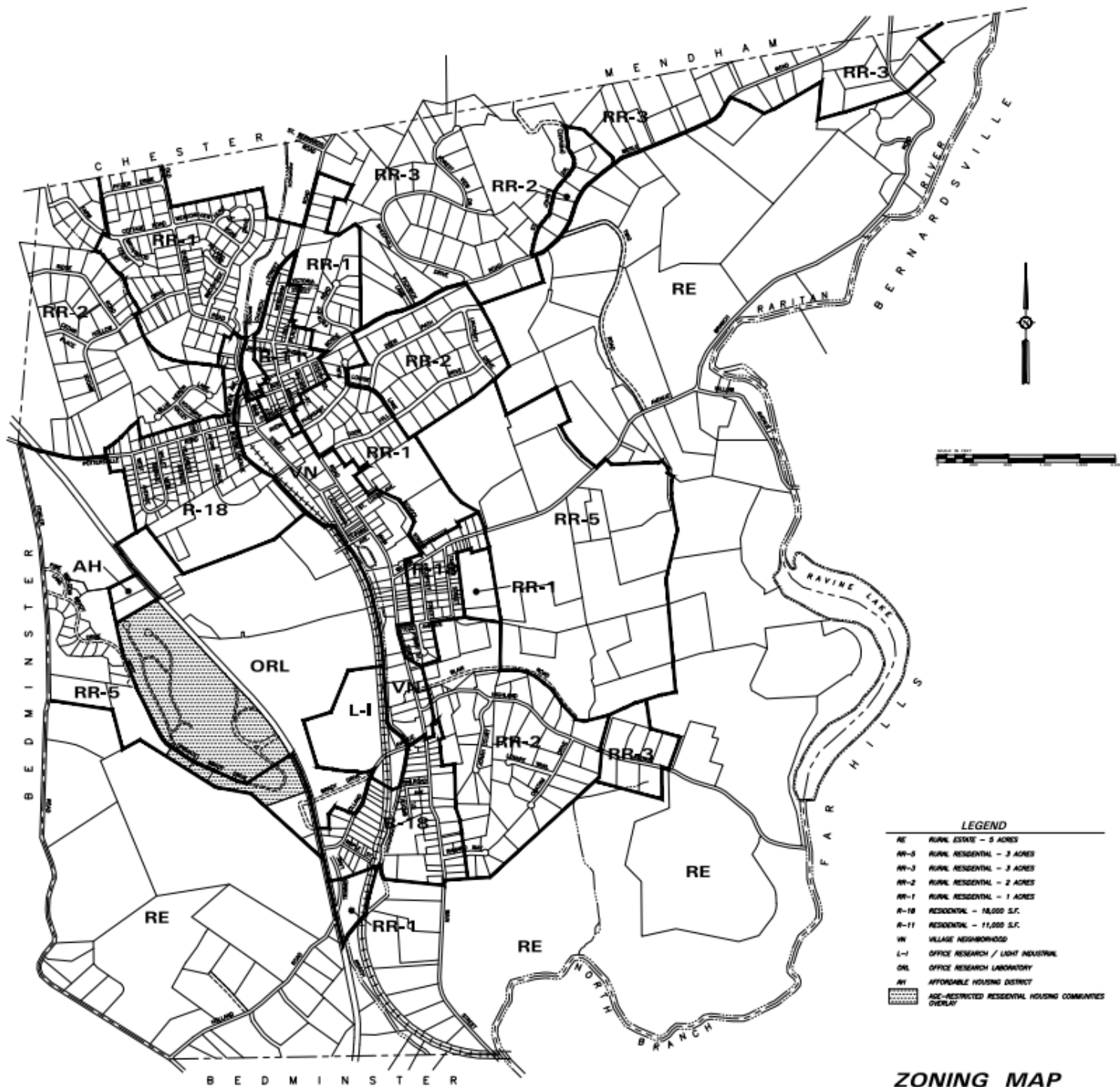
■ Transportation Score Greater than or Equal to 3



NJ Highlands Council

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ZONING MAP

Borough of Peapack & Gladstone
Somerset County, New Jersey

Prepared by:
ANDERSON & DENZLER ASSOC.
Consulting Engineers
ZONING DISTRICTS AS OF MAY 25, 2019

APPENDIX C

HIGHLANDS RESOURCE MAPS

Petition for Plan Conformance

Borough of Peapack and Gladstone, Somerset County

Exhibit 1: Highlands Area and Highlands Land Use Capability Zones

Peapack-Gladstone Borough

Land Use Capability Zones

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

Highlands Preservation Area

Municipal Boundary

Parcel Boundaries

Roads

- US Highways
- County Highways



Map Created: 10/9/2025

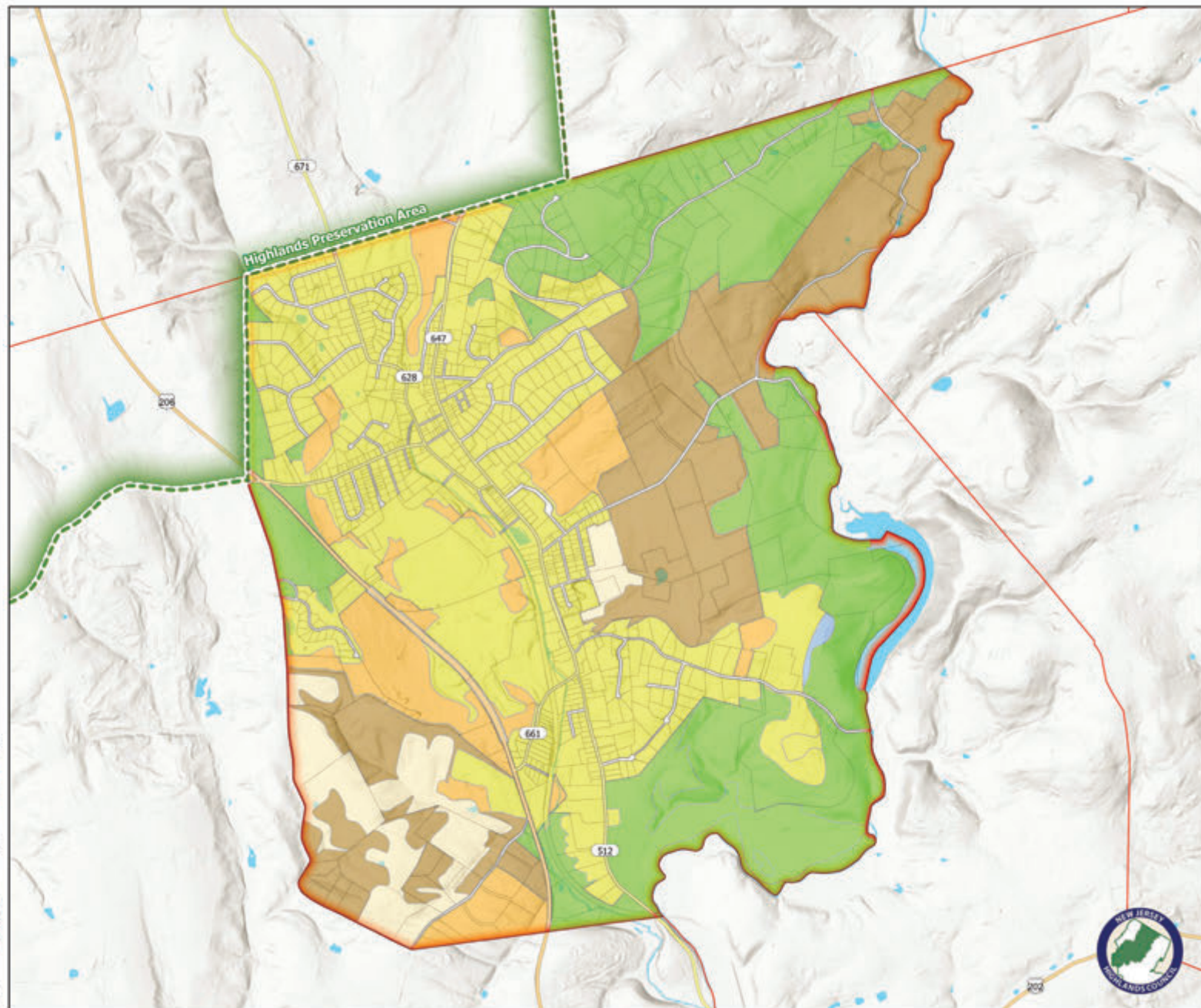


Exhibit 2: Wellhead Protection Areas

Peapack-Gladstone Borough

Wellhead Protection Areas

- Tier 1 (2 - Year)
- Tier 2 (5 - Year)
- Tier 3 (12 - Year)

Municipal Boundary

Highlands Preservation Area

Parcel Boundaries

Roads

- US Highways
- County Highways



Map Created: 9/30/2025

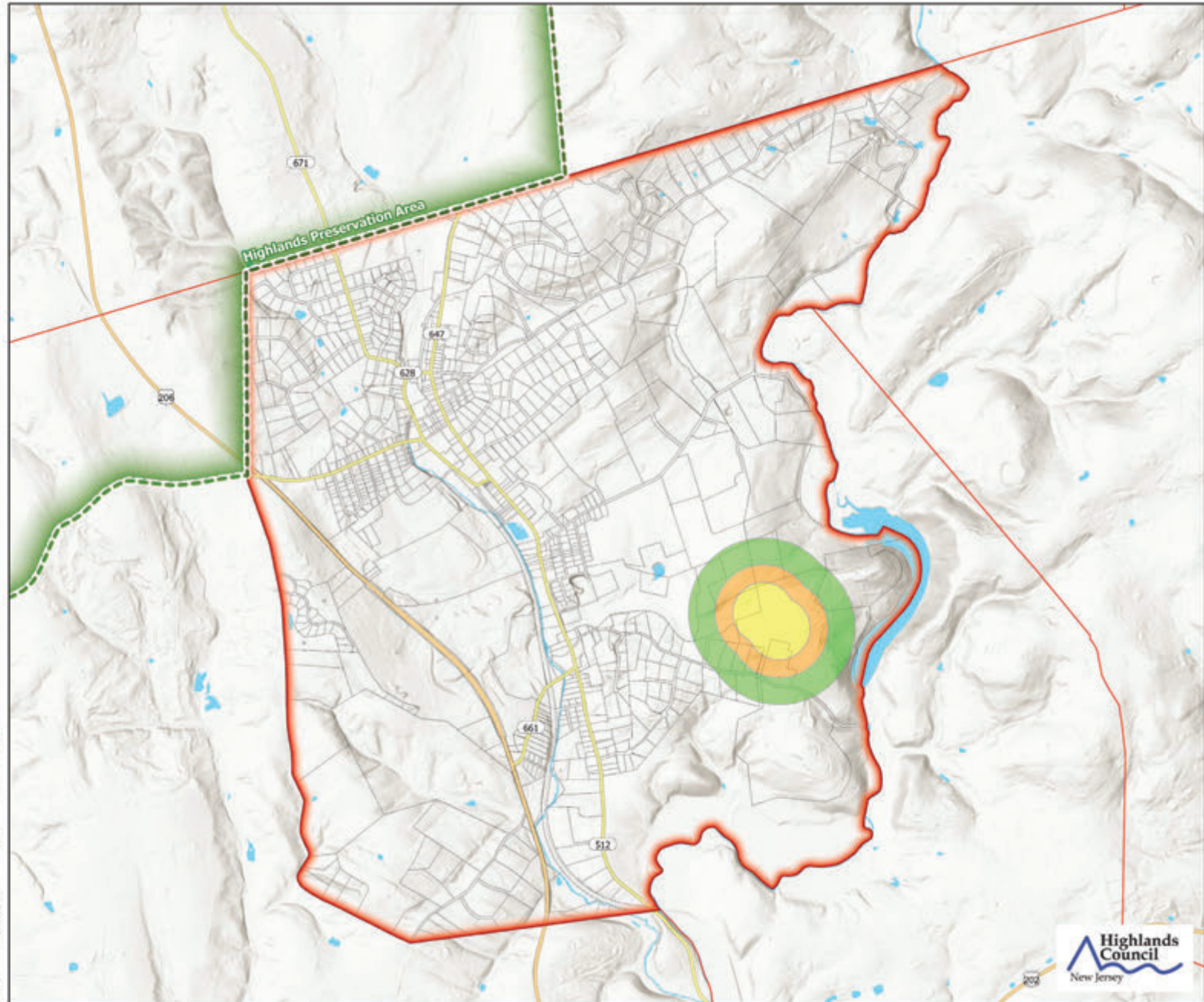


Exhibit 3: Highlands Open Waters and Buffers

Peapack-Gladstone Borough

- Streams
 - Wetlands
 - Hydrology
 - Highlands Open Water Buffers (300ft)
 - Municipal Boundary
 - Highlands Preservation Area
 - Parcel Boundaries
- Roads
- US Highways
 - County Highways



Map Created: 5/22/2025

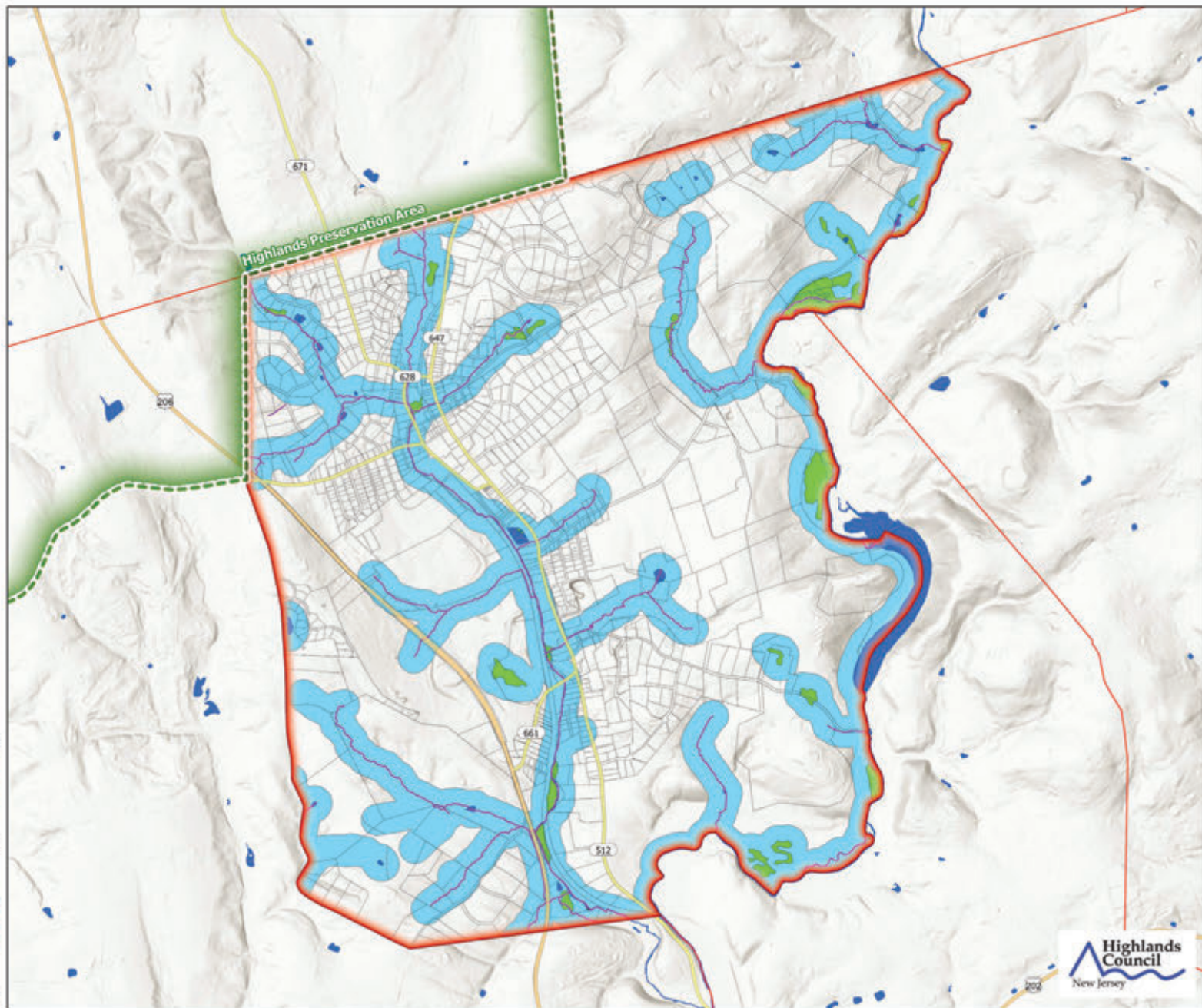


Exhibit 4: Highlands Riparian Areas

Peapack-Gladstone Borough

- Riparian Area
 - Municipal Boundary
 - Highlands Preservation Area
 - Parcel Boundaries
- Roads
- US Highways
 - County Highways



Map Created: 5/20/2025

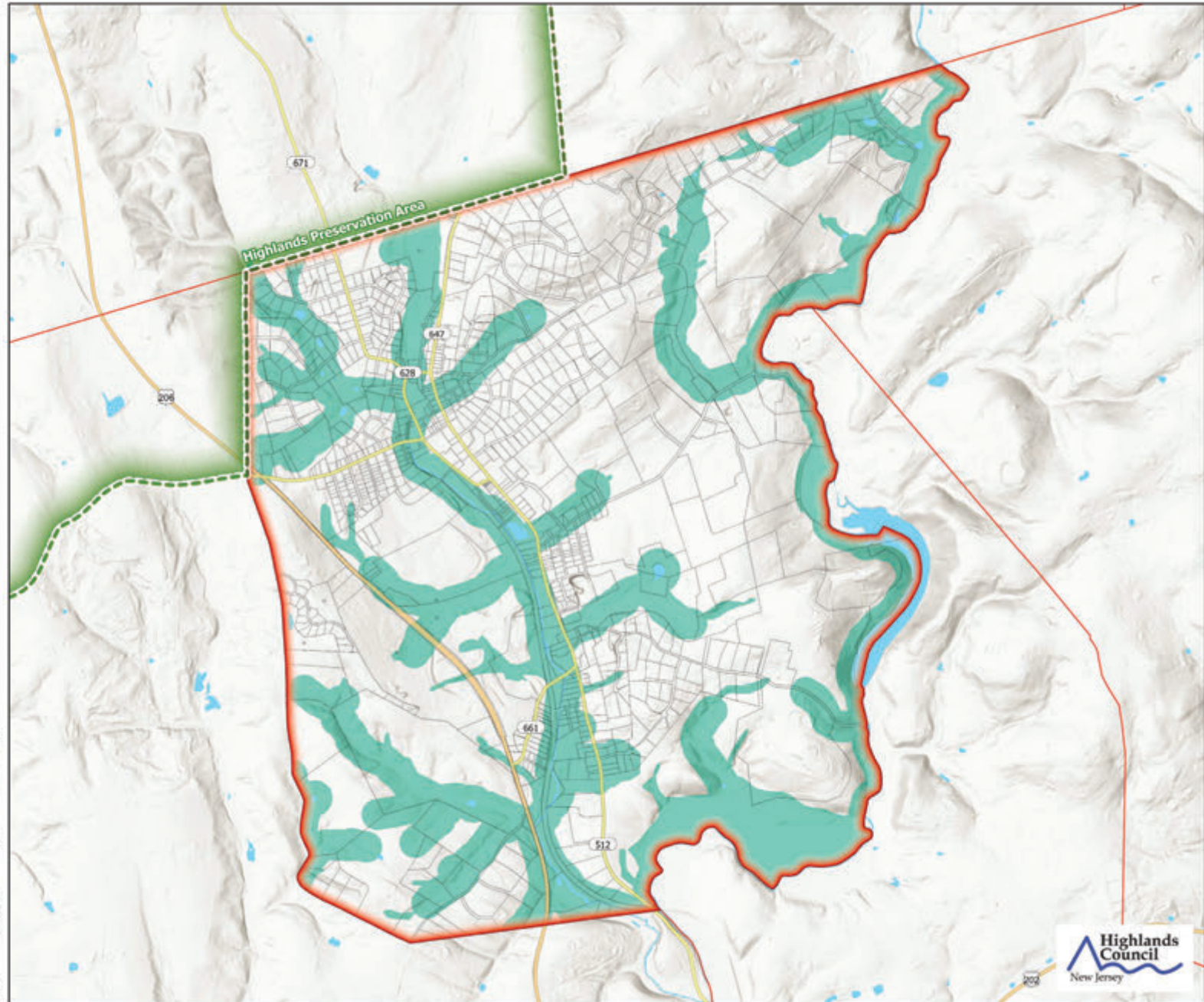
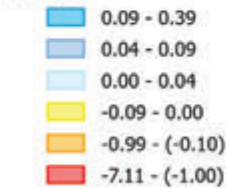


Exhibit 5: Net Water Availability

Peapack-Gladstone Borough

Net Water Availability by HUC14 Subwatershed (MGD)



Municipal Boundary

Highlands Preservation Area

Parcel Boundaries

Roads

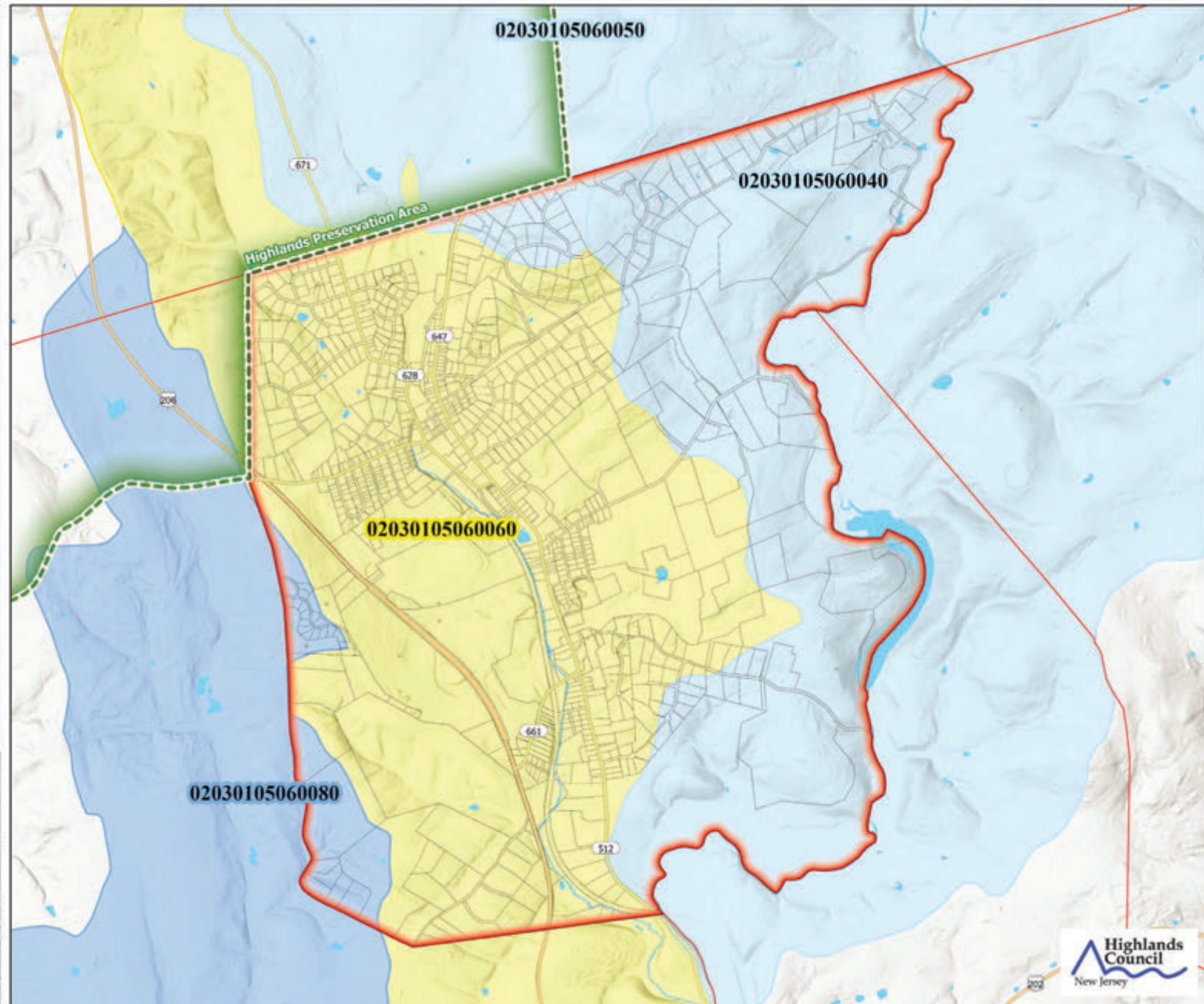
US Highways

County Highways

* Indicates updated data was used in for this HUC



Map Created: 5/20/2025



**Exhibit 6:
Forest Area**

Peapack-Gladstone Borough

- Total Forest Area
- Municipal Boundary
- Highlands Preservation Area
- Parcel Boundaries
- Roads
 - US Highways
 - County Highways



Map Created: 5/21/2025

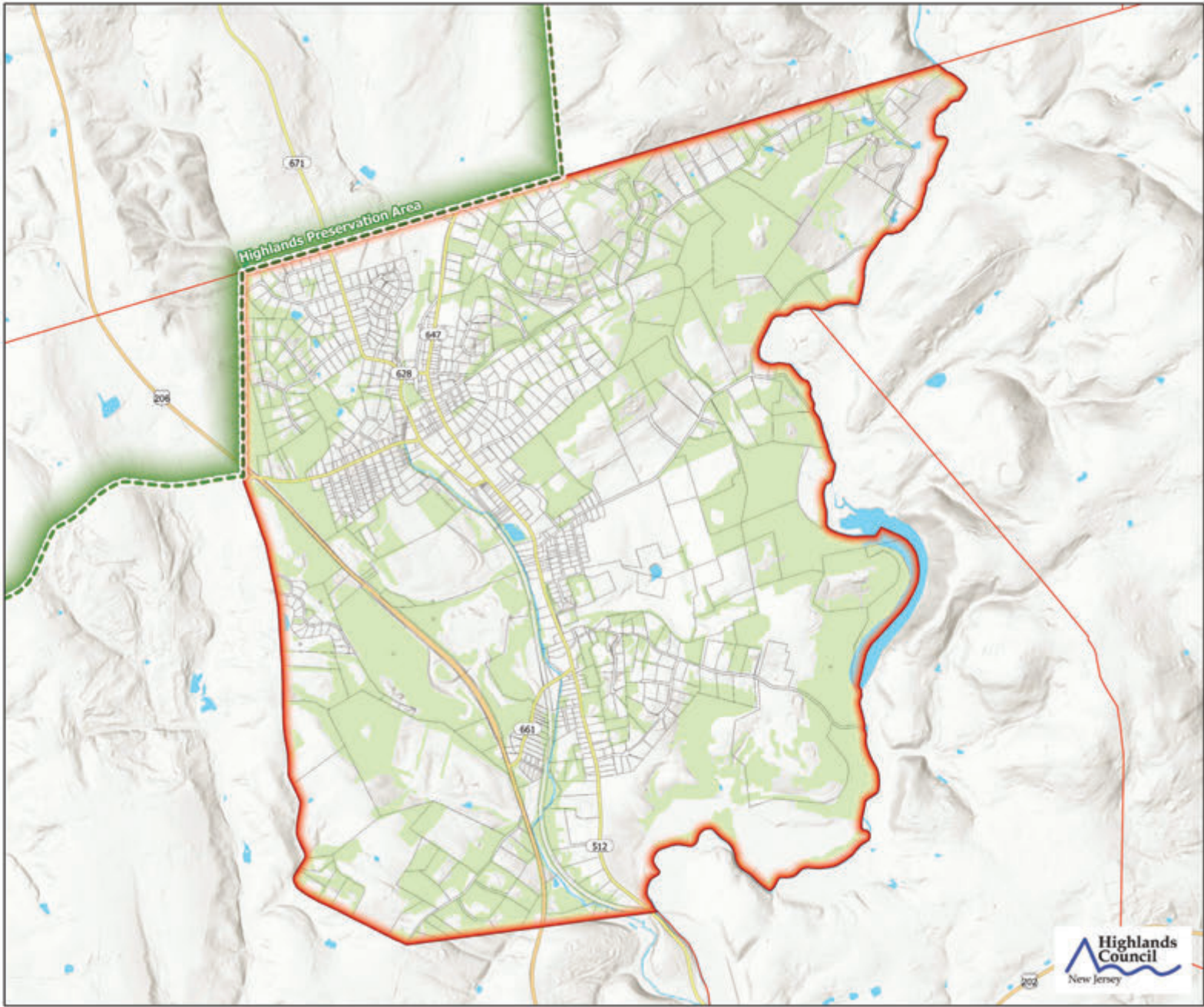


Exhibit 7: Prime Groundwater Recharge Areas

Peapack-Gladstone Borough

- Prime Ground Water Recharge Areas
- Municipal Boundary
- Highlands Preservation Area
- Parcel Boundaries
- Roads
 - US Highways
 - County Highways



Map Created: 9/11/2025

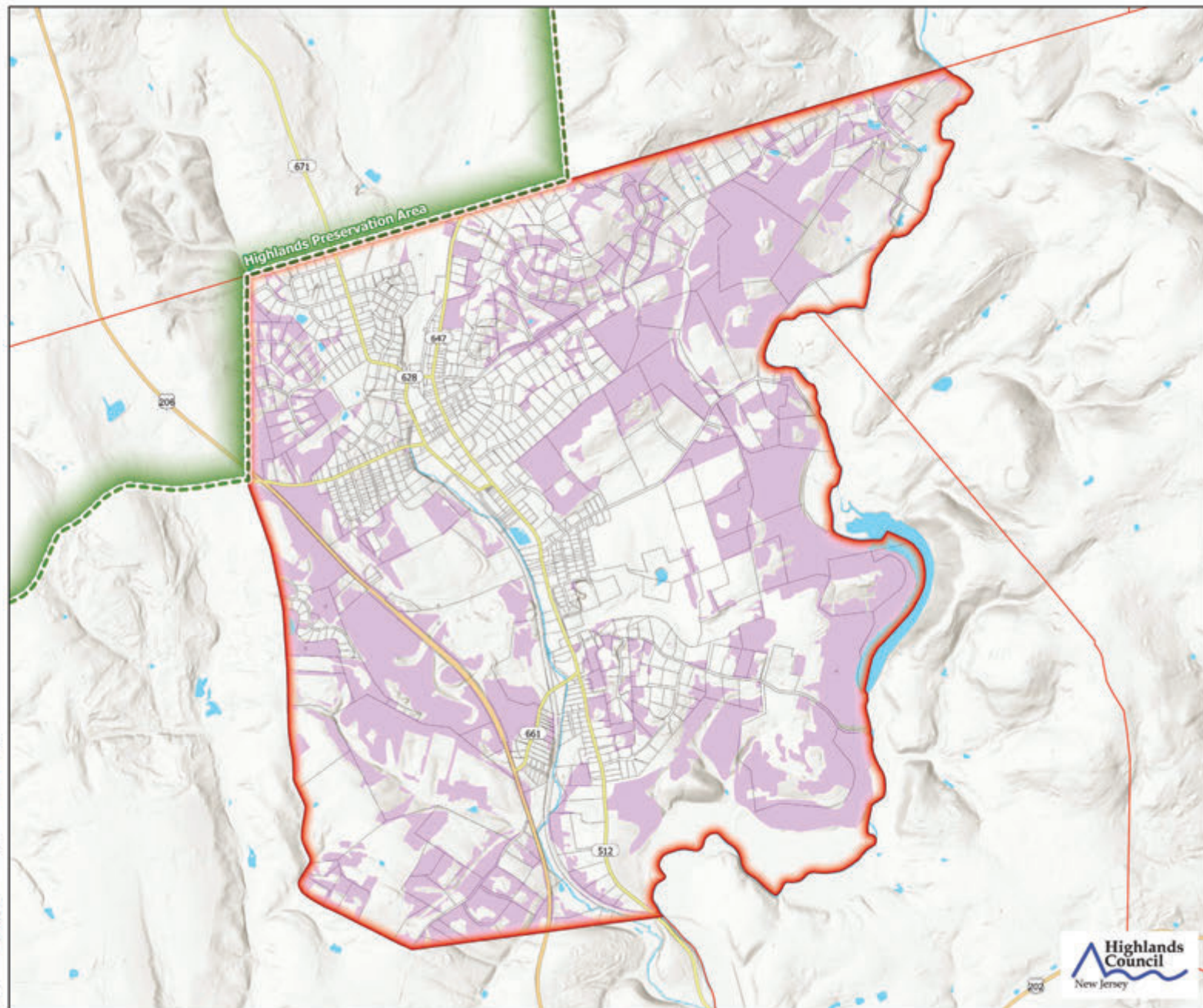


Exhibit 8: Special Environmental Zone

Peapack-Gladstone Borough

-  Municipal Boundary
-  Highlands Preservation Area
-  Parcel Boundaries
- Roads
 -  US Highways
 -  County Highways



Map Created: 5/21/2025

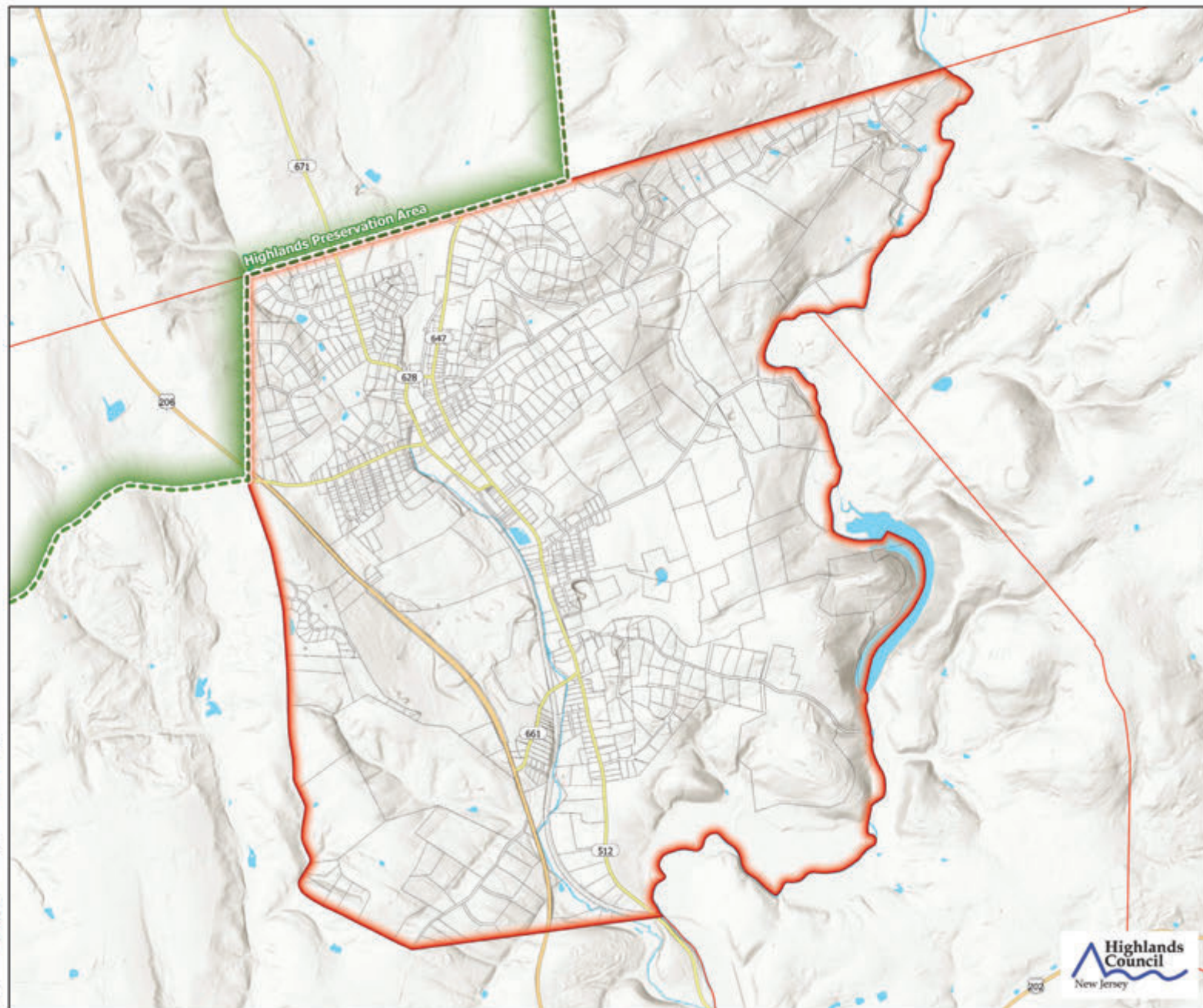


Exhibit 9: Steep Slope Protection Areas

Peapack-Gladstone Borough

Steep Slope Protection Area

Moderate

Severe

Municipal Boundary

Highlands Preservation Area

Parcel Boundaries

Roads

US Highways

County Highways



Map Created: 5/19/2025

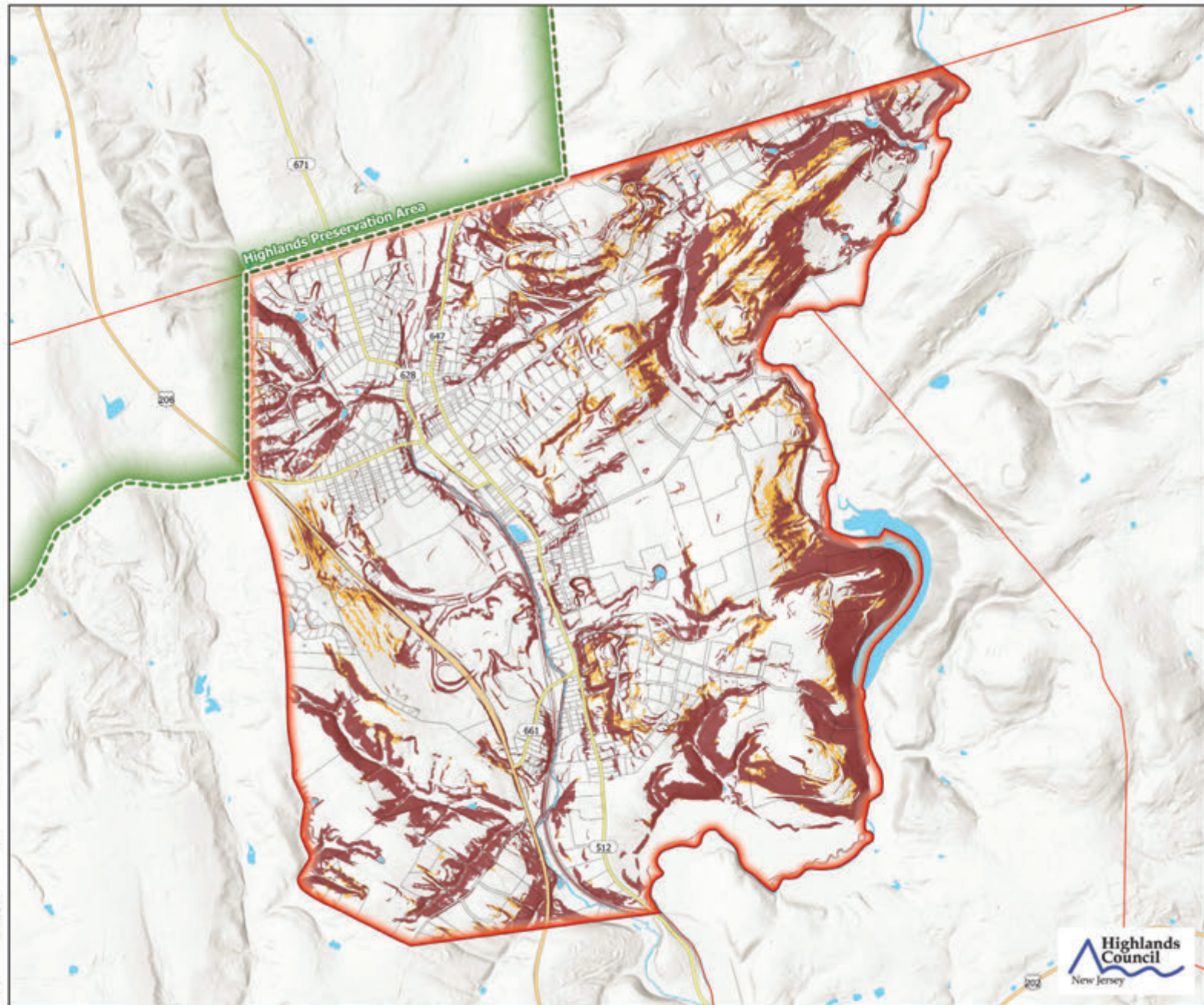


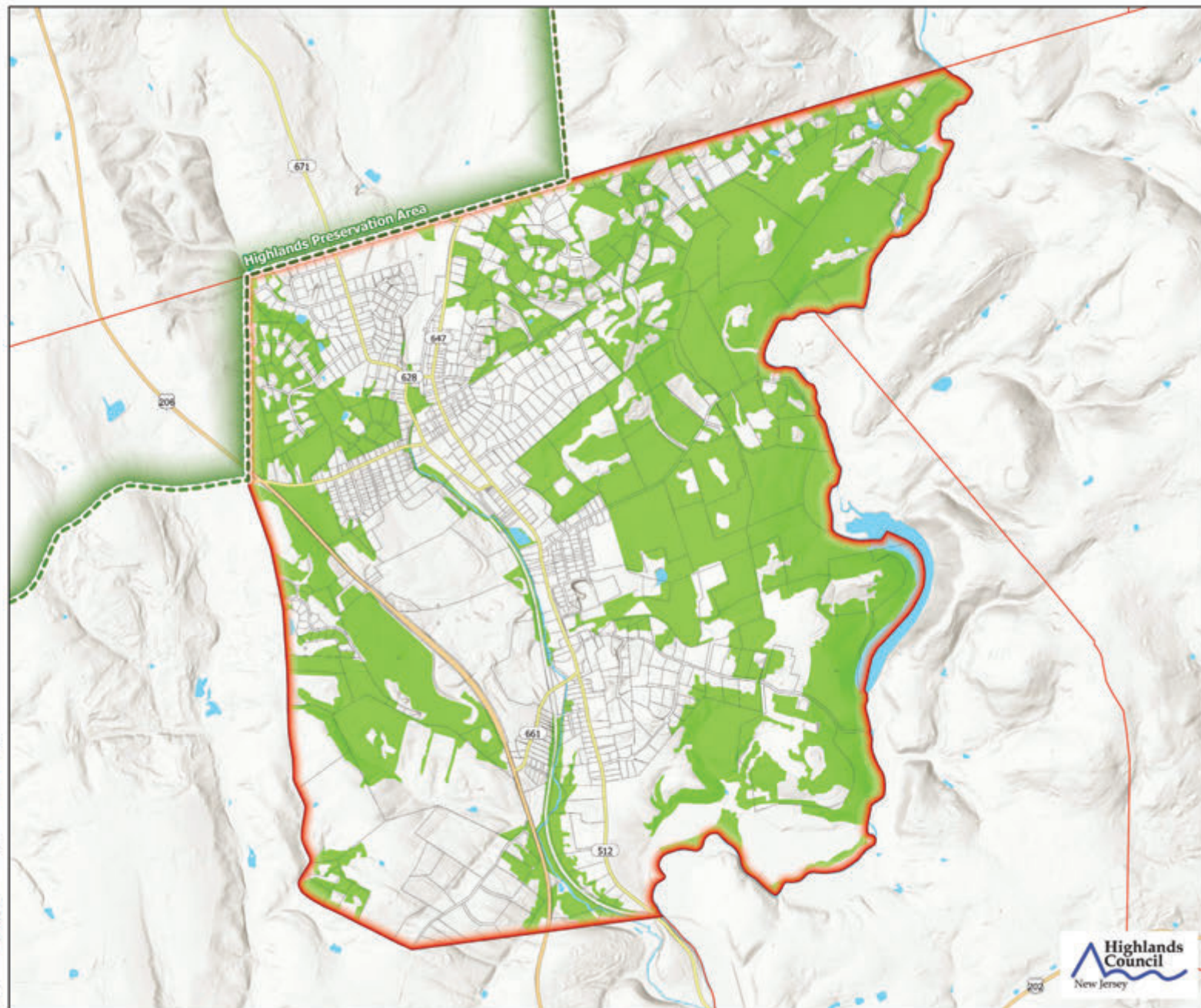
Exhibit 10: Critical Wildlife Habitat, Vernal Pools and NJDEP Natural Heritage Priority Sites

Peapack-Gladstone Borough

- Critical Wildlife Habitat
- Municipal Boundary
- Highlands Preservation Area
- Parcel Boundaries
- Roads
 - US Highways
 - County Highways



Map Created: 4/17/2025



APPENDIX D

PUBLIC COMMENT/HIGHLANDS RESPONSE Petition for Plan Conformance Borough of Peapack and Gladstone, Somerset County

PUBLIC COMMENTS RECEIVED

Written comments regarding Peapack and Gladstone's Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on November xx, 2025. [No or number] public comments were received.

The Petition was also reviewed by the Office of Planning Advocacy per the Highlands Council's Plan Endorsement from the State Planning Commission.